

## ORDINANCE 2021-22

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE V IN THE LAND DEVELOPMENT CODE TO ADD A NEW SUBSECTION "D" PROVIDING REGULATIONS FOR TEMPORARY STORAGE UNITS IN THE TOWN OF MALABAR; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, the Town Council desires to update the Code of Ordinances providing regulations for allowing temporary storage units in the Town of Malabar.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Malabar, Brevard County, Florida:

**SECTION 1.** Article V, General Provisions, in the Land Development Code Section 1-5.6. Accessory Buildings is amended to add subsection "D" to read as follows:

**"Sec. 1-5.6.D. Standards for Temporary Storage Units.**

1. Temporary Storage Unit is defined and typically utilized for the temporary storage of personal belongings only, as part of the process of household moving and/or part of a household intent to store items offsite at a commercial storage location. This definition does not include storage units authorized by the Florida Building Code pursuant to Fla. Stat. § 553.73.

2. Temporary storage units are permitted as follows:

(a) Permitted in Residential Areas: Any land zones RR-65, RS-10, RS-15, RS-21, RM-4, RM6, R-MH, R/LC, and PUD designated for single family and multiple family uses

(b) Size: Temporary storage units, shall not exceed nine (9) feet in height, ten (10) feet in width, and 24 feet in length.

(c) Location: temporary storage units are allowed in any required setback and shall not be placed in any public or private right-of-way or easement and shall not be in such a manner to create any visual obstruction for any motor vehicle operator's view of other motor vehicles, bicycles, or pedestrians upon entering or exiting rights-of-way.

(d) Time frame: Temporary storage units are allowed in residential districts for a period not exceeding 14 days in a calendar year and no more than two times a calendar year.

(e) The temporary storage unit shall not be utilized for the following:

- i. Storage of live animals.
- ii. Utilized for human habitation.
- iii. Storage of hazardous or flammable materials.

iv. Advertising is prohibited on the temporary storage unit except for the name and phone number of the vendor of the unit.

v. Storage of trash, junk ,debris, garbage, construction debris or material or refuse.

3. The Town Manager, or designee, may grant one (1) extension to the time limit established in subsection (1) above with written request by the property owner demonstrating good cause. For purposes herein, "good cause" shall mean an act of God, or some unforeseen circumstance or event which has caused a need to extend the use of the temporary storage container at the present location. No extension shall be longer than the time period which was previously approved by the Town.

4. Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes in connection with a valid building permit or during any period of declared weather emergency by federal, state, or local official action.

The provisions of this Ordinance shall not apply to any container which is placed on real property within the Town that is otherwise authorized by the Town's garbage and trash franchise agreement.

5. Violations and provisions for schedule of fines will follow the Town of Malabar Code of Ordinances, Land Development Code, Article XII entitled Administrative Procedures for land development and code enforcement.

**SECTION 2. Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

**SECTION 4. Conflicting Provisions.** In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code, or regulations, the more restrictive shall apply.

**SECTION 5. Inclusion in Code.** It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

The foregoing Ordinance was moved for adoption by Council Member  Vail . The motion was seconded by Council Member  Rivet  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 was then declared duly passed and adopted this 1st day of November 2021.

**TOWN OF MALABAR**

By: \_\_\_\_\_ original signed \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

**ATTEST:**

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

(seal)

Approved for Legal Sufficiency:

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

P&Z Board: 9/08/2021

First Reading: 10/18/2021 Vote 5 to 0.

Second Reading: 11/01/2021