

ORDINANCE 2023-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT CHANGING THE FUTURE LAND USE DESIGNATION OF THE PROPERTY DESCRIBED HEREIN FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG) FOR THE 2.54 ACRE (+/-) PROPERTY WITH THE FORMER PARCEL ID'S OF 28-38-31-54-D-4 AND 28-38-31-54-D-6, WHICH HAS BEEN JOINED INTO ONE PARCEL WITH THE PARCEL ID OF 28-38-31-54-D-4; PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE MAPS; PROVIDING FOR INCORPERATION INTO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF EXISTING ORDINANCES IN CONFLICT HEREWITH; AND 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 change for the property described below and is hereby re-designated on the land use map from *Residential/Limited Commercial (R/LC) to Commercial General (CG)*:

The entire portion of Lot 54-D-4, in Township 28, Range 38, Section 31, Malabar, Brevard County, Florida. This property is located at the northeast corner of Malabar Road and East Railroad Avenue.

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

Section 3. If no challenge is filed, the effective date of this ordinance shall be thirty-one (31) days after the State Land Planning Agency notifies the local government that the amendment package is complete. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity (DEO), or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within 10 days of enactment.

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

Council Member Marisa Acquaviva	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Jim Clevenger	<u>Aye</u>
Council Member Dave Scardino	<u>Aye</u>
Council Member Mary Hofmeister	<u>Aye</u>

If no challenge is filed, the effective date of this ordinance shall be thirty-one (31) days after the State Land Planning Agency notifies the local government that the amendment package is complete.

BY:
TOWN OF MALABAR

Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair

(seal)



ATTEST:

Richard W. Kohler
Richard W. Kohler
Town Clerk

Approved as to form and content:

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

Legally Advertised to Comply with FS 163 and 166.

Hearing at P&Z: 10/25/2023
Ord First Reading: 4-0; 11/06/2026
Second Reading: 5-0 12/04/2023
Effective Date: