

**ORDINANCE 2019-08**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE LAND USE MAP AND ZONING MAP FOR THE .31 ACRE (+/-) ON THE EAST SIDE OF US HIGHWAY 1 IN TOWNSHIP 28S, RANGE 38E, SECTION 31, PARCEL 250.4, MALABAR, FLORIDA AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM COASTAL PRESERVE (CP) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:**

**Section 1.** The Town Council has considered the recommendation of the Planning and Zoning Board and approves the land use and zoning change for the property described below and is hereby re-designated on the land use map and rezoned on the zoning map from *Coastal Preserve (CP) to Commercial General (CG)*:

*All That Property Lying S Of The N Line Of Lot 1 Of Pb 13 Pg 3 Extended E To The Indian River & Lying N Of The S Line Of Lot 5 Of Pb 13 Pg 3 Extended E To The Indian River & Part Of NE 1/4 Of NW 1/4 As Desc In Orb 5890 Pg 8284 & Orb 7441 Pg 2670 All Lying E Of US Hwy 1.*

**Section 2.** The Town Clerk is hereby authorized and directed to cause the revisions to the Land Use Map and Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

**Section 3.** The provisions within this ordinance shall take effect in accordance with State Law and the Town Code.

The foregoing Ordinance was moved for adoption by Council Member White. The motion was seconded by Council Member Rivet and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	Abstained
Council Member Brian Vail	Nay
Council Member Steve Rivet	Aye
Council Member Dick Korn	Aye
Council Member Danny White	Aye

This ordinance will become effective and considered adopted by the Town Council, Town of Malabar, Florida six (6) business days from the date of this meeting: September n/a, 2019.

Legally Advertised to Comply with FS 163 and 166.

Hearing at P&Z: 7/24/2019 4 Nay; 1 Aye

Ord First Reading: 8/05/2019 postponed until 8/19/19 3 Aye; 1 Nay, 1 Abstained

Ord Second Reading: 9/23/2019 (postponed from 9/9/19) 3 Aye; 1 Nay, 1 Abstained

Vetoed by Mayor: 9/26/2019

Council Vote to Override Veto: 10/07/2019 Results:

Council Member Grant Ball	Abstained
Council Member Brian Vail	
Council Member Steve Rivet	
Council Member Dick Korn	
Council Member Danny White	

Ordinance adopted / fails (circle one)

(seal)

**BY:**

**TOWN OF MALABAR**

Veto letter attached 9/26/2019

Mayor Patrick T. Reilly, Council Chair

ATTEST:

By:     N/A      
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to form and content:

    N/A      
Karl W. Bohne, Jr., Town Attorney

VETOED 10/7/19