

Port St. John Dependent Special District

March 3, 2021

- PRESENTED ON BEHALF OF -

5971 Cedar lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust

**Item # H.1. Requests a change of classification from RU-1-11,
TR-2, and BU-1 with a BDP, to TR-1 with a BDP limited to 200 units.
(20Z00036) (Tax Accounts 2310971, 2310861 and 2316173) (District 1)**

KIMBERLY BONDER REZANKA, ESQ.
LACEY LYONS REZANKA
U.S. Highway 1, Suite 201
Rockledge, FL 32955



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700
<https://www.bcpao.us>

Account 2310861
Owners MARKET TAMPA INVESTMENTS LLC; TRUSTEE
Mailing Address 4907 N FLORIDA AVE TAMPA FL 33603
Site Address Not Assigned
Parcel ID 23-35-24-00-3
Property Use 9909 - VACANT RESIDENTIAL LAND (SINGLE-FAMILY, UNPLATTED)
Exemptions None
Taxing District 1900 - UNINCORP DISTRICT 1
Total Acres 50.64
Subdivision --
Site Code 0001 - NO OTHER CODE APPL.
Plat Book/Page 0000/0000
Land Description G.L. 1 E OF R.R. & SE 1/4 E OF R.R. AS DESC IN ORB 2707 PG 2732, ORB 2974 PG 194 PARS 759 & 760

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$117,430	\$117,430	\$117,430
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$117,430	\$117,430	\$117,430
Assessed Value School	\$117,430	\$117,430	\$117,430
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$117,430	\$117,430	\$117,430
Taxable Value School	\$117,430	\$117,430	\$117,430

SALES/TRANSFERS

Date	Price	Type	Deed
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
06/22/2006	\$625,000	WD	5664/6863
08/16/1988	--	QC	2934/0955
09/15/1986	\$163,500	WD	2736/2288
08/01/1975	--	--	1550/0279

No Data Found



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700
<https://www.bcpao.us>

PROPERTY DETAILS

Account 2310971
Owners MARKET TAMPA INVESTMENTS LLC; TRUSTEE
Mailing Address PO BOX 9711 TAMPA FL 33674
Site Address 5971 CEDAR LAKE DR COCOA FL 32927
Parcel ID 23-35-24-00-756.9
Property Use 0010 - VACANT RESIDENTIAL LAND (SINGLE FAMILY, PLATTED)
Exemptions None
Taxing District 1900 - UNINCORP DISTRICT 1
Total Acres 0.50
Subdivision ---
Site Code 0001 - NO OTHER CODE APPL.
Plat Book/Page 0000/0000
Land Description PT OF S 1/2 OF SE 1/4 E OF RR R/W AS DES IN ORB
2410 PG 65 A/K/A LOT 12 OF SB 4 PGS 53 & 78

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$15,000	\$10,000	\$8,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$9,680	\$8,800	\$8,000
Assessed Value School	\$15,000	\$10,000	\$8,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$9,680	\$8,800	\$8,000
Taxable Value School	\$15,000	\$10,000	\$8,000

SALES/TRANSFERS

Date	Price	Type	Deed
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
06/22/2006	\$625,000	WD	5664/6863
08/11/1988	--	QC	2934/0957
03/05/1985	--	QC	2583/1696
02/04/1983	--	WD	2410/0065

No Data Found



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2316173
 Owners US HIGHWAY NO 1 COMMERCIAL LAND TRUST
 Mailing Address 4907 N FLORIDA AVE TAMPA FL 33603
 Site Address Not Assigned
 Parcel ID 23-36-19-02-*6
 Property Use 1000 - VACANT COMMERCIAL LAND
 Exemptions None
 Taxing District 1900 - UNINCORP DISTRICT 1
 Total Acres 6.89
 Subdivision BURCHFIELD SB 1 PG 115
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 00-/-
 Land Description PART OF LOT 6 AS DES IN DB 440 PG 584 EXC ORB
 2746 PG 927, 3042 PG 4140, 4103 PG 3921



VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$30,320	\$30,320	\$30,320
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$30,320	\$30,320	\$30,320
Assessed Value School	\$30,320	\$30,320	\$30,320
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$30,320	\$30,320	\$30,320
Taxable Value School	\$30,320	\$30,320	\$30,320

SALES/TRANSFERS

Date	Price	Type	Deed
08/24/2018	--	WD	8248/1966
03/04/2014	--	QC	7094/0828
02/05/2013	\$50,000	QC	6851/2603
06/19/2012	\$50,000	WD	6791/2937
04/04/2011	--	WD	6365/1159
11/18/2010	--	CT	6285/0878
08/22/2006	\$305,000	WD	5690/0714
06/02/2000	--	QC	4178/2102
05/28/1986	\$203,800	WD	2700/2815
06/24/1981	\$150,000	WD	2310/1684
01/01/1977	--	--	1697/0270

No Data Found

On motion of Commissioner **Scarborough**, seconded by Commissioner **Senne**, the following resolution was adopted by a 4:1 vote/ vote:
Altman voting nay
 WHEREAS, **SUPPORT INVESTMENTS, INC.**, a Florida Corporation & **COASTAL PROPERTIES, INC.**, a Florida Corporation

has/have applied for a change of classification from GU & TR-1 w/Binding Site Plan to RU-1-11 & removal of the Binding Site Plan
 on property described as **SEE ATTACHED LEGAL DESCRIPTION**

Section 24, Township 23 S, Range 35 E, and,

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved subject to Binding Development Plan and,

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be approved subject to BDP recorded in ORB 3129, Pg. 1279,, now therefore, dated May 31, 1991

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from GU & TR-1 w/Binding Site Plan to RU-1-11 & removal of the Binding Site Plan be approved subject to BDP recorded in ORB 3129, Pg. 1279, dated , and that the zoning classification relating to the above described property be changed to RU-1-11 subject to BDP recorded in ORB 3129, Pg. 1279, dated May 31, 1991 and the Planning and Zoning Director is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 31, 1991.

BOARD OF COUNTY COMMISSIONERS
 Brevard County, Florida

ATTEST:

by **SUE SCHMITT**
 Chairman

R. C. WINSTEAD, JR., Clerk

by D.C.

(SEAL)

(Hearing - November 5, 1990)

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

RESOLUTION NO. Z-11269

unanimous vote:

WHEREAS, COASTAL PROPERTIES, INC. AND COASTAL PROPERTIES

has/have applied for an amendment to an existing Binding Development Plan in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Tax Parcel 3, as recorded in ORB 2934, Pages 0955 & 0956 and ORB 2974, Pages 0194 through 0199, Public Records, Brevard County, Florida. **Section 24, Township 23, Range 35** on 50.64 acres. Located west of the western terminus of Clear View Drive.

Section 24, Township 23 S, Range 35 E, and,

WHEREAS, a public hearing of the Port St. John Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Port St. John Dependent Special District Board recommended that the application be approved for the amendments regarding aquifer recharge and regarding connection to Clearview Drive; and added a provision to state that there will be no additional access to Vineland Street. Amendments regarding transfer of units and change to disposition of Lot 12 were withdrawn by the applicant, and,

WHEREAS, the Board, after considering said application and the Port St. John Dependent Special District Board's recommendation and hearing all interested parties and after due and proper consideration having been given to the matter, find that the application should be Approved, with amended Binding Development Plan, regarding aquifer recharge and connection to Clearview Drive, and adding provision to state that there will be no additional access to Vineland St., now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested amendment to an existing Binding Development Plan be APPROVED, with amended Binding Development Plan, recorded in ORB 5683, Pages 0716 through 0720, dated August 9, 2006, regarding aquifer recharge and connection to Clearview Drive, and adding provision to state that there will be no additional access to Vineland Street., and that the zoning classification relating to the above described property remain unchanged, and the Planning & Zoning Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of August 9, 2006.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida
As Approved by the Board on May 4, 2006.

ATTEST: _____

by

HELEN VOLTZ
Chairman

SANDY CRAWFORD, CLERK

(SEAL)

(PSJ Hearing – March 8, 2006)

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

1/2

IN THE CIRCUIT COURT OF THE 18TH
JUDICIAL CIRCUIT, IN AND FOR
BREVARD COUNTY, FLORIDA

CASE NO.: 2010 CA 026965

PNC, National Association, as Successor by
Merger to NATIONAL CITY BANK, as
successor by merger to HARBOR
FEDERAL SAVINGS BANK,

Plaintiff,

v.

VINELAND ASSOCIATES, LLC, a Florida
limited liability company, BRUCE JONES
and SANDRA JONES,

Defendants.

SCOTT ELLIS
2010 NOV 18 P 2:05
FILED IN T.V.L. - 29
CLERK OF CIR. CT.
BREVARD CO. FL.

CERTIFICATE OF TITLE

THE UNDERSIGNED, SCOTT ELLIS, Clerk of the Court, hereby certifies that he
executed and filed a Certificate of Sale in this action on November, 3 2010, for the property
described herein, and that no objections to the sale have been filed within the time allowed for
filing objections. The following described property in Brevard County, Florida:

Attached as Exhibit "1"

was sold to: PNC, National Association, as Successor by merger to
National City Bank, as Successor by merger to Harbor Federal Savings Bank
20 N. Orange Ave Suite 1108 Orlando FL 32801

WITNESS my hand and the Seal of the Court on November 18, 2010.



SCOTT ELLIS

By: [Signature]

Deputy Clerk

Case # 05-2010-CA-026965-XXXX-XX

Document Page # 17



016846871

21a

PARCEL 1:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East long said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

PARCEL 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

PARCEL 3:

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

PARCEL 4:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

PARCEL 5:

Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North 75° 10' 20" East, along said South line, a distance of 505.39 feet; thence South 14° 35' 25" East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South 80° 13' 23" West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

PROPERTY DETAILS

Account 2310652
 Owners BRIGANTE, ZACHARY L; BRIGANTE, MELINDA S
 Mailing Address 1101 VINELAND ST COCOA FL 32927
 Site Address 1101 VINELAND ST COCOA FL 32927
 Parcel ID 23-35-24-BE-1-30
 Property Use 0110 - SINGLE FAMILY RESIDENCE
 Exemptions HEX1 - HOMESTEAD FIRST
 HEX2 - HOMESTEAD ADDITIONAL
 Taxing District 1900 - UNINCORP DISTRICT 1
 Total Acres 0.23
 Subdivision PORT ST JOHN UNIT 1
 Site Code 0001 - NO OTHER CODE APPL.
 Plat Book/Page 0013/0126
 Land Description PORT ST JOHN UNIT 1 LOT 30 BLK 1



VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$275,390	\$266,840	\$253,220
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$223,260	\$218,250	\$214,190
Assessed Value School	\$223,260	\$218,250	\$214,190
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$173,260	\$168,250	\$164,190
Taxable Value School	\$198,260	\$193,250	\$189,190

SALES/TRANSFERS

Date	Price	Type	Deed
12/02/2016	\$235,000	WD	7768/0949
03/30/2004	\$29,900	WD	5249/3658
11/01/1992	\$7,200	TD	3253/2779
11/01/1991	--	PT	3160/3325
10/25/1985	\$12,000	WD	2585/1610
10/29/1984	--	WD	2560/1470
08/01/1973	\$1,100	--	1366/0794

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials	Details	
Exterior Wall:	STUCCO	Year Built 2007
Frame:	MASNRYCONC , WOOD FRAME	Story Height 9
Roof:	ASPH/ASB SHNGL	Floors 2
Roof Structure:	HIP/GABLE	Residential Units 1
		Commercial Units 0

Sub-Areas

Base Area (1st)	2,444
Bonus Room	1,068

Extra Features

No Data Found

What You Should Know About Home Appraisals

Must-have information for buyers, sellers, and refinancers

By AMY FONTINELLE; Reviewed By JULIUS MANSA
Updated Sep 30, 2020

What Is a Home Appraisal?

An appraisal is an unbiased professional opinion of a home's value. Appraisals are almost always used in purchase-and-sale transactions and commonly used in refinance transactions. In a purchase-and-sale transaction, an appraisal is used to determine whether the home's contract price is appropriate given the home's condition, location, and features. In a refinance transaction, an appraisal assures the lender that it isn't handing the borrower more money than the home is worth.

....

What You Should Know About Home Appraisals

The Appraisal Process and How Values Are Determined

Because the appraisal primarily protects the lender's interests, the lender will usually order the appraisal. An appraisal costs several hundred dollars and, generally, the borrower pays this fee.

....

A property's appraisal value is influenced by recent sales of similar properties and by current market trends. The home's amenities, the number of bedrooms and bathrooms, floor plan functionality, and square footage are also key factors in assessing the home's value. The appraiser must do a complete visual inspection of the interior and exterior and note any conditions that adversely affect the property's value, such as needed repairs.

Typically, appraisers use the Uniform Residential Appraisal Report from Fannie Mae for single-family homes. The report asks the appraiser to describe the interior and exterior of the property, the neighborhood, and nearby comparable sales. The appraiser then provides an analysis and conclusions about the property's value based on their observations.

The report must include:

- A street map showing the appraised property and comparable sales used
- An exterior building sketch
- An explanation of how the square footage was calculated
- Photographs of the home's front, back, and street scene
- Front exterior photographs of each comparable property used
- Other pertinent information—such as market sales data, public land records, and public tax records—that the appraiser requires to determine the property's fair market value

....

Program Statute and Regulations:

- Manufactured Housing Statute (42 USC Ch. 70)
<https://www.hud.gov/sites/documents/USCODE2012TI.PDF>
- Manufactured Home Construction and Safety Standards (24 CFR Part 3280)
<https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3280&rgn=div5>
- Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282)
<https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3282&rgn=div5>
- Model Manufactured Home Installation Standards (24 CFR Part 3285) <https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3285&rgn=div5>
- Manufactured Home Installation Program (24 CFR Part 3286) <https://www.ecfr.gov/cgi-bin/text-idx?SID=a2c5655a37054c584f7dd6a0ed240fb8&node=pt24.5.3286&rgn=div5>
- Manufactured Home Dispute Resolution Program (24 CFR Part 3288) <https://www.ecfr.gov/cgi-bin/text-idx?SID=0b58c3127a3837e303f3c2e6fe35f6ef&node=pt24.5.3288&rgn=div5>

Sec.	
5413.	Inspections and investigations for promulgation or enforcement of standards or execution of other duties.
5414.	Notification and correction of defects by manufacturer.
5415.	Certification by manufacturer of conformity of manufactured home with standards; form and placement of certification.
5416.	Consumer's manual; contents.
5417.	Effect upon antitrust laws.
5418.	Use of services, research and testing facilities of public agencies and independent laboratories.
5419.	Authority to collect fee.
5420.	Failure to report violations; penalties.
5421.	Prohibition on waiver of rights.
5422.	State enforcement.
5423.	Grants to States.
5424.	Rules and regulations.
5425.	Repealed.
5426.	Authorization of appropriations.

§ 5401. Findings and purposes

(a) Findings

Congress finds that—

(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

(b) Purposes

The purposes of this chapter are—

(1) to protect the quality, durability, safety, and affordability of manufactured homes;

(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.

(Pub. L. 93-383, title VI, § 602, Aug. 22, 1974, 88 Stat. 700; Pub. L. 96-399, title III, § 308(c)(4), Oct. 8, 1980, 94 Stat. 1641; Pub. L. 97-35, title III, § 339B(c), Aug. 13, 1981, 95 Stat. 417; Pub. L. 106-569, title VI, § 602, Dec. 27, 2000, 114 Stat. 2997.)

AMENDMENTS

2000—Pub. L. 106-569 amended section catchline and text generally. Prior to amendment, text read as fol-

lows: "The Congress declares that the purposes of this chapter are to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents and to improve the quality and durability of manufactured homes. Therefore, the Congress determines that it is necessary to establish Federal construction and safety standards for manufactured homes and to authorize manufactured home safety research and development."

1980—Pub. L. 96-399 substituted "manufactured home" for "mobile home" wherever appearing.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, § 612, Dec. 27, 2000, 114 Stat. 3012, provided that: "The amendments made by this title [see Short Title of 2000 Amendment note below] shall take effect on the date of the enactment of this Act [Dec. 27, 2000], except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of the enactment."

EFFECTIVE DATE

Pub. L. 93-383, title VI, § 627, formerly § 628, Aug. 22, 1974, 88 Stat. 714, renumbered § 627, Pub. L. 106-569, title VI, § 611(2), Dec. 27, 2000, 114 Stat. 3012, provided that: "The provisions of this title [enacting this chapter and provisions set out as a note under this section] shall take effect upon the expiration of 180 days following the date of enactment of this title [Aug. 22, 1974]."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-569, title VI, § 601(a), Dec. 27, 2000, 114 Stat. 2997, provided that: "This title [amending this section and sections 5402 to 5404, 5406, 5407, 5409, 5412 to 5415, 5419, 5422, and 5426 of this title, repealing section 5425 of this title, and enacting and amending provisions set out as notes under this section] may be cited as the 'Manufactured Housing Improvement Act of 2000'."

SHORT TITLE

Pub. L. 93-383, title VI, § 601, Aug. 22, 1974, 88 Stat. 700, as amended by Pub. L. 96-399, title III, § 308(c)(5), Oct. 8, 1980, 94 Stat. 1641, provided that: "This title [enacting this chapter and provisions set out as a note under this section] may be cited as the 'National Manufactured Housing Construction and Safety Standards Act of 1974'."

SAVINGS PROVISIONS

Pub. L. 106-569, title VI, § 613, Dec. 27, 2000, 114 Stat. 3012, provided that:

"(a) **STANDARDS AND REGULATIONS.**—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 [42 U.S.C. 5402]) and all regulations pertaining thereto in effect on the day before the date of the enactment of this Act [Dec. 27, 2000] shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title [42 U.S.C. 5403(a), (b)].

"(b) **CONTRACTS.**—Any contract awarded pursuant to a Request for Proposal issued before the date of the enactment of this Act [Dec. 27, 2000] shall remain in effect until the earlier of—

"(1) the expiration of the 2-year period beginning on the date of the enactment of this Act; or

"(2) the expiration of the contract term."

§ 5402. Definitions

As used in this chapter, the term—

(1) "manufactured home construction" means all activities relating to the assembly and manufacture of a manufactured home including but not limited to those relating to durability, quality, and safety;

(2) "retailer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale;

(3) "defect" includes any defect in the performance, construction, components, or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended;

(4) "distributor" means any person engaged in the sale and distribution of manufactured homes for resale;

(5) "manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale;

(6) "manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle;

(7) "Federal manufactured home construction and safety standard" means a reasonable standard for the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety;

(8) "manufactured home safety" means the performance of a manufactured home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(9) "imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury;

(10) "purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale;

(11) "Secretary" means the Secretary of Housing and Urban Development;

(12) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

(13) "United States district courts" means the Federal district courts of the United States and the United States courts of the

Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa;

(14) "administering organization" means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

(15) "consensus committee" means the committee established under section 5403(a)(3) of this title;

(16) "consensus standards development process" means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

(17) "primary inspection agency" means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

(18) "design approval primary inspection agency" means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

(19) "installation standards" means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

(20) "monitoring" means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 5422 of this title, in accordance with regulations promulgated under this chapter, giving due consideration to the recommendations of the consensus committee under section 5403(b) of this title, which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this chapter; and

(21) "production inspection primary inspection agency" means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.

(Pub. L. 93-383, title VI, § 603, Aug. 22, 1974, 88 Stat. 700; Pub. L. 96-399, title III, § 308(c)(4), (d), Oct. 8, 1980, 94 Stat. 1641; Pub. L. 97-35, title III, § 339B(c), Aug. 13, 1981, 95 Stat. 417; Pub. L. 105-276, title V, § 599A(a), Oct. 21, 1998, 112 Stat. 2660; Pub. L. 106-569, title VI, § 603(a), Dec. 27, 2000, 114 Stat. 2998.)

Sec. 62-1102, Brevard County Code, Definitions

Mobile home means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. ch. 320, and is built on an integral chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. ch. 320. Further, all regulations contained in F.S. ch. 319 shall apply. If a mobile home is no longer eligible for a title certificate under F.S. ch. 319, the structure shall no longer be considered a mobile home. This definition does not include modular units defined as travel trailers in this section.

Modular coach means a modular unit residential building, either a mobile home as defined in F.S. ch. 320, or a modular factory-built mobile housing unit that falls under the jurisdiction of the state department of community affairs under the Housing Act of 1971. The unit may have parts and sections fabricated and assembled as a complete unit at a central plant and moved to a permanent site, or component parts may be fabricated in one area and assembled as a complete structure permanently upon a site. Units may have wheels and axles when transported to the site but are intended to remain permanent structures once located or assembled on a site.

Modular factory-built home means a modular unit residential building comprised of one or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is in substantial part constructed in central manufacturing facilities and bears the approval of the state department of community affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes as defined by F.S. ch. 320.

F. S. 320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(2)(a) “Mobile home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch.

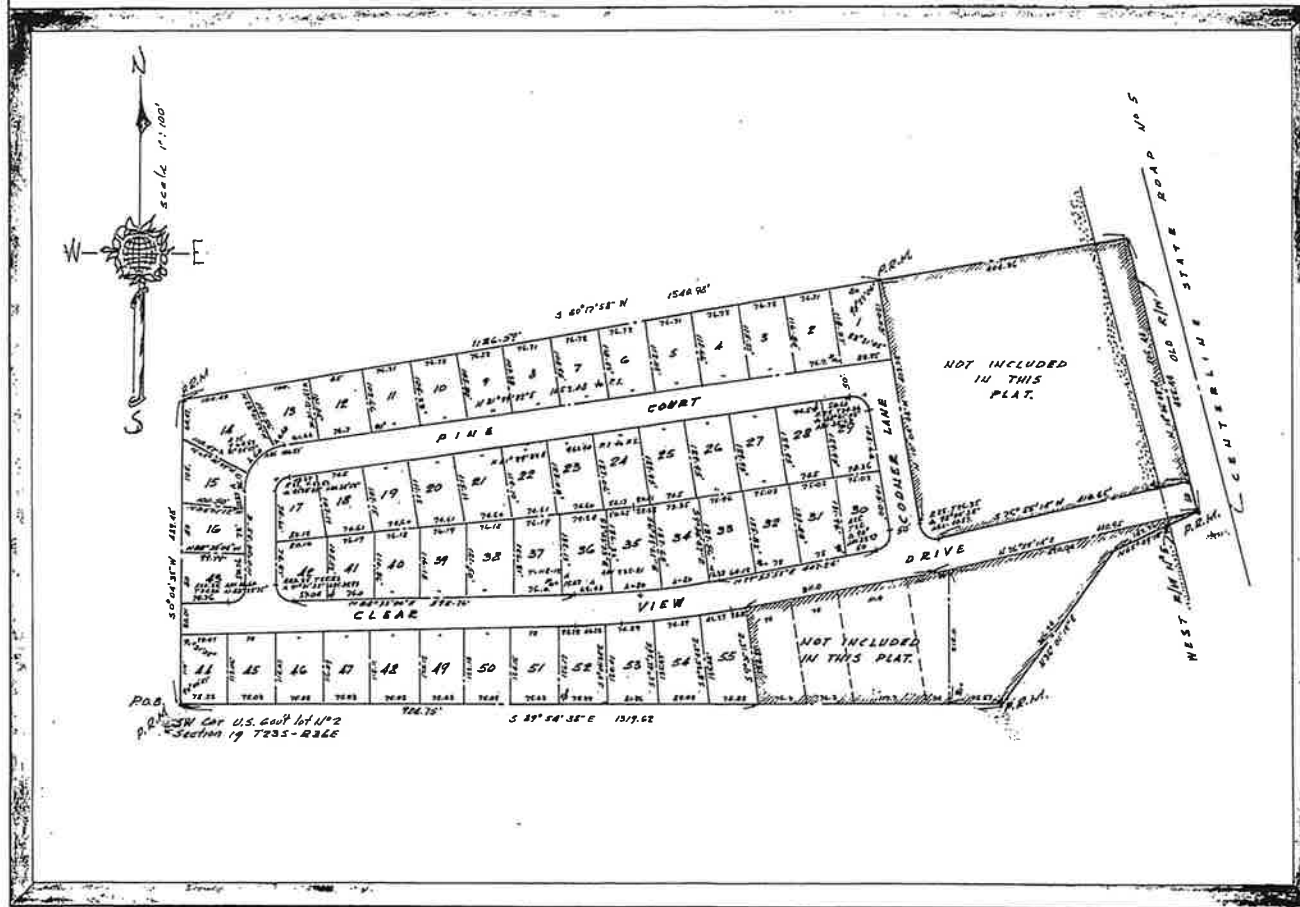
(b) “Manufactured home” means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

147397

PLAT OF CLEARVIEW TERRACE PART OF GOVERNMENT LOT 2 SECTION 19 TOWNSHIP 23 SOUTH RANGE 36 EAST BREVARD COUNTY FLORIDA.

descriptions-

Begin at the SW corner of Government Lot No. 2, Section 19 - T23S-R36E Tallahassee Meridian and run S 89° 54' 38" E along said South line 974.75 feet; thence N 9° 31' 13" W 158.85 feet; thence N 77° 55' 52" E 311.00 feet; thence N 76° 55' 14" E 440.94 feet to the West Right of Way of U.S. Highway No. 1 as presently located; thence N 12° 35' 19" W along said R/W 50.00 feet; thence S 76° 55' 14" W 410.65 feet to the P.C. of a curve having a radius of 25.00 feet and a central angle of 93° 00' 38" E; thence along said curve an arc distance of 40.57 feet to the P.T. of said curve; thence N 10° 06' 08" W 405.38 feet; thence S 80° 17' 58" W 1134.59 feet, to the West line of said Govt Lot No. 2; thence South 0° 04' 35" W along said West line 439.48 feet to the P.O.B.
All being and lying in Govt Lot No. 2 - Section 19 Township 23 South Range 36 East, Brevard County Florida, and containing 15.4 acres more or less.



PLAT BOOK 12
AND PAGE 46

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owner, in fee simple of the lands described in the foregoing section in this plat, do hereby dedicate said lands and plat for the use and purposes therein expressed and dedicate the streets, alleys, thoroughfares, parks, canals, and drainage easements shown hereon to the perpetual use of the public.

IN WITNESS WHEREOF, The undersigned, James hereunto set their hand and seal on October 10, 1987.

James Codner
Owner

Signed and sealed in the presence of:
J. H. Wheeler

STATE OF FLORIDA COUNTY OF BREVARD

THIS IS TO CERTIFY, That on October 10, 1987 I, James Codner, an officer duly authorized to take acknowledgments in the State and County aforesaid, personally appeared James Codner and James Codner

to me known to be the person or persons described in and who executed the foregoing dedication and severally acknowledged the execution thereof to be James free and good for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

James Codner
NOTARY PUBLIC
My Commission Expires June 1, 1990

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on OCT. 9, 1987 he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct representation of the lands therein described and plotted; that permanent reference monuments have been placed as shown in the foregoing plat; and that said land is located in the County of Brevard, State of Florida; and that said land is located in the Township of 23, Range of 36, East of the 1st Meridian.

Brevard County, Florida Dated OCT. 9, 1987
James Registration No. 11111

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on _____ the _____ approved the foregoing plat.

ATTEST: _____ MAYOR _____ SEAL _____ CITY CLERK _____

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS

THIS IS TO CERTIFY, That on October 14, 1987 the foregoing plat was approved by the Board of County Commissioners of Brevard County, Florida.

James Chairman of the Board.
James Clerk of the Board.

CERTIFICATE OF APPROVAL BY ZONING COMMISSION

THIS IS TO CERTIFY, That on _____ the Zoning Commission of the above Municipality approved the foregoing plat.

CERTIFICATE OF CLERK

I HEREBY CERTIFY, That I have examined the foregoing plat and find that it complies in form with all the requirements of Chapter 177, Florida Statutes, and was filed for record on NOV 1, 1987 at 11:11 a.m. File No. 87341 Plat 12 pg 46

James Clerk of the Circuit Court in and for Brevard County, Fla.

Sec. 62-1402. - Single-family mobile home, TR-1 and TR-1-A.

The TR-1 and TR-1-A single-family mobile home zoning classifications encompass land devoted to single-family mobile homes.

(1) *Permitted uses.*

a. Permitted uses are as follows:

Single-family mobile home units.

Single-family detached dwelling units with minimum floor area of 600 square feet.

Foster homes.

Parks and public recreational facilities.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(4) *Minimum lot size.* Minimum lot size is as follows:

Classification	Lot size (square feet)	Lot width (feet)	Lot depth (feet)
----------------	------------------------------	------------------------	------------------------

TR-1	7,500	65	100
------	-------	----	-----

TR-1-A	5,000	50	100
--------	-------	----	-----

(5) *Setbacks from property lines.*

a. Setbacks from property lines shall be as follows:

Classification	Front (feet)	Rear (feet)	Side (feet)
----------------	-----------------	----------------	----------------

TR-1	25	20	7.5
------	----	----	-----

TR-1-A	25	20	5
--------	----	----	---

b. On a corner lot, the side street setback shall be not less than 15 feet, including accessory buildings. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet, including accessory buildings.

c. Detached accessory buildings shall be located to the rear of the front building line of the principal building or structure and shall be set back not less than seven and one-half feet (or five feet for the TR-1-A classification) from the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

(6) *Minimum living area.* Minimum living area is 600 square feet.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

Sec. 62-1340. - Single-family residential, RU-1-13 and RU-1-11.

The RU-1-13 and RU-1-11 single-family residential zoning classifications encompass lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(4) *Minimum lot size.* An area of not less than 7,500 square feet is required, having a width of not less than 75 feet and having a depth of not less than 75 feet.

(5) *Setbacks.*

a. Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

c. The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6) *Minimum floor area.* Minimum floor area is as follows:

a. *RU-1-13:* 1,300 square feet of living area.

b. *RU-1-11:* 1,100 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

Sec. 62-1341. - Single-family residential, RU-1-9.

The RU-1-9 single-family residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted-uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(4) *Minimum lot size.* An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.

(5) *Setbacks.*

a. Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c. The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6) *Minimum floor area.* Minimum floor area is 900 square feet of living area.

(7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(K); Ord. No. 95-47, §§ 22, 23, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 23—25, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-01, § 2, 1-