

ORDINANCE 2023-07

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN ZONING MAP 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 MALABAR, FLORIDA, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAPS; 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 zoning change for the property described below and is hereby rezoned on the zoning 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 Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

**Section 3.** This ordinance shall be effective as required by Town Code but in no event sooner than the effective date of Ordinance No 2023-06.

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>

This ordinance shall be effective as required by Town Code but in no event sooner than the effective date of Ordinance No 2023-06.

BY:  
TOWN OF MALABAR

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

(seal)



ATTEST:

By: *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; 11/06/2023  
Second Reading: 5-0 12/04/2023  
Effective Date: