

ORDINANCE 2020-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO TABLE 1-3.2 IN ARTICLE III OF THE LAND DEVELOPMENT CODE, PROVIDING FOR FINDINGS; PROVIDING FOR TRADES AND SERVICES IN COMMERCIAL GENERAL (CG) ZONING TO BE A PERMITTED USE INSTEAD OF A CONDITIONAL USE AND PROVIDING FOR THE ADDITION OF GARDEN AND PINE STREETS TO THE FOOTNOTE WHERE THESE USES ARE ALLOWED; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Council has determined it should amend the regulations to provide for trades and services within commercial general zoning as provided in Table 1-3.2 within the District Provisions of the Land Development Code.

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

Section 1. Table 1-3.2 Land Use by Districts in Article III of the Land Development Code is hereby amended to read:

“Table 1-3.2 Land Use by District

Use	<u>RR-65</u>	RS-21	RS-15	Rs-10	RM-4	R M-6	R-MH	OI	C L	CG	R/L C	IN D	CP
Trades and Skilled Services										<u>C</u> <u>P</u>		P	

...”

Section 2. Table 1-3.2 Land Use by Districts in Article III of the Land Development Code is hereby amended to provide for addition to footnote “*.” That provides for the following language:

“* = These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.

Section 3. Codification.
It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that Article III, District Provisions, Table 1-3.2 be codified into the next supplement update of the Land Development Code of the Town of Malabar, Florida.

Section 4. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

Section 5. Conflicts.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 6. Effective Date.

This ordinance shall take effect immediately upon its adoption.
This ordinance was moved for adoption by Council Member Vail. This motion was seconded by Council Member Scardino, and being put to a vote, the vote was as follows:

Council Member 1 Grant Ball	Aye
Council Member 2 Brian Vail	Aye
Council Member 3 Steve Rivet	Excused
Council Member 4 David Scardino	Aye
Council Member 5 Danny White	Aye

This Ordinance will be declared duly passed and adopted this March 2, 2020.

TOWN OF MALABAR

By:

original signed
Mayor Patrick T. Reilly, Council Chair

1st Reading: 2/3/2020 5 to 0
2nd Reading: 3/2/2020

(seal)

ATTEST:

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to Legal Sufficiency:

_____.