

ORDINANCE 2020-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2020-01; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN FROM OI (OFFICE INSTITUTIONAL) TO RR (RURAL RESIDENTIAL) FOR A 24.75 +/- ACRE PARCEL IN THE TOWN LYING ON THE SOUTH SIDE OF MALABAR ROAD AND EAST OF WEBER ROAD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Malabar updated its Future Land Use Map on May 20, 2019 pursuant to Ordinance 2018-01ER, which amended the designation for the property from Rural Residential to Office Institutional; and

WHEREAS, Council's intention was for the property to be allowed to develop as a residential subdivision pursuant to a preliminary plat under review by the Town at the time, which has subsequently been approved; and

WHEREAS, it is Council's intention to adopt the Comprehensive Plan Amendment in order for the proposed residential subdivision to be consistent with the designation on the Future Land Use Map.

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

SECTION 1. The Future Land Use Map of the Comprehensive Plan of the Town is hereby amended to provide for Rural Residential use for the parcel as more particularly described as follows:

"A PORTION OF LOT 25 AND 26, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, SECTION 2, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT MARKING THE NORTHWEST CORNER OF SAID SECTION 2, THENCE RUN SOUTH 89°59'54" EAST, ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 471.36 FEET TO A POINT; THENCE RUN SOUTH 00°07'32" EAST, A DISTANCE OF 58.00 FEET TO A POINT, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROUTE 514 AND ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN SOUTH 89°59'54" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID STATE ROUTE 514, A DISTANCE OF 497.91 FEET; THENCE NORTH 00°00'06" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 89°59'54" EAST, A DISTANCE OF 348.30 FEET TO A POINT ON THE EAST LINE OF LOT 26, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION OF SAID SECTION 2; THENCE SOUTH 00°07'21" EAST, ALONG THE EAST LINE OF SAID LOT 26, A DISTANCE OF 1287.71 FEET TO A POINT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 26; THENCE RUN NORTH 89°59'58" WEST, ALONG THE SOUTH LINE OF SAID LOT 25 AND 26, A DISTANCE OF 846.19 FEET; THENCE RUN NORTH 00°07'32" WEST, A DISTANCE OF 1262.73 FEET TO THE POINT OF BEGINNING."

SECTION 2. The current and proposed zoning for the Property is Rural Residential (RR-65). The Property is vacant and the proposed use is single-family residential.

SECTION 3. It is the intention of the Malabar Town Council to adopt the amendment to the Comprehensive Plan. The Clerk of the Town is hereby directed to incorporate the approved Comprehensive Pain Amendment into the Comprehensive Plan of the Town.

SECTION 4. Town Council approved this amendment for transmittal to the State for expedited review on August 3, 2020 and forwarded copies to other State agencies entitled to review amendment with no adverse comments received back.

SECTION 5. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 6. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

The foregoing Ordinance was moved for Final approval and forward to the State by Council Member White. The motion was seconded by Council Member Scardino and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	Aye
Council Member Brian Vail	Excused
Council Member Steve Rivet	Aye
Council Member David Scardino	Aye
Council Member Danny White	Aye

This ordinance was then declared to be adopted this 17th day of September 2020.

TOWN OF MALABAR

Original signed _____
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST

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

P&Z Board Review: 7/22/2020
Transmittal Council Reading: 8/03/2020
Adoption Second Reading 9/17/2020

Approved as to form and
legal sufficiency by:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney