

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 – Telephone
(321) 727-9997 - Fax

Date: _____

No. _____

**APPLICATION FOR LAND USE AMENDMENT
AND ZONING CHANGE**

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): _____ Telephone #: _____

Mailing Address: _____

Legal description of property covered by application:

Township: _____ Range: _____ Section: _____

Lot/Block: _____, Parcel Subdivision: _____

Other Legal: _____

Property Address: _____

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: _____ Proposed: _____
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: _____ Proposed: _____
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: _____ Proposed: _____

Fees:

- [] Rezoning - \$325 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- [] Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- [] Rezoning & Land Use Charges - \$625 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.

(*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- [] Completed application, including Disclosure of Ownership (Pages 1 & 2)
- [] Fee of \$_____ in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- [] Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office.

Signature of Applicant

Signature of Applicant

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Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, _____, being first duly sworn, depose and say that I, _____, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

_____ Applicant	_____ Date
_____ Applicant	_____ Date

Sworn and subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

I, _____, being first duly sworn, depose and say that I, _____, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

_____ Applicant	_____ Date
_____ Applicant	_____ Date

Sworn and subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

GENERAL INFORMATION
AMENDMENTS TO THE COMPREHENSIVE PLAN OR REZONING

In 1985, the Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act as part of a comprehensive package of legislation dealing with growth management. The Act is codified in Chapter 163 of the Florida Statutes. Pursuant to requirements in the Act, the Town of Malabar adopted a Comprehensive Plan with the enactment of Ordinance Number 90-5 on April 17, 1990 and subsequent amendments. This Plan, combined with the requirements of the Act and various Town ordinances and resolutions, has a direct effect upon the development of land within the Town of Malabar. You are encouraged to review these documents prior to making decisions concerning land development matters.

In the event that you are requesting a rezoning, it may be necessary for you to first seek an amendment to the Land Use Element of the Comprehensive Plan. Our office staff will provide you with the application to request such an amendment. You are advised, however, that this is a significant undertaking, requiring the submission of considerable requirements of notice and public hearings. The following schedule is provided to assist you in your planning:

If the parcel is under ten acres:

1. The Town's staff shall have up to thirty (30) days in which to review the application. During this time the land shall be posted by the applicant that it is the subject of a land use change request. It will then be scheduled before the Planning and Zoning Advisory Board for a Public Hearing.
2. The Planning and Zoning Board, during its meeting, will receive comment from the applicant and any other interested persons. In addition, the Board will review the written comments of the Town's professional staff, which may include the Engineer, Attorney, Planner, Fire Inspector, and Building Official. The Board will then make written recommendations to the Town Council.
3. If the recommendation is to approve the changes, the requests will be drafted into ordinance form and presented to the Town Council for a First Reading. Then a Public Hearing will be scheduled.
4. A newspaper legal advertisement will be run 10 days prior to the Public Hearing before Town Council. A similar courtesy notice will be sent to each property owner within a radius of 500' of the subject property. The applicant will be notified by the Town Clerk of the date of the public hearing before Town Council.
5. The Town Council will conduct the public hearing on the issue, receiving comments from all persons interested in the matter.
6. The amendment request, if approved by the Town Council, will be forwarded to the Department of Community Affairs of the State of Florida. Various State agencies will then review the proposed amendment and submit their comments back to the Department of Community Affairs. The Department of Community Affairs must then publish an intent to approve or disapprove the proposed amendment within 90 days of receipt of the proposed amendment from the Town Council.
7. In the event that the Department of Community Affairs approves the proposed amendment, it shall take effect. If, however, the Department does not approve the amendment, a notice of additional public hearings will be provided to the Town and published in a newspaper of general circulation in Brevard County. Thereafter, a Hearing Officer will conduct a formal proceeding and make final recommendations to the Department of Community Affairs.

If the parcel of land which is the subject of your amendment application is less than five acres, you may be entitled to an exception from the twice-annual submission requirement. Please consult with an attorney or other person of your choice who can provide you with professional advice concerning this exception procedure.

If the parcel is ten acres or larger:

1. The Town's staff shall have thirty (30) days in which to review the application. If the application is determined to be complete and all staff comments have been responded to, it will then be scheduled before the Planning and Zoning Advisory Board.
2. The Planning and Zoning Board, during its meeting, will receive comment from the applicant and any other interested persons. In addition, the Board will review the written comments of the Town's professional staff, which may include the Engineer, Attorney, Planner, Fire Inspector, and Building Official. The Board will then make written recommendations to the Town Council.
3. If the recommendation is to approve the changes, the requests will be drafted into ordinance form. Then a Public Hearing will be scheduled before the Planning and Zoning Advisory Board.
4. A newspaper advertisement, a minimum of two columns wide, must be run in a section of paper other than the legal section. The ad must include a map of the general area and depict the subject parcel. The ad shall notify persons of the Public Hearing before Planning and Zoning and the subsequent Public Hearing before Town Council. Staff will abide by F.S. 163 regarding these requirements. A copy of the notice of public hearing will be mailed to each property owner within a radius of 500' of the subject property. The applicant will be notified by the Town Clerk of the dates of the public hearings before Planning and Zoning and Town Council.
5. The Planning and Zoning Advisory Board will conduct the public hearing on the issue, receiving comments from all persons interested in the matter. They will then forward a written recommendation to Town Council and the applicant.
6. The Town Council will hold a first reading and subsequently, conduct the advertised public hearing on the issue, receiving comments from all persons interested in the matter.
7. The amendment request, if approved by the Town Council for transmittal, will be forwarded to the Department of Community Affairs of the State of Florida. Various State agencies will then review the proposed amendment and submit their comments back to the Department of Community Affairs. The Department of Community Affairs must then publish an intent to approve or disapprove the proposed amendment within 90 days of receipt of the proposed amendment from the Town Council.
8. In the event that the Department of Community Affairs approves the proposed amendment, it shall take effect. If, however, the Department does not approve the amendment, a notice of additional public hearings will be provided to the Town and published in a newspaper of general circulation in Brevard County. Thereafter, a Hearing Officer will conduct a formal proceeding and make final recommendations to the Department of Community Affairs.