

ORDINANCE 2021-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR ALL PARCELS EXCEPT THE ONES LISTED IN THIS ORDINANCE; PROVIDING FOR THE EXISTING ZONING CLASSIFICATION FOR THOSE PARCELS; PROVIDING ACCESS TO THE NEW ZONING MAP ON THE TOWN WEBSITE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Council desires to create a zoning map that reflects the planning horizon adopted in the Comprehensive Plan Future Land Use Map for approximately 1,716 acres within Malabar, primarily along the Malabar Road and Babcock Street corridors and the conservation lands, while providing for exceptions for those property owners that have opposed such zoning change at this time.

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

Section 1. The Town Council adopts the zoning map attached hereto as Exhibit “A” which reflects the adopted planning horizon in the Comprehensive Plan’s Future Land Use Map for approximately 1,795 acres within Malabar, primarily along the Malabar Road and Babcock Street corridors and the conservation lands, with exclusions for those opposing such changes.

Section 2. The Town Council has considered the responses from those property owners that desire to retain their existing zoning classification at this time and are identified as the following.

Tax account #: 2851088	Parcel ID: 28-38-31-54-B-52	Size: 12.32 acres
Tax account #: 2851076	Parcel ID: 28-38-31-54-B-4.0	Size: 11.75 acres
Tax account #: 2931413	Parcel ID: 28-37-10-00-548	Size: 1.29 acres
Tax account #: 2931412	Parcel ID: 29-37-10-00-547	Size: 1.29 acres
Tax account #: 2846131	Parcel ID: 28-37-35-00-505	Size: 9.56 acres

Section 2. The Town Clerk is hereby authorized and directed to cause the revision to the Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change as set forth in the attached map and parcel list. The Clerk is directed to make such new map available on the Town’s website.

Section 3. The effective date of this ordinance shall be six (6) days following adoption by Council.

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

- Council Member Marisa Acquaviva Aye
- Council Member Brian Vail Aye
- Council Member Steve Rivet Aye
- Council Member David Scardino Aye
- Council Member Danny White Aye

This ordinance will become effective and considered adopted by the Malabar Town Council six business days from the date of adoption at second reading.

BY:

(seal)

TOWN OF MALABAR

original signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

P&Z PH: 4/28/2021 vote: 5 to 0
1st Reading: 5/17/2021: vote: 4 to 0 (CM Scardino excused)
2nd Reading: 6/07/2021: see above