



# **AGENDA**

## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**

Regular Meeting 2023-02

February 1, 2023 - 6:00 PM

City Hall Council Chambers, 120 Malabar Road SE

### **CALL TO ORDER:**

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ADOPTION OF MINUTES:**

1. Regular Meeting 2023-01; January 4, 2023

### **ANNOUNCEMENTS:**

### **OLD/UNFINISHED BUSINESS:**

1. **\*\*CU-1-2023 - WITHDRAWN - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW**

### **NEW BUSINESS:**

1. **CP-40-2022 - Ashton Park - David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES 1 (Brevard County) and Micco Park Village Use to Mixed Use. Tax Parcels 750 and 751 of Section 8, Township 30, Range 38; Tax Parcel 750 of Section 13, Township 30, Range 37; Tax Parcels 1 and 2 of Section 17, Township 30, Range 38; Tax Parcels 1 through 4 of Section 19, Township 30, Range 38; Tax Parcels 750 and 751 of Section 18, Township 30, Range 38; Lots 4.01 and 4.02 of AA Berrys, Section 1, Township 30G, Range 38; and Block 2 of S B Carter Survey of George Fleming Grant, Section 2, Township 30G, Range 38, Brevard County, Florida, containing approximately 1,435.36 acres. Located north, south, east, and west of Micco Road, in the vicinity south of**

## **Dottie Drive**

2. **T-16-2023 - Accessory Dwelling Unit - City of Palm Bay, Florida (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, to amend the definition for Accessory Dwelling Unit**
3. **CP-3-2023 - Comp Plan Future Land Use Element - A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element**

## **OTHER BUSINESS:**

## **ADJOURNMENT:**

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

**\*\*Quasi-Judicial Proceeding.**



## **MEMORANDUM**

**DATE:** February 1, 2023

**SUBJECT:** Regular Meeting 2023-01; January 4, 2023

**ATTACHMENTS:**

**Description**

- ▣ **P&Z/LPA Minutes - Regular Meeting 2023-01; January 4, 2023**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-01

Held on Wednesday, January 4, 2023, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Philip Weinberg led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Leeta Jordan	Present
<b>VICE CHAIRPERSON:</b>	Philip Weinberg	Present
<b>MEMBER:</b>	Donald Boerema	Absent (Excused)
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	David Karaffa (School Board Appointee)	Absent (Excused)

The absences of Mr. Boerema and Mr. Karaffa were excused.

**CITY STAFF:** Present were Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Ms. Tania Ramos, Senior Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2022-13; December 7, 2022.

Motion to approve the minutes as presented.



Motion by Mr. Weinberg, seconded by Mr. Good. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Good, Maragh, Olszewski, Warner.

#### **ANNOUNCEMENTS:**

1. Ms. Jordan addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to the City Council.

#### **OLD/UNFINISHED BUSINESS:**

1. **CP-37-2022 - WITHDRAWN - Mixed Use - City of Palm Bay (Growth Management Department) - A Comprehensive Plan Textual Amendment to the FLU-1.1I language in the Future Land Use Element of the City of Palm Bay Comprehensive Plan, to ensure consistency with the City Council's intent to promote mixed use development**

Case CP-37-2022 had been withdrawn by the applicant (City of Palm Bay - Growth Management Department).

Board action was not required to withdraw the case.

#### **NEW BUSINESS:**

The board proceeded at this time to hear Case T-7-2023, Item 2 under New Business.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Mr. Anderson presented the staff report for Case T-7-2023. Staff recommended Case T-7-2023 for approval.

Ms. Jordan wanted to know the difference between a non-exempt and an exempt development plan pertaining to applicability. Mr. Anderson explained that an exempt development plan was a development amendment small scale enough that the plan would not need to go before the board or City Council. A non-exempt development plan, however, would need to go before the board and City Council and would need to meet the Citizen Participation Plan (CPP) requirement. Examples of a non-exempt development would be an established Planned Unit Development like Bayside Lakes that still had undeveloped parcels; a development that never had a CPP; or a development where the CPP was held years ago but the project had changed.

Mr. Good asked whether the 500-foot radius requirement for notifications to be sent to affected property owners would remain in effect. Mr. Anderson indicated that this was correct.

Ms. Maragh remarked on how the board would have the opportunity to review the comments of those who attended the CPP meetings, and she wanted to know about the format for live-streamed CPP meetings. Mr. Anderson noted that the CPP reports would be provided with the staff reports, and he explained that live-streamed CPP meetings were only an option at this time since certain areas of the City were not live-stream capable or equipped with microphones.

The floor was opened and closed for public comments; there were no comments from the audience, and there was no correspondence in the file.

Motion to submit Case T-7-2023 to City Council for approval.

Motion by Mr. Olszewski, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Good, Maragh, Olszewski, Warner.

The board resumed consideration of items in the order shown on the agenda.

1. **\*\*CU-1-2023 - REQUEST TO CONTINUE TO 02/01 P&Z - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) – A Conditional Use to allow retail automotive gas/fuel sales in a**

**CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW**

Ms. Jordan announced the request to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting. Board action was required to continue the case.

Motion to continue Case CU-1-2023 to the February 1, 2023 Planning and Zoning Board meeting.

Motion by Mr. Olszewski, seconded by Mr. Weinberg. Motion carried with members voting as follows:

**Aye:** Jordan, Weinberg, Good, Maragh, Olszewski, Warner.

City Council will hear Case CU-1-2023 on March 2, 2023.

2. **T-7-2023 - Citizen Participation Plan – City of Palm Bay (Growth Management Department) – A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.005, to amend Citizen Participation Plans**

Case T-7-2023 was discussed under New Business, prior to Item 1.

#### **OTHER BUSINESS:**

1. Ms. Jordan suggested that board members absent from the December Planning and Zoning Board meeting take time to access the recorded presentations by the City Attorney and City Manager.

#### **ADJOURNMENT:**

The meeting was adjourned at approximately 6:10 p.m.

City of Palm Bay  
Planning and Zoning Board/  
Local Planning Agency  
Regular Meeting 2023-01  
Minutes – January 4, 2023  
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Leeta Jordan, CHAIRPERSON

Attest:

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Chandra Powell, SECRETARY

\*\*Quasi-Judicial Proceeding



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Tania Ramos, Senior Planner

**DATE:** February 1, 2023

**SUBJECT:** \*\*CU-1-2023 - WITHDRAWN - Automotive Gas/Fuel Sales - Gary Smigiel, Ascot Palm Bay Holdings, LLC (Pursuit Development, LLC, Rep.) - A Conditional Use to allow retail automotive gas/fuel sales in a CC, Community Commercial District, in accordance with Section 185.043(D)(3) of the Palm Bay Code of Ordinances. A Portion of Tax Parcel 501, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 2.00 acres. Located at the northeast corner of Emerson Drive NW and St. Johns Heritage Parkway NW

Case CU-1-2023 has been withdrawn by the applicant (Gary Smigiel, Ascot Palm Bay Holdings, LLC - Pursuit Development, LLC, Rep.).

**Board action is not required to withdraw the case.**

\*\*Quasi-Judicial Proceeding.



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** February 1, 2023

**SUBJECT:** CP-40-2022 - Ashton Park - David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.) - A large-scale Comprehensive Plan Future Land Use Map amendment from RES 1 (Brevard County) and Micco Park Village Use to Mixed Use. Tax Parcels 750 and 751 of Section 8, Township 30, Range 38; Tax Parcel 750 of Section 13, Township 30, Range 37; Tax Parcels 1 and 2 of Section 17, Township 30, Range 38; Tax Parcels 1 through 4 of Section 19, Township 30, Range 38; Tax Parcels 750 and 751 of Section 18, Township 30, Range 38; Lots 4.01 and 4.02 of AA Berrys, Section 1, Township 30G, Range 38; and Block 2 of S B Carter Survey of George Fleming Grant, Section 2, Township 30G, Range 38, Brevard County, Florida, containing approximately 1,435.36 acres. Located north, south, east, and west of Micco Road, in the vicinity south of Dottie Drive

### ATTACHMENTS:

#### Description

- ❑ CP-40-2022 - Ashton Park - Staff Report
- ❑ CP-40-2022 - Exhibit A - Ashton Park Conceptual Master Plan
- ❑ CP-40-2022 - Ashton Park Survey
- ❑ CP-40-2022 - Ashton Park Citizen Participation Plan Report
- ❑ CP-40-2022 - Capacity Letter - BPS
- ❑ CP-40-2022 - Ashton Park Application



## STAFF REPORT

### LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

#### Prepared by

Jesse D. Anderson, Assistant Growth Management Director

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#### CASE NUMBER

CP-40-2022

#### PLANNING & ZONING BOARD HEARING DATE

February 1, 2023

#### PROPERTY OWNER & APPLICANT

David Logan, MLCI Investments, Ltd.; Brevard 270, LLC; MLCI Realty II, LLC, MLCI Realty, Ltd. / David Lee, David Lee, LLC / Harvey Oyer, Brevard Property Holdings, LLC / Tiffany Dismukes Floyd / Murray Daniel Logan, L&L Collections, LLC / Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust (Jake Wise, P.E. Construction Engineering Group, LLC, Rep.).

#### PROPERTY LOCATION/ADDRESS

Tax Parcels 750 and 751 of Section 8, Township 30, Range 38; Tax Parcel 750 of Section 13, Township 30, Range 37; Tax Parcels 1 and 2 of Section 17, Township 30, Range 38; Tax Parcels 1 through 4 of Section 19, Township 30, Range 38; Tax Parcels 750 and 751 of Section 18, Township 30, Range 38; Lots 4.01 and 4.02 of AA Berrys, Section 1, Township 30G, Range 38; and Block 2 of S B Carter Survey of George Fleming Grant, Section 2, Township 30G, Range 38, Brevard County, Florida, containing approximately 302.70 acres. Located north, south, and west of Micco Road, in the vicinity south of Dottie Drive.

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#### SUMMARY OF REQUEST

The applicant is requesting to change the Future Land Use from Micco Park Village District and RES 1 Residential Unit per Acre (Brevard County) to Mixed Use.

##### Existing Land Use

Micco Park Village District, RES 1 Residential Unit per Acre (Brevard County)

##### Site Improvements

Undeveloped Land

##### Site Acreage

1,435.36 acres

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#### SURROUNDING FUTURE LAND USE & EXISTING USE OF LAND

##### North

MPV Micco Park Village; RR-1 Rural Residential (Brevard County)

##### East

RU-1-11 Single-Family Residential (Brevard County)

##### South

GML(P) Government Managed Lands (Parks and Conservation) (Brevard County)

##### West

IU Industrial Light (Brevard County); TU-2 Transient Tourist Commercial (Brevard County)

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## **BACKGROUND:**

The subject properties are generally located north, south, and west of Micco Road, in the vicinity south of Dottie Drive. The subject properties are approximately 1435.36 acres in size.

## **ANALYSIS:**

Per Chapter 183: Comprehensive Plan Regulations, Section 183.01(B), the purpose and intent of the Comprehensive Plan is to encourage the most appropriate use of land and resources to promote the health, safety, and welfare of the community.

### **1. FUTURE LAND USE ELEMENT**

The Comprehensive Plan (Plan) FLU Element Goal FLU-1 is to ensure a high-quality, diversified living environment through the efficient distribution of compatible land uses.

The Comprehensive Plan (Plan) FLU Element Goal FLU-2 is to provide for and maintain viable neighborhoods and residential development to meet the existing and future needs of the residents of Palm Bay.

The Comprehensive Plan (Plan) FLU Element Goal FLU-3 Provide for economically viable commercial areas which promote a sound and diversified local economy and serve the retail and service needs of the City's residents.

The Comprehensive Plan (Plan) FLU Element Goal FLU-8 is to provide for a diverse and self-sustaining pattern of land uses that support the present and future population of the City of Palm Bay.

The intended use for the 1,435-acre property is a Mixed-Use development to be known as Ashton Park. The proposed land use amendment would be considered compatible, as the diversity and mixture of residential and nonresidential uses provides for a more efficient distribution of compatible land uses. Moreover, it further addresses the long-term growth of the city by providing residents with diverse housing options (i.e. single-family, townhome, and apartment style multifamily) and a "downtown" corridor. In addition to these aspects, Ashton Park is intended to be a near self-sufficient community in respect to internally provided services and amenities. For example, the Ashton Park development is intended to provide avenues for alternative transportation, a collocated fire and police station, a school site, and civic/open space. The development further proposes hybrid commercial and industrial flex space, in addition to a modernized version of the central business district downtown to attract new commercial and industrial developments in proximity to the I-95 interchange. The proposed distribution of uses across this project area is conceptually depicted in Exhibit A attached along with this staff report.

### **2. CONSERVATION ELEMENT**

The environmental character of the city is maintained through conservation, appropriate use, and protection of natural resources.

The subject property is not located within any of the Florida scrub-jay polygons identified in the City's Habitat Conservation Plan (HCP). Any protected species that would be found on the subject property would need to be mitigated as required by State and Federal regulations and per Comprehensive Plan Policy CON-1.7B.

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**Coastal Management:** The subject property is not located within the Coastal Management Area.

### 3. HOUSING ELEMENT

The proposed FLU amendment does not adversely impact the supply and variety of safe, decent, attractive, and affordable housing within the city.

Housing Goal 1 - Provide for sufficient supply and variety of safe, decent, attractive and affordable housing, at locations which provide for convenient access to municipal facilities and services and which minimize impacts on the physical environment.

The proposed conceptual plan (Exhibit A) depicts a mixture of single-family, townhomes, and apartment style multifamily units with convenient access to emergency services (collocated fire/police station), educational facilities (school site), commercial and industrial flex spaces, and civic/open space.

### 4. INFRASTRUCTURE ELEMENTS

The city evaluates present and future water, sewer, drainage, and solid waste and assesses the ability of infrastructure to support development.

**Utilities:** If developed, the owner/developer will be responsible for extending service to the site in accordance with current City regulations.

**Drainage:** If developed, a drainage plan must be prepared in accordance with current regulations and approved by the City, along with appropriate outside agencies, including the St. Johns River Water Management District. Any proposed stormwater management system will be reviewed and approved by the City during the site plan review process

### 5. INTERGOVERNMENTAL COORDINATION ELEMENT

**Public Schools:** The proposed Future Land Use Map amendment alters the distribution of entitled residential land. The parcels under review are increasing the maximum density through the proposed land use change, which will add housing units. Some impacts to the public-school system area are anticipated. Considering the adjacent concurrency service areas, there is sufficient capacity at the high school level. However, there is an anticipated shortfall of capacity within the adjacent concurrency areas for the elementary and middle school levels. Nevertheless, the school district condition is to have the applicant contact staff to discuss the mitigation process as defined in Section 13.5 of the ILA-2014 prior to submitting for a final concurrency determination. Moreover, there is a projected school site within the bounds of the project area for which a meeting with the school district and the applicant is scheduled to occur.

### 6. RECREATION AND OPEN SPACE ELEMENT

The proposed FLU amendment would increase the demand for recreation services as compared to the existing public needs, due to potential increase in density.

However, the requested use would not exceed the existing parkland or recreational level of service standards for the planning area and will be providing parkland, recreational activity, and open/civic space within the bounds of the project area.

#### 7. TRANSPORTATION ELEMENT

The objectives of the Comprehensive Plan's Transportation Element are to provide a safe, balanced, efficient transportation system that maintains the roadway level of service and adequately serves the needs of the community. If developed, a traffic impact analysis will be required to determine any negative impacts on the existing transportation system along with any suggested improvements, which will be taken under consideration during the Site Plan review/approval process.

#### 8. PROPERTY RIGHTS ELEMENT

The goal of the Comprehensive Plan's Property Rights Element is for the City to respect judicially acknowledged and constitutionally protected private property rights.

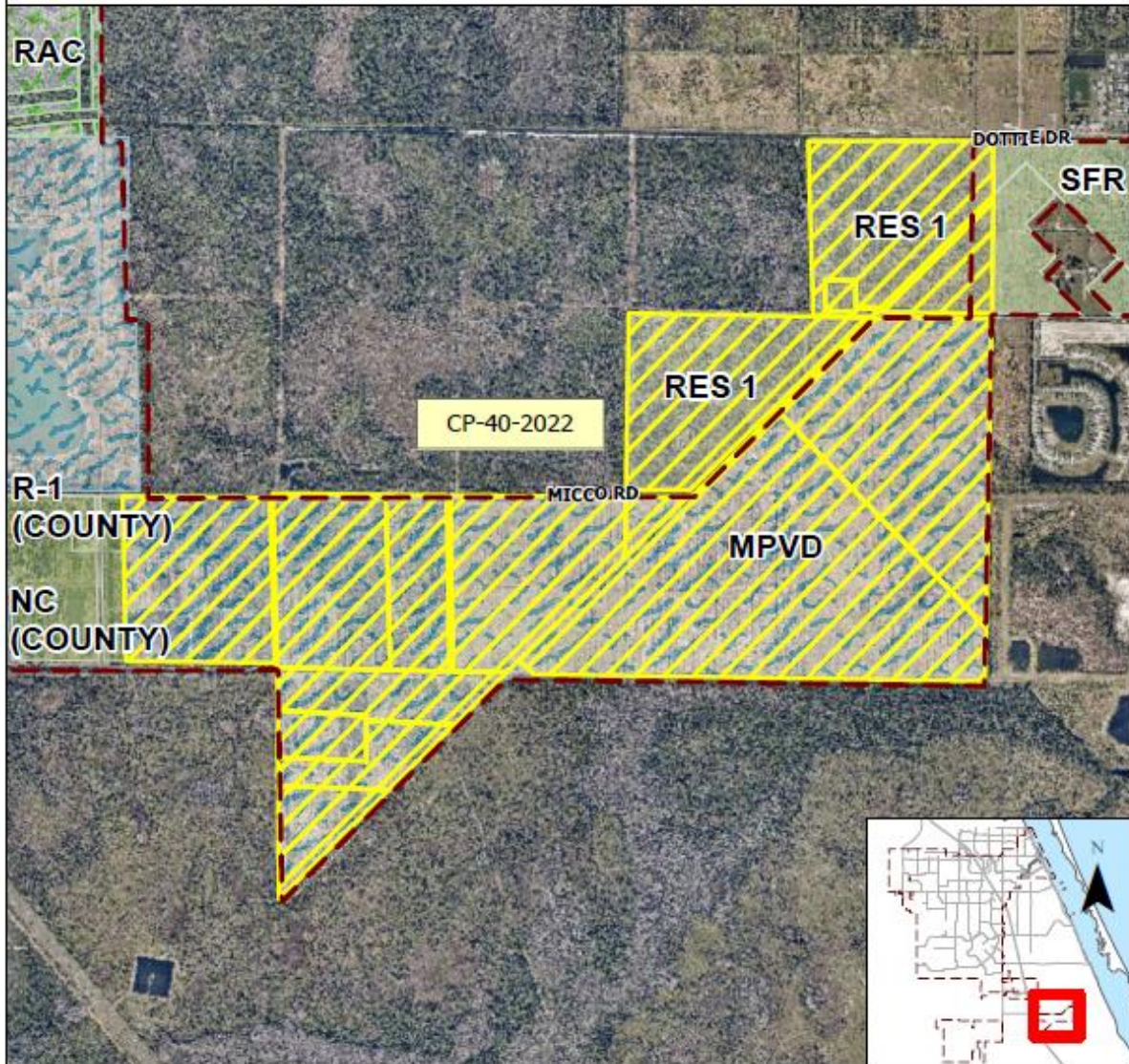
This proposed land-use change does not appear to infringe upon the property rights of the applicant.

#### **STAFF RECOMMENDATION:**

Case CP-40-2022 meets the minimum requirements for a Large-Scale Comprehensive Plan Future Land Use Map Amendment request.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP CASE: CP-40-2022

### Subject Property

Located north, south, east and west of Micco Road, in the vicinity south of Dottie Drive

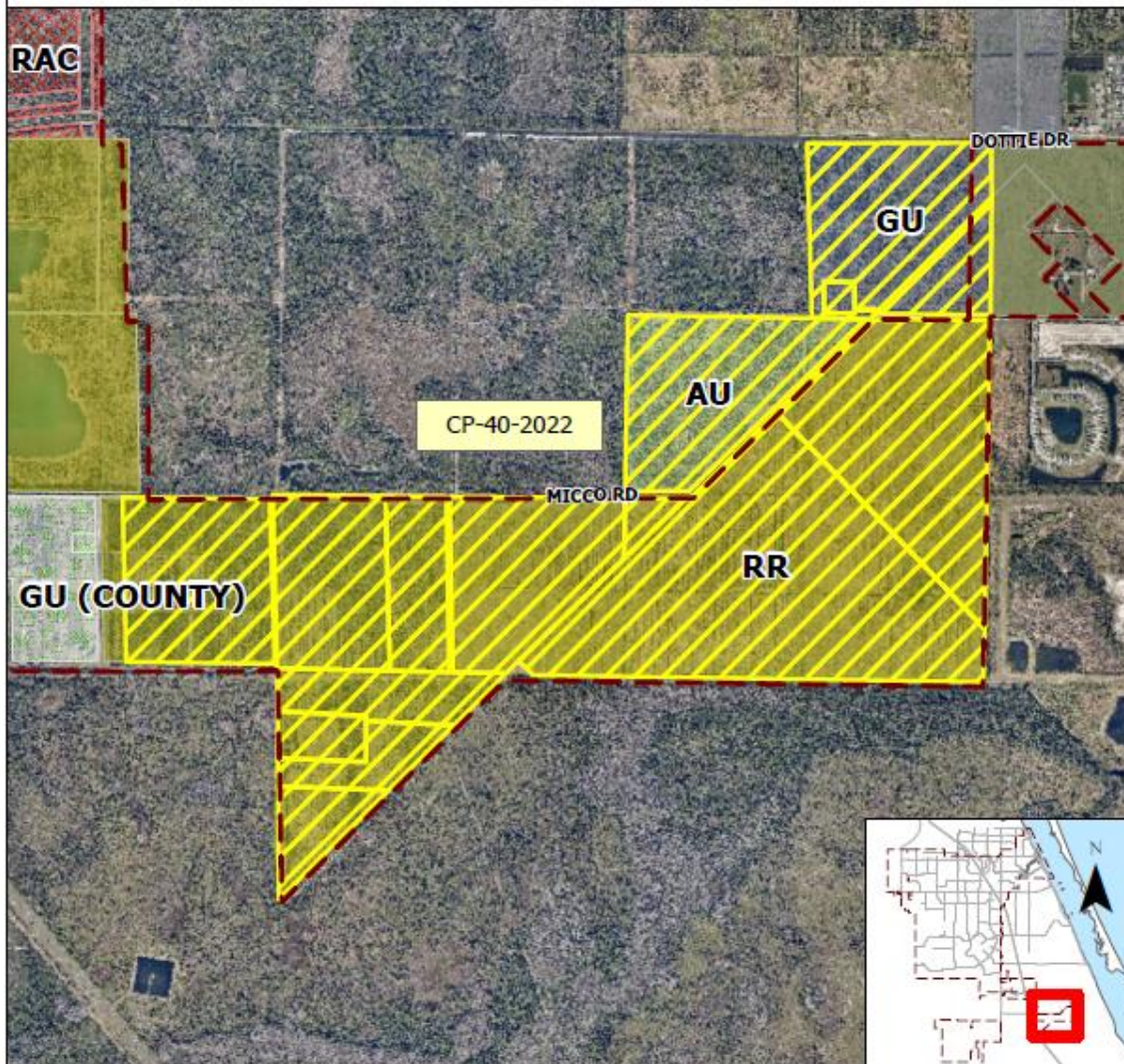
### Future Land Use Classification

MPVD, RES 1 – Micco Park Village District, Residential 1





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP CASE: CP-40-2022

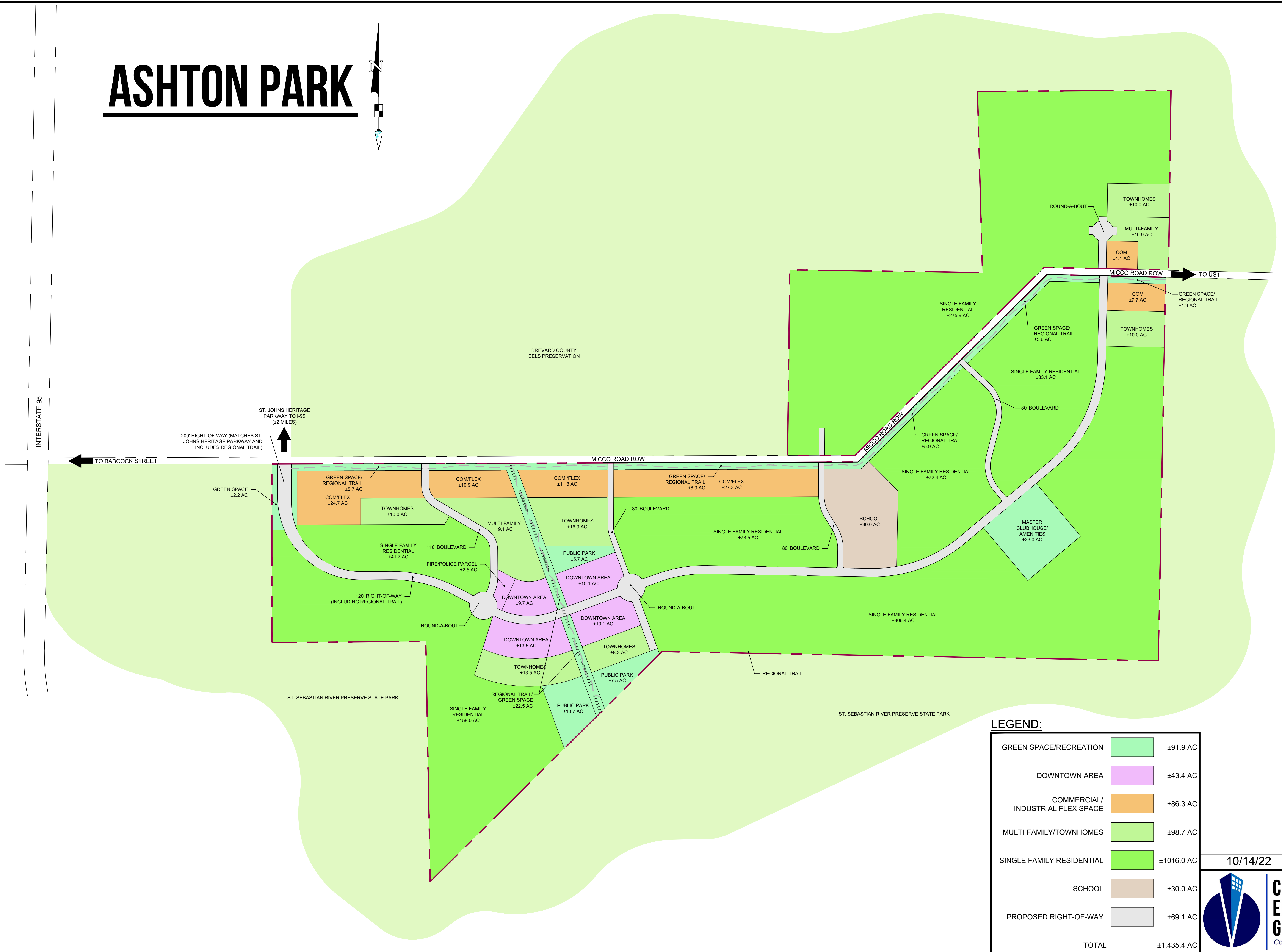
### Subject Property

Located north, south, east and west of Micco Road, in the vicinity south of Dottie Drive

### Current Zoning Classification

AU, GU, RR – Agricultural Residential, General Use, Rural Residential

# ASHTON PARK



LEGEND:

GREEN SPACE/RECREATION		±91.9 AC
DOWNTOWN AREA		±43.4 AC
COMMERCIAL/ INDUSTRIAL FLEX SPACE		±86.3 AC
MULTI-FAMILY/TOWNHOMES		±98.7 AC
SINGLE FAMILY RESIDENTIAL		±1016.0 AC
SCHOOL		±30.0 AC
PROPOSED RIGHT-OF-WAY		±69.1 AC
TOTAL		±1,435.4 AC

ASHTON PARK  
MASTER PLAN

10/14/22

**CONSTRUCTION  
ENGINEERING  
GROUP**  
*Consulting Engineers*



# ALTA/NSPS LAND TITLE SURVEY

## FOR: PALM BEACH LAND GROUP, LLC

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

### DESCRIPTION:

PARCEL 1:

The Southeast Quarter of Section 13, Township 30 South, Range 37 East, Brevard County, Florida, also being described as follows:

Beginning at the Southeast corner of Section 13, Township 30 South, Range 37 East; thence S89°37'10"W, along the South line of said Section 13, 2565.45 feet to the Southwest corner of the Southeast Quarter of Section 13, Thence N00°04'06"W, along the Quarter Section line 2637.39 feet to the Northwest corner of said Southeast Quarter of Section 13; thence N89°33'35"E, along the North line of said Southeast Quarter 2519.95 feet to the Northeast corner of said Southeast Quarter of Section 13; Thence S01°03'22"E, along the East line of said Section 13, 2640.16 feet to the Point of Beginning.

Less and Except the West 20 acres of the Southeast Quarter of Section 13, Township 30 South, Range 37 East, Brevard County, Florida.

Further Less and Except the right-of-way of Micco Road as described in Official Records Book 620, Page 793, of the Public Records of Brevard County, Florida.

PARCEL 2:

A portion of the following parent parcel of real property lying South of Micco Road, Brevard County, Florida:

A parcel of land lying in the Southeast 1/4 of Section 8, Sections 17 and 18, the South 1/2 of Section 18, all in Township 30 South, Range 38 East, Brevard County, Florida and the Southeast 1/4 of Section 13, Township 30 South, Range 37 East, and part of the George Fleming Grant, Plat Book 2, Page 25, Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the Northeast corner of the said Southeast 1/4 of said Section 8; thence run South 00° 05' 44" West, along the East line of said Southeast 1/4, 2676.75 feet to the South right-of-way line of Micco Road; thence South 89° 33' 04" East, along said right-of-way line, a distance of 305.44 feet; thence South 00° 27' 40" West along the center line of a drainage ditch, a distance of 5525.79 feet to a point on the Easterly extension of the South line of said Section 18; thence North 89° 52' 32" West along said Easterly extension, a distance of 7195.59 feet to a 3" iron pipe at the intersection of an old barbed wire fence at the intersection of the South line of said Section 18 and the Northwest line of the said George Fleming Grant; thence continue North 89° 52' 32" West along the South line of said Section 18, a distance of 3421.49 feet to the Southwest corner of said Section 18; thence North 89° 54' 09" West along the South line of said Section 13, Township 30 South, Range 37 East, a distance of 2709.27 feet to the Southwest corner of the Southeast 1/4 of said Section 13; thence run North 00° 08' 46" West, along the West line of the Southeast 1/4 of said Section 13, a distance of 2645.08 feet to the South right-of-way line of Micco Road; thence North 89° 29' 46" East along said South right-of-way line, a distance of 2660.88 feet; thence continue along said South right-of-way line, North 89° 03' 25" East, a distance of 5134.02 feet; thence North 00° 03' 36" along the West line of said Section 17, a distance of 2715.58 feet to the Northwest corner of said Section 17; thence run North 89° 15' 29" East along the North line of said Section 17, a distance of 2659.00 feet to the South 1/4 corner of said Section 8; thence North 00° 10' 27" West along the West line of the Southeast 1/4 of said Section 8, a distance of 2643.82 feet to the center of said Section 8; thence run North 89° 20' 29" East along the North line of the Southeast 1/4 of said Section 8, a distance of 2634.74 feet to the Point of Beginning.

Being more particularly described as follows:

Commence at a 5/8" rebar marking the Northeasternmost corner of lands described above on the South right-of-way line of Micco Road (100' right of way as per 620/793) and run thence (all bearings herein as per Florida State Plane Coordinate System-East Central Zone 1983 Datum) South 01° 06' 22" West, a distance of 5562.67 feet to a point on the North line of those lands as described on O.R. Book 1012, Page 656, Public Records of Brevard County, Florida, and run thence North 88° 57' 05" West, along said North line, a distance of 7193.98 feet, more or less, to a 3" iron pipe under a 4 stand barbed-wire fence marking the George Fleming Grant line; thence North 45° 12' 32" East along said Fleming Grant line, a distance of 247.90 feet to a 1/2" rebar "Carter" marking the intersection of the South line of Section 18 with the aforesaid Fleming Grant line; run thence South 89° 34' 08" West, along said South line, a distance of 1901.02 feet to a 5/8 rebar #4889 marking the Southeast corner of aforesaid West 1693.37 feet, said point also being the Point of Beginning of the herein described tract, thence continue South 89° 34' 08" West along said South line a distance of 1693.48 feet to a 5/8" rebar marking the Southwest corner of said Section 18, thence run North 01° 04' 46" West along the West line of said Section 18, a distance of 2574.42 feet, more or less, to the South right-of-way line of aforesaid Micco Road (100' right-of-way) run thence North 89° 42' 14" East, along said South right-of-way line, a distance of 1693.53 feet (1693.37 East by perpendicular measurement) thence departing said right-of-way, run South 01 ° 04' 46" East, parallel to and 1693.37' East of said West line, a distance of 2570.44 feet to the Point of Beginning.

PARCEL 3:

A.) That Fractional piece of Section 19, Township 30 South, Range 38 East, Brevard County, Florida described as:

From the Northwest corner of Section 19, Township 30 South, Range 38 East, Brevard County, Florida, run S00°10'08"W, along the West line of said Section 19, a distance of 1322.21 feet to the Point of Beginning of the herein described parcel, thence S87°51'12"E, a distance of 1337.08 feet; thence N00°10'08"E, a distance of 625.80 feet; thence S87°47'31"E, a distance of 1368.60 feet to the Southerly line of Section 19; thence S46°28'19"W a distance of 1453.25 feet, along said South Section line; thence N88°02'31"W, a distance of 1654.12 feet to the West line of Section 19; thence N00°10'08"E, along said Section line a distance of 421.37 feet to the Point of Beginning.

Being more particularly described as follows:

Begin at a 5/8" diameter rebar with cap "Blackmon PSM4889" marking the Northwest corner of Fractional Section 19, Township 30 South, Range 38 East, Brevard County, Florida, said rebar lying N01°02'04"W (basis of bearings is Florida State Plane Coordinate system-Florida East Central Zone), a distance of 96.51 feet from a 4" x 4" concrete monument with disc "LB205-Carter & Assocs", also lying N89°37'10"E, a distance of 2560.73 feet from a 4" x 4" concrete monument stamped "LS3916- Rod Reed PSM", thence from said beginning point, run along the West line of said Fractional Section 19, a distance of 1422.53 feet to the Point of Beginning of the herein described property, said point also being the Southwest corner of Tax Parcel Tract #4.0 as recorded in Official Records Book 2538, Page 0332 of the Public Records of Brevard County, Florida, in said Fractional Section 19; thence along the Southerly line of said Tax Parcel Tract #4.0, run S89°03'23"E, a distance of 1337.08 feet to the Southeast corner of said Tax Parcel Tract #4.0; thence along the Easterly line of said Tax Parcel Tract #4.0, run N01°02'03"W, a distance of 625.80 feet to the intersection of said Easterly line with the Southerly line of Tax Parcel Tract #3.0, as recorded in Official Records Book 2538, Page 0327, said Public Records in said Fractional Section 19; thence along said Southerly line run S88°59'42"E, a distance of 1371.49 feet to the intersection of said Southerly line with the Easterly line of said Fractional Section 19, also being the Fleming Grant Line; thence along said Fleming Grant Line, run S45°12'20"W, a distance of 1451.64 feet to a point at the intersection of said Fleming Grant Line and the Northerly line of Tax Parcel Tract #2.0, as recorded in Official Records Book 2538, Page 0322, said Public Records; thence along said Northerly line of said Tax Parcel Tract #2.0, run N89°14'42"W, a distance of 1659.27 feet to the West line of said Fractional Section 19; thence along said West line, run N01°02'04"W, a distance of 421.37 feet to the Point of Beginning.

AND

B.) That Fractional piece of Section 19, Township 30 South, Range 38 East, Brevard County, Florida described as:

From the Northwest corner of Section 19, Township 30 South, Range 38 East, Brevard County, Florida, run S00°10'08"W, along the West line of said Section 19, a distance of 622.70 feet to the Point of Beginning of the herein described parcel, thence S87°47'31"E, a distance of 1337.13 feet; thence S00°10'08"W, a distance of 698.08 feet; thence N87°51'12"W, a distance of 1337.08 feet to the West line of Section 19; thence N00°10'08"E along said Section line, a distance of 699.51 feet to the Point of Beginning.

Being more particularly described as follows:

Begin at a 5/8" diameter rebar with cap "Blackmon PSM4889" marking the Northwest corner of Fractional Section 19, Township 30 South, Range 38 East, Brevard County, Florida, said rebar lying N01°02'04"W (basis of bearings is Florida State Plane Coordinate System-Florida East Central Zone), a distance of 96.51 feet from a 4" x 4" concrete monument with disc "LB205-Carter & Assocs", also lying N89°37'10"E, a distance of 2560.73 feet from a 4" x 4" concrete monument stamped "LS3916- Rod Reed PSM", thence from said beginning point, run along the West line of said Fractional Section 19, a distance of 723.02 feet to the Point of Beginning of the herein described property, said point also being the Southwest corner of Tax Parcel Tract #3.0, as recorded in Official Records Book 2538, Page 0327 of the Public Records of Brevard County, Florida, in said Fractional Section 19; thence along the Southerly line of said Tax Parcel #3.0, run S88°59'42"E, a distance of 1337.13 feet to the Northeast corner of the herein described tract; thence along the Easterly line of herein described tract, run S01°02'03"E, a distance of 698.08 feet to the Southeast corner of the herein described property; thence along the Southerly line of herein described tract, run N89°03'23"W, a distance of 1337.08 feet to the intersection of said Southerly line with the West line of said Fractional Section 19; thence along said West line, run N01°02'04"W, a distance of 699.51 feet to the Point of Beginning.

AND

C.) That Fractional piece of Section 19, Township 30 South, Range 38 East, Brevard County, Florida described as:

From the Northwest corner of Section 19, Township 30 South, Range 38 East, Brevard County, Florida, run S00°10'08"W, along the West line of said Section 19, a distance of 1743.58 feet to the Point of Beginning of the herein described parcel, thence S88°02'31"E, a distance of 1654.12 feet to the Southerly line of Section 19; thence S46°28'19"W along said South Section 19, 101.37 feet; thence continue along said Section 19, S46°18'35"W, a distance of 2191.28 feet, to the Southwest corner of Section 19; thence N00°10'08"E, along the West line of Section 19, a distance of 1640 feet to the Point of Beginning.

Being more particularly described as follows:

Begin at a 5/8" diameter rebar with cap "Blackmon PSM4889" marking the Northwest corner of Fractional Section 19, Township 30 South, Range 38 East, Brevard County, Florida, said rebar lying N01°02'04"W (basis of bearings is Florida State Plane Coordinate System-Florida East Central Zone) a distance of 96.51 feet from a 4" x 4" concrete monument with disc "LB205-Carter & Assocs", also lying N89°37'10"E, a distance of 2560.73 feet from a 4" x 4" concrete monument stamped "LS3916- Rod Reed PSM"; thence from said beginning point, run along the West line of said Fractional Section 19, a distance of 1843.90 feet to the Point of Beginning of the herein described property, said point also being the Southwest corner of Tax Parcel Tract #1.0, as recorded in Official Records Book 2538, Page 0337 of the Public Records of Brevard County, Florida, in said Fractional Section 19; thence along the Southerly line of said Tax Parcel Tract #1.0, run S89°14'42"E, a distance of 1659.27 feet to the intersection of said Southerly line with the Easterly line of said Fractional Section 19, also being the Fleming Grant Line; thence along said Fleming Grant Line, run S45°12'20"W, a distance of 101.37 feet to a point; thence continue along said Fleming Grant Line, run S45°12'20"W, a distance of 2194.88 feet to a 4" x 4" concrete monument with disc "LB205-Carter & Assocs", at the intersection of said Fleming Grant Line and the West line of said Fractional Section 19; thence along said West line, run N01°02'04"W, a distance of 1639.99 feet to the Point of Beginning.

AND

D.) That Fractional piece of Section 19, Township 30 South, Range 38 East, Brevard County, Florida described as:

From the Northwest corner of Section 19, Township 30 South, Range 38 East, Brevard County, Florida, run

S88°02'31"E, a distance of 3421.96 feet; thence S46°28'19"W, a distance of 990.70 feet; thence N87°47'11"W, a distance of 1368.60 feet; thence N00°10'08"E, a distance of 72.28 feet; thence N87°47'31"W, a distance of 1337.13 feet to the West line of said Section 19; thence along said West line, run N00°10'08"E, a distance of 622.70 feet to the Point of Beginning.

Being more particularly described as follows:

Begin at 5/8" diameter rebar with cap "Blackmon PSM4889" marking the Northwest corner of Fractional Section 19, Township 30 South, Range 38 East, Brevard County, Florida, said rebar lying N01°02'04"W (basis of bearings is Florida State Plane Coordinate System-Florida East Central Zone), a distance of 96.51 feet from a 4" x 4" concrete monument with disc "LB205-Carter & Assocs", also lying N89°37'10"E, a distance of 2560.73 feet from a 4" x 4" concrete monument stamped "LS3916- Rod Reed PSM", thence from said beginning point, run along the North line of said Fractional 19, N89°33'44"E, a distance of 3599.11 feet to a 5/8" rebar with cap "Blackmon PSM4889" marking the Northeast corner of said Fractional Section 19; said Northeast corner also lying on the Fleming Grant Line; thence along said Fleming Grant Line and the Easterly line of said Fractional Section 3, Fleming Grant; thence continue along said Fleming Grant Line, a distance of 987.11 feet to the Northeast corner of Tax Parcel Tract #1.0 as recorded in Official Records Book 2538, Page 0337 of the Public Records of Brevard County, Florida in said Fractional Section 19; thence along the Northerly line of said Tax Parcel Tract #1.0, run N88°59'42"W, a distance of 1371.49 feet to the intersection of said Northerly line with the Easterly line of Tax Parcel Tract #4.0, as recorded in Official Records Book 2538, Page 0332 of the said Public Records of said Fractional Section 19; thence along the said Easterly line, run N01°02'03"W, a distance of 72.28 feet to the Northeast corner of said Tax Parcel Tract #4.0, thence along the Northerly line of said Tax Parcel Tract #4.0, run N88°59'42"W, a distance of 1337.13 feet to the intersection of said Northerly line with the West line of said Fractional Section 19; thence along said West line, run N01°02'04"W, a distance of 723.02 feet to the Point of Beginning.

PARCEL 4:

A portion of the following parent parcel of real property lying South of Micco Road, Brevard County, Florida:

A parcel of land lying in the Southeast 1/4 of Section 8, Sections 17 and 18, the South 1/2 of Section 18, all in Township 30 South, Range 38 East, Brevard County, Florida and the Southeast 1/4 of Section 13, Township 30 South, Range 37 East, and part of the George Fleming Grant, Plat Book 2, Page 25, Public Records of Brevard County, Florida, being more particularly described as follows: Begin at the Northeast corner of the said Southeast 1/4 of said Section 8; thence run South 00° 05' 44" West, along the East line of said Southeast 1/4, 2676.75 feet to the South right-of-way line of Micco Road; thence South 89° 33' 04" East, along said right-of-way line, a distance of 305.44 feet; thence South 00° 27' 40" West along the center line of a drainage ditch, a distance of 5525.79 feet to a point on the Easterly extension of the South line of said Section 18; thence North 89° 52' 32" West along said Easterly extension, a distance of 7195.59 feet to a 3" iron pipe at the intersection of an old barbed wire fence at the intersection of the South line of said Section 18 and the Northwest line of the said George Fleming Grant; thence continue North 89° 52' 32" West along the South line of said Section 18, a distance of 3421.49 feet to the Southwest corner of said Section 18; thence North 89° 54' 09" West along the South line of said Section 13, Township 30 South, Range 37 East, a distance of 2709.27 feet to the Southwest corner of the Southeast 1/4 of said Section 13; thence run North 00° 08' 46" West, along the West line of the Southeast 1/4 of said Section 13, a distance of 2645.08 feet to the South right-of-way line of Micco Road; thence North 89° 29' 46" East along said South right-of-way line, a distance of 2660.88 feet; thence continue along said South right-of-way line, North 89° 03' 25" East, a distance of 5134.02 feet; thence North 00° 03' 36" along the West line of said Section 17, a distance of 2715.58 feet to the Northwest corner of said Section 17; thence run North 89° 15' 29" East along the North line of said Section 17, a distance of 2659.00 feet to the South 1/4 corner of said Section 8; thence North 00° 10' 27" West along the West line of the Southeast 1/4 of said Section 8, a distance of 2643.82 feet to the center of said Section 8; thence run North 89° 20' 29" East along the North line of the Southeast 1/4 of said Section 8, a distance of 2634.74 feet to the Point of Beginning.

Being more particularly described as follows:

Begin at a 5/8" rebar marking the Northeasternmost corner of lands described above on the South right-of-way line of Micco Road (100' R/W as per 620/793) and run thence (all bearings herein as per Florida State Plane Coordinate System-East Central Zone 1983 Datum) S01°06'22"W, a distance of 5562.67 feet to a point on the North line of those lands as described on ORB 1012, Page 656, Public Records of Brevard County, Florida and run thence N88°57'05"W, along said North line, a distance of 7193.98 feet more or less, to a 3" iron pipe under a 4" strand barbed-wire fence marking the George Fleming Grant Line; thence N45°12'32"E along said Fleming Grant Line, a distance of 247.90 feet to a ½" rebar "Carter" marking the intersection of the South line of Section 18 with the aforesaid Fleming Grant Line; run thence S89°34'08"W, along said South line, a distance of 3594.55 feet to a 5/8" rebar #4889 marking the Southwest corner of aforesaid Section 18, run thence N01°04'46"W, along the West line of aforesaid Section 18, 1285.1388E, a distance of 2574.42 feet, more or less, to the South right-of-way line of aforesaid Micco Road (100' R/W), run thence N89°42'14"E, along said South right-of-way line a distance of 6326.63 feet, more or less to a point on the said South right-of-way line and a point 50 feet East of, by perpendicular measurement beyond the aforesaid Fleming Grant Line (as per ORB 620, Page 793); run thence N44°46'39"E, parallel to and 50 feet East of said Fleming Grant Line, a distance of 3804.48 feet to a turn in said Micco Road; run thence S89°07'38"E, a distance of 1761.09 feet to the said Point of Beginning.

Less and Except the West 1693.37 feet thereof.

Further Less and Except the right-of-way described in Official Records Book 827, Page 34, of the Public Records of Brevard County, Florida.

IN ALL CONTAINING 1132.66 ACRES MORE OR LESS.

CALC FILE

22--082--001 CALC.

REVISIONS	DATE	BY

09/12/22	22-082-001 SURV	DWG. NO.
DATE	DAB	CHECKED BY
MT		
DRAWN/APPROVED BY	N/A	SCALE
SEE NOTE		
FIELD BOOK / PAGE		

ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BAY LAND GROUP, LLC

ASHTON PARK SOUTH

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

DENNIS J. LEAVY & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS & MAPPERS  
460 BUSINESS PARK WAY, SUITE B ROYAL PALM BEACH, FL 33411  
PHONE: (561) 753-0650 EMAIL: SURVEY@DJLASURVEY.NET

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JOB NO.

22--082--001 SURV

SHEET 1 OF 8

# ALTA/NSPS LAND TITLE SURVEY

## FOR: PALM BEACH LAND GROUP, LLC

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

### REPORT OF SURVEY:

- The survey depicted hereon has been classified as a Boundary survey, as defined in Rule 5J–17.050 of the Florida Administrative Code, pursuant to Chapter 472.027, Florida statutes as amended.
- This survey has been prepared in the office of Dennis J. Leavy & Associates, Inc. located at: 460 Business Park Way, Suite B, Royal Palm Beach, Florida, whose certificate of authorization number is LB #6599, and the certifying surveyor's (David A. Bower) license number is LS #5888.
- This survey lies in Section 13, Township 30 South, Range 37 East, fractional Sections 17, 18 and 19, Township 30 South, Range 38 East and the Fleming Grant, City of Palm Bay, Brevard County, Florida.
- Underground apparent use and/or improvements have not been shown unless otherwise noted.
- The description shown hereon is as it appears in the American Land Title Association Commitment For Title Insurance, Issued by First American Title Insurance Company, Issuing Agent Greenberg Traurig, P.A., Issuing Office File Number: Palm Bay Land Group, File No: 1054–6113926, Commitment Date: July 22, 2022 at 8:00 AM.
- This instrument may not be reproduced in part or whole without the written consent of Dennis J. Leavy & Associates Inc.
- Measurements shown hereon are expressed in feet and decimal parts thereof unless otherwise noted.
- Bearings depicted hereon are relative to a line between Brevard County horizontal control monument "Brevard GPS 1075" and "Brevard GPS 5036". Said line being monumented and having a bearing of North 84°26'00" East.
- Calculated bearings, distances and state plane coordinates depicted hereon are based upon the North American Datum of 1983, on the 1990 adjustment for the Florida Transverse Mercator – East Zone.
- By graphic plotting only the subject property lies within Zone A & Zone X, as shown on the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) flood insurance rate maps, Map Numbers: 12009C0780G, 12009C0693G and 12009C0785H, Community: City of Palm Bay, Community Number: 120404, Panels: 0780, 0693 and 0785, Suffixes: G (For 12009C0780G and 12009C0693G) and H (For 12009C0785H), Map Revised Dates: March 17, 2014 (For 12009C0780G and 12009C0693G) and January 29, 2021 (For 12009C0785H).
- All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
- In some instances, graphic representations have been exaggerated to more clearly illustrate relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
- Date of field survey: September 12th, 2022, as recorded in Field Book 520, Pages 44 through 50, 53, 57 through 80, Field Book 522, Pages 01 through 13 & Field Book 525, Page 53.
- The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work, or research.
- This survey does not address environmental matters, jurisdictional boundaries or hazardous waste concerns should any of the foregoing exist.
- All distances are U.S. feet.

All of those certain survey related items (Schedule B–Section II, Items 9 through 29) mentioned in the American Land Title Association Commitment For Title Insurance, Issued by First American Title Insurance Company, Issuing Agent Greenberg Traurig, P.A., Issuing Office File Number: Palm Bay Land Group, File No: 1054–6113926, Commitment Date: July 22, 2022 at 8:00 AM, have been shown hereon either graphically or by note form.

#### Schedule B–II

- |          |  |
|----------|--|
| ITEM 9.  | Notice of San Sebastian Drainage District recorded in Book 5616, Page 7224 (Affects the subject property, graphically unplottable).  |
| ITEM 10. | Ordinance No. 2006–11 recorded in Book 5660, Page 3401 (Affects the subject property, graphically unplottable).  |
| ITEM 11. | Easement as set forth in those certain Warranty Deeds recorded in Book 2538, Page 322 (Affects the subject property, graphically unplottable); Book 2538, Page 327 (Affects the subject property, as graphically depicted hereon); Book 2538, Page 332 (Affects the subject property, as graphically depicted hereon) and Book 2538, Page 337 (Affects the subject property, as graphically depicted hereon).  |
| ITEM 12. | Easement as set forth in that certain Order of Taking recorded in Book 5826, Page 3492 (Affects the subject property, as graphically depicted hereon).   |
| ITEM 13. | Easement granted to Houston Texas Gas and Oil Corporation, a Delaware corporation by instrument recorded in Book 211, Page 361 (Affects the subject property, graphically unplottable).  |
| ITEM 14. | Easement as set forth in that certain Order of Taking recorded in Book 5862, Page 3364 (Unable to determine the affect on the subject property, the document as recorded in Book 5862, Page 3364 is a Mortgage Modification and Spreading Agreement).  |
| ITEM 15. | Easement as set forth in that certain Order of Taking recorded in Book 200, Page 345 (Note: comitment notes Book 200, Page 343) (Affects the subject property, graphically unplottable due to insufficient geometrical data).  |
| ITEM 16. | Easement granted to Florida Gas Transmission Company, a Delaware corporation by instrument recorded in Book 740, Page 921 (Affects the subject property, graphically unplottable due to insufficient geometrical data).  |
| ITEM 17. | Easement granted to Hugh Corrigan, Sr. and C. E. Corrigan, his wife by instrument recorded in Book 847, Page 948 (Affects the subject property, graphically unplottable due to insufficient geometrical data).   |
| ITEM 18. | Easement granted to Hugh Corrigan, Sr. and C. E. Corrigan, his wife by instrument recorded in Book 1011, Page 324 (Affects the subject property, graphically unplottable due to conflicting calls in description).   |
| ITEM 19. | Terms and Conditions of that certain Agreement Establishing Boundary Line by and between MLCI Investments, Ltd., a Florida limited partnership; David Lee, L.L.C., a Florida limited liability company; Brevard Property Holdings, LLC, a Florida limited liability company; Brevard 270, LLC, a Florida limited liability company and St. Johns River Water Management District, recorded on September 21, 2005 in Book 5537, Page 2752 (Affects the subject property, as graphically depicted hereon). |
| ITEM 20. | Terms and Conditions of that certain Flowage and Water Structure Agreement by and between St. Johns River Water Management District and Micco Farm and Grove, Inc., a Florida corporation, recorded on December 17, 2003 in Book 5148, Page 2775 (Affects the subject property, graphically unplottable).  |
| ITEM 21. | Easement as set forth in that certain Order of Taking recorded in Book 5826, Page 3343 (Affects the subject property, as graphically depicted hereon).   |
| ITEM 22. | Terms and Conditions of that certain Memorandum of Tenants in Common Agreement by and between David Lee, L.L.C., a Florida limited liability company and MLCI Realty, Ltd., a Florida limited partnership, recorded on November 18, 2004 in Book 5385, Page 5359 (Affects the subject property, graphically unplottable).  |

- ITEM 23. Oil, gas and mineral reservations contained in Deed from C. B. Moak and Julia R. Moak, his wife; J. Arthur Pancoast and Alice A. Pancoast, his wife; C. B. Moak and J. Arthur Pancoast, Copartners, doing business as Circle F. Ranch to Hugh Corrigan, recorded in Deed Book 348, Page 334 (Unable to determine the affect on the subject property, Deed is illegible)
- ITEM 24. Oil, gas and mineral reservations contained in Deed from Hugh Corrigan and C. E. Corrigan, husband and wife to J. Pat Corrigan and Patricia Porter Corrigan, his wife, recorded in Book 507, Page 432 (Affects the subject property, graphically unplottable).
- ITEM 25. Oil, gas and mineral reservations contained in Deed from J. Pat Corrigan and Patricia Porter Corrigan, his wife to Hugh Corrigan, an undivided one–half interest and C. E. Corrigan, as to an undivided one–half interest, as tenants in common, recorded in Book 507, Page 434 (Unable to determine the affect on the subject property, Deed is illegible).
- ITEM 26. Reservations unto the State of Florida for oil, gas and minerals and 200 foot State Road Right of Way as contained in Deed recorded in Deed Book 283, Page 527 (Unable to determine the affect on subject property, Deed is illegible).
- ITEM 27. Easement granted to Houston Texas Gas and Old Corporation, a Delaware corporation by instrument recorded in Book 161, Page 369 (Affects the subject property, graphically unplottable)..
- ITEM 28. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of Fleming Grant, as recorded in Plat Book 1, Page(s) 72 – 74, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) (Affects the subject property, graphically unplottable).
- ITEM 29. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of A. A. Berry's Plat of certain lands in the George Fleming Grant, as recorded in Plat Book 2, Page(s) 25, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) (Affects the subject property, graphically unplottable).

Note: All of the recording information contained herein refers to the Public Records of BREVARD County, Florida, unless otherwise indicated. Any reference herein to a Book and Page or Instrument Number is a reference to the Official Record Books of said county, unless indicated to the contrary.

### LEGEND:

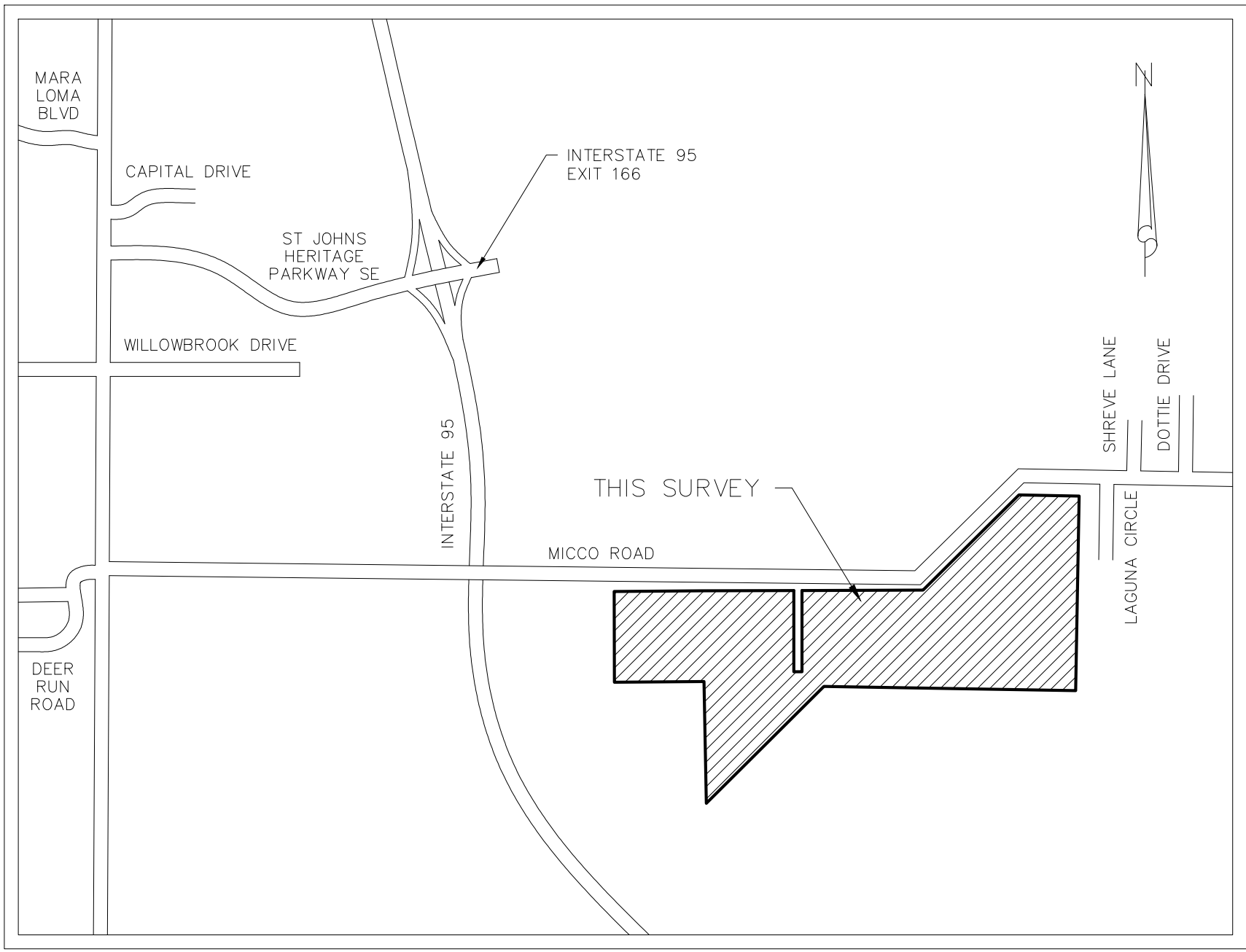
(C)	CALCULATED
(CFT)	CALCULATED FIELD TRAVERSED
(CRB)	CORRIGAN RANCH
	BOUNDARY SURVEY AND MEAN
	HIGH WATER SURVEY
	BREVARD COUNTY, FLORIDA
	PREPARED BY CARTER ASSOCIATES, INC.
	PROJECT NO. 94–5345
	DATED 7/26/95
(D)	DESCRIPTION
B.C.P.R.	BREVARD COUNTY PUBLIC RECORDS
℄	CENTERLINE
E	EAST
LB	LICENSED BUSINESS
LS	LICENSED SURVEYOR
N	NORTH
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
RNG	RANGE
SEC	SECTION
TWN	TOWNSHIP

### SYMBOL LEGEND:

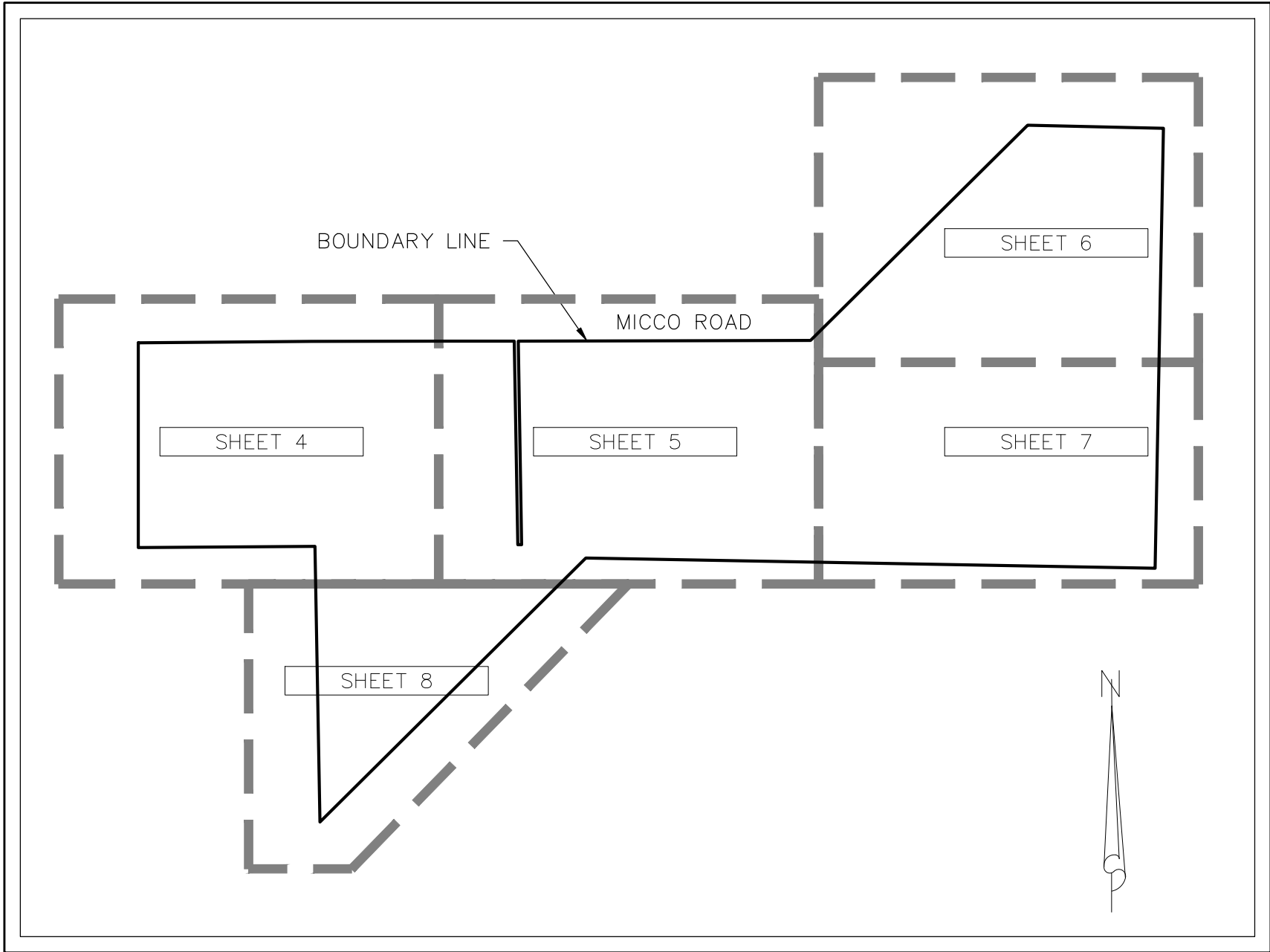
○ BOL	BOLLARD
○ COM	COMMUNICATIONS RISER
⚡	CONCRETE POWERPOLE
○ GAS	GAS RISER
⚡	POWER POLE ANCHOR
⚡	SIGN
⚡	WOOD POWER POLE

### COORDINATE TRANSLATION DATA:

- COORDINATES SHOWN ARE GRID
- DATUM = NAD 83 1990 ADJUSTMENT
- ZONE = FLORIDA EAST
- LINEAR UNIT = US SURVEY FEET
- COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
- ALL DISTANCES ARE GROUND (UNLESS OTHERWISE NOTED)
- SCALE FACTOR: 0.99996374
- GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE



LOCATION MAP  
NOT TO SCALE

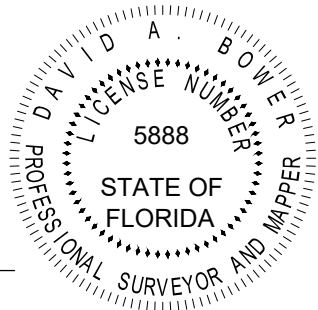


SHEET KEY MAP  
NOT TO SCALE

### CERTIFICATION:

This is to certify that this survey is classified as a Boundary survey as defined in rule 5J–17.050 of the Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes as amended and was made in accordance with the 2021 minimum detail requirements for ALTA/NSPS land title surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7(a), 8 & 11 of table A thereof. The field work was completed on September 12th, 2022.

Dated: September 12th, 2022



DAVID A. BOWER  
STATE OF FLORIDA  
PROFESSIONAL SURVEYOR & MAPPER No. LS 5888

CALC FILE

22–082–001 CALC

REVISIONS	DATE	BY

09/12/22	22–082–001 SURV
DATE	DWG. NO.
MT	DAB
DRAWN/APPROVED BY	CHECKED BY
SEE NOTE	N/A
FIELD BOOK / PAGE	SCALE

ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BAY LAND GROUP, LLC

ASHTON PARK SOUTH

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

DENNIS J. LEAVY & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS & MAPPERS

460 BUSINESS PARK WAY, SUITE B, ROYAL PALM BEACH, FL 33411

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JOB NO.

22–082–001 SURV

SHEET 2 OF 8



# ALTA/NSPS LAND TITLE SURVEY

FOR: PALM BEACH LAND GROUP, LLC

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

CALC FILE

22-082-001 CALC

REVISIONS	DATE	BY

22-082-001 SURV	DWG. NO.	DAB
09/12/22	DATE	MT
	DRAWN/APPROVED BY	
	CHECKED BY	
	SEE NOTE	
	SCALE	1"=600'
	FIELD BOOK / PAGE	

ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BAY LAND GROUP, LLC

ASHTON PARK SOUTH

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

DENNIS J. LEAVY & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS & MAPPERS

460 BUSINESS PARK WAY, SUITE B, ROYAL PALM BEACH, FL 33411

PHONE: (561) 753-0650

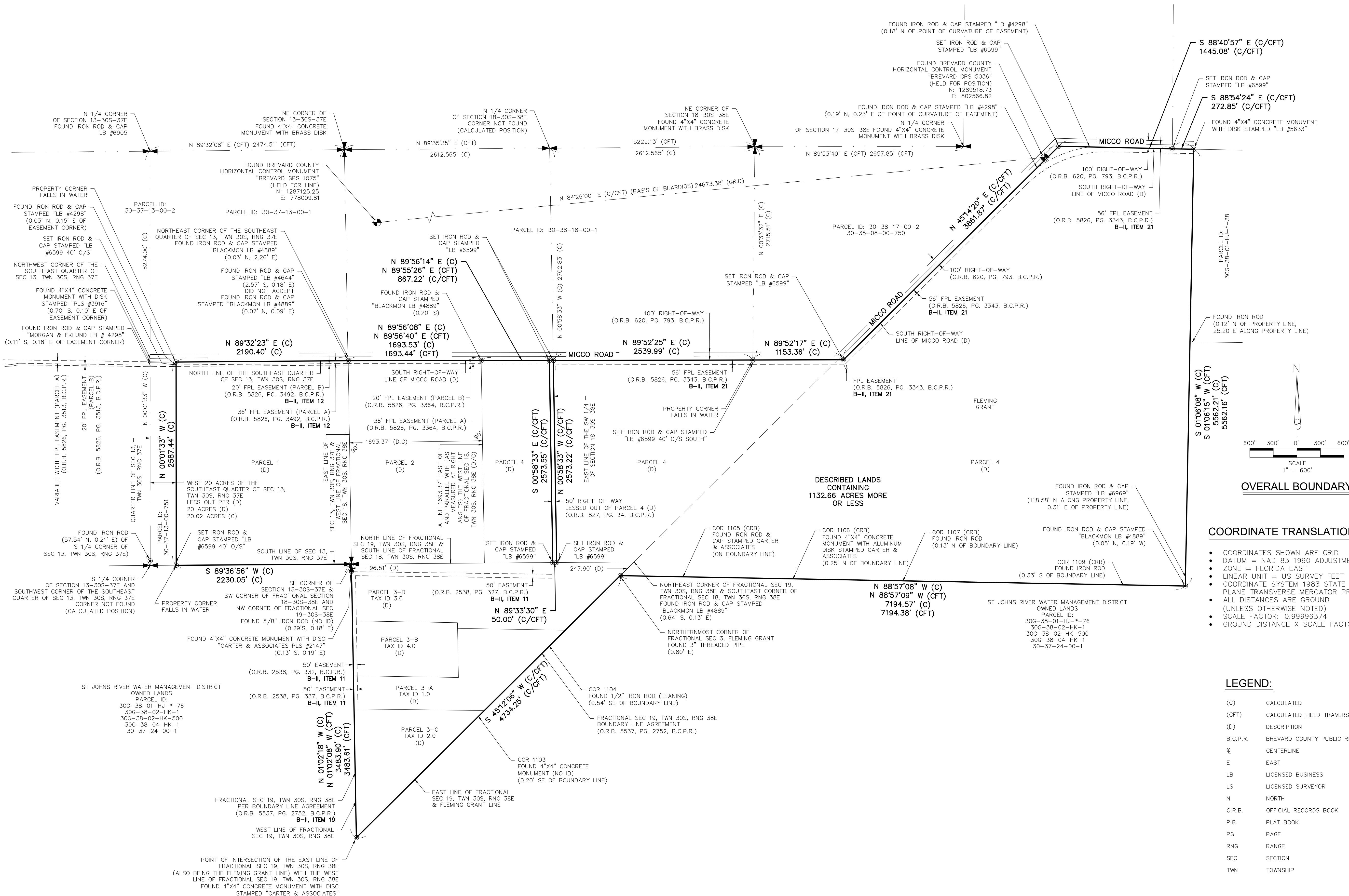
EMAIL: SURVEY@DJLASURVEY.NET

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JOB NO.

22-082-001 SURV

SHEET 3 OF 8





# ALTA/NSPS LAND TITLE SURVEY

FOR: PALM BEACH LAND GROUP, LLC  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

CALC FILE

22-082-001 CALC

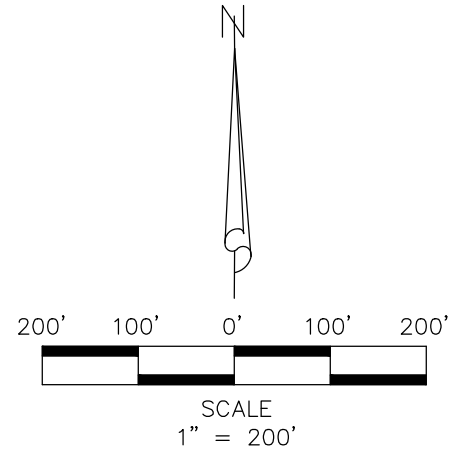
REVISIONS	DATE	BY

22-082-001 SURV	DATE	09/12/22
DWG. NO.	DATE	09/12/22
DAB	DATE	09/12/22
CHECKED BY	DATE	09/12/22
1"=200'	DATE	09/12/22
FIELD BOOK / PAGE	DATE	09/12/22

ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BEACH LAND GROUP, LLC  
ASHTON PARK SOUTH  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

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JOB NO.  
22-082-001 SURV  
SHEET 4 OF 8

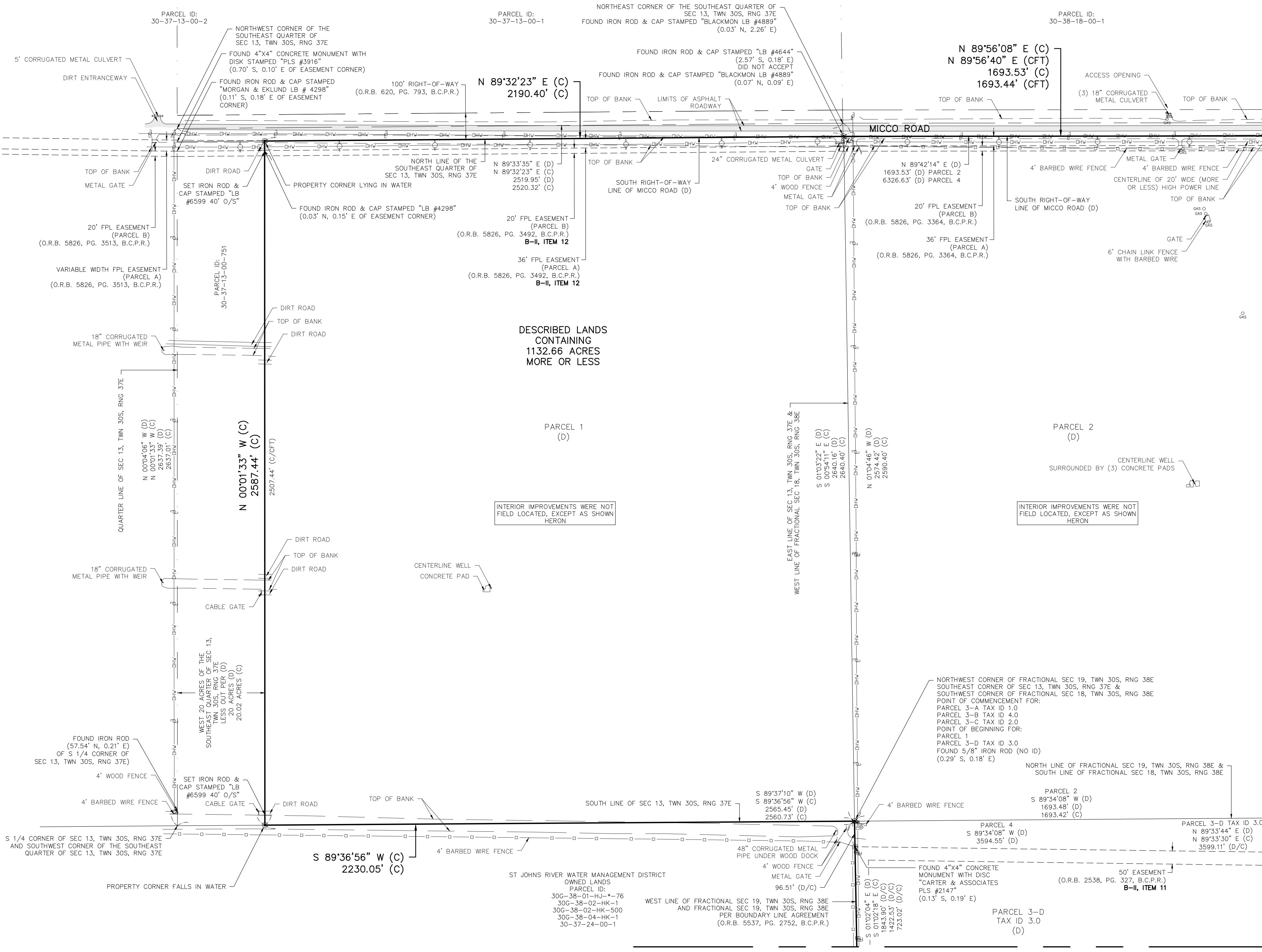


## LEGEND:

(C)	CALCULATED
(CFT)	CALCULATED FIELD TRAVERSED
(D)	DESCRIPTION
B.C.P.R.	BREVARD COUNTY PUBLIC RECORDS
CL	CENTERLINE
E	EAST
LB	LICENSED BUSINESS
LS	LICENSED SURVEYOR
N	NORTH
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
RNG	RANGE
SEC	SECTION
TWN	TOWNSHIP

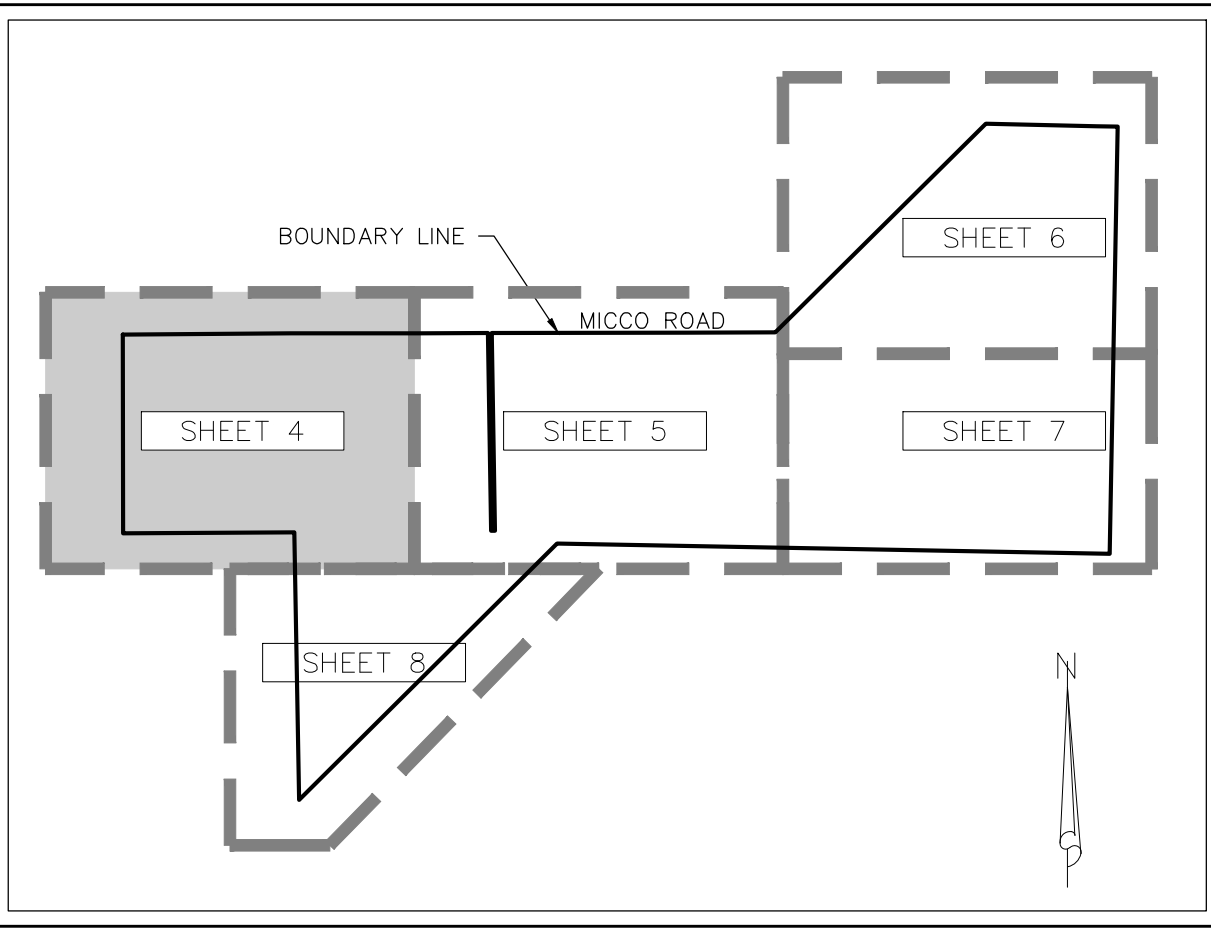
## SYMBOL LEGEND:

○ BOL	BOLLARD
○ COM	COMMUNICATIONS RISER
⋈	CONCRETE POWERPOLE
○ GAS	GAS RISER
—	POWER POLE ANCHOR
—	SIGN
—	WOOD POWER POLE



MATCHLINE SEE SHEET 5

MATCHLINE SEE SHEET 8

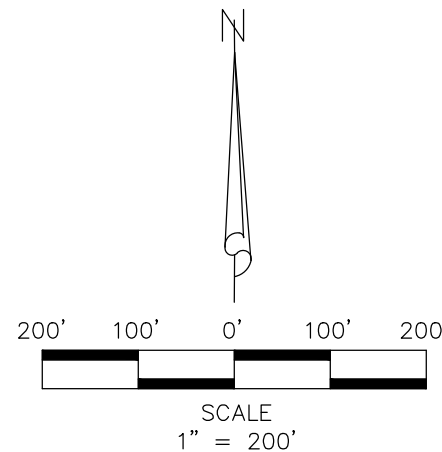


SHEET KEY MAP  
NOT TO SCALE

# ALTA/NSPS LAND TITLE SURVEY

FOR: PALM BEACH LAND GROUP, LLC

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

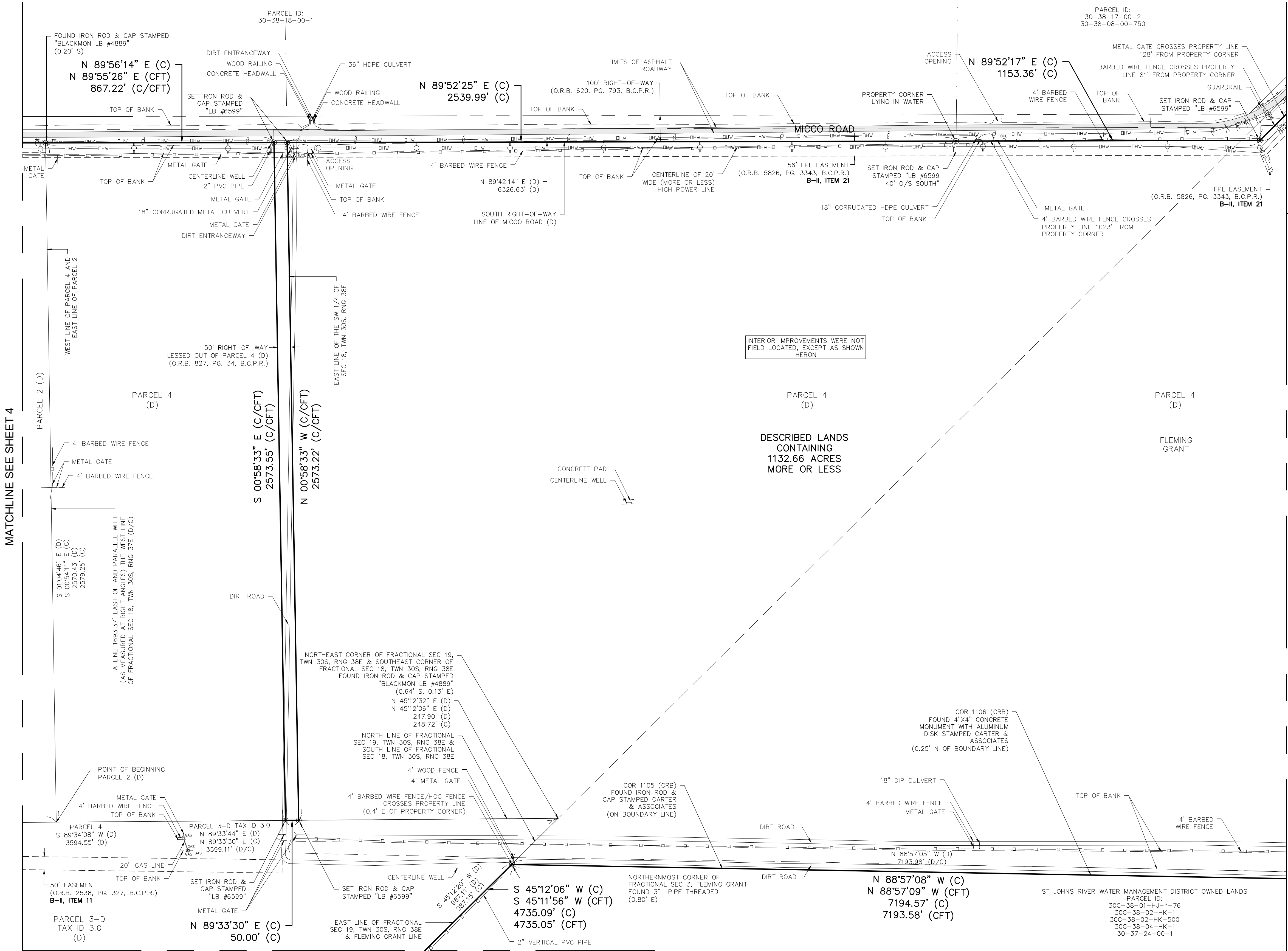


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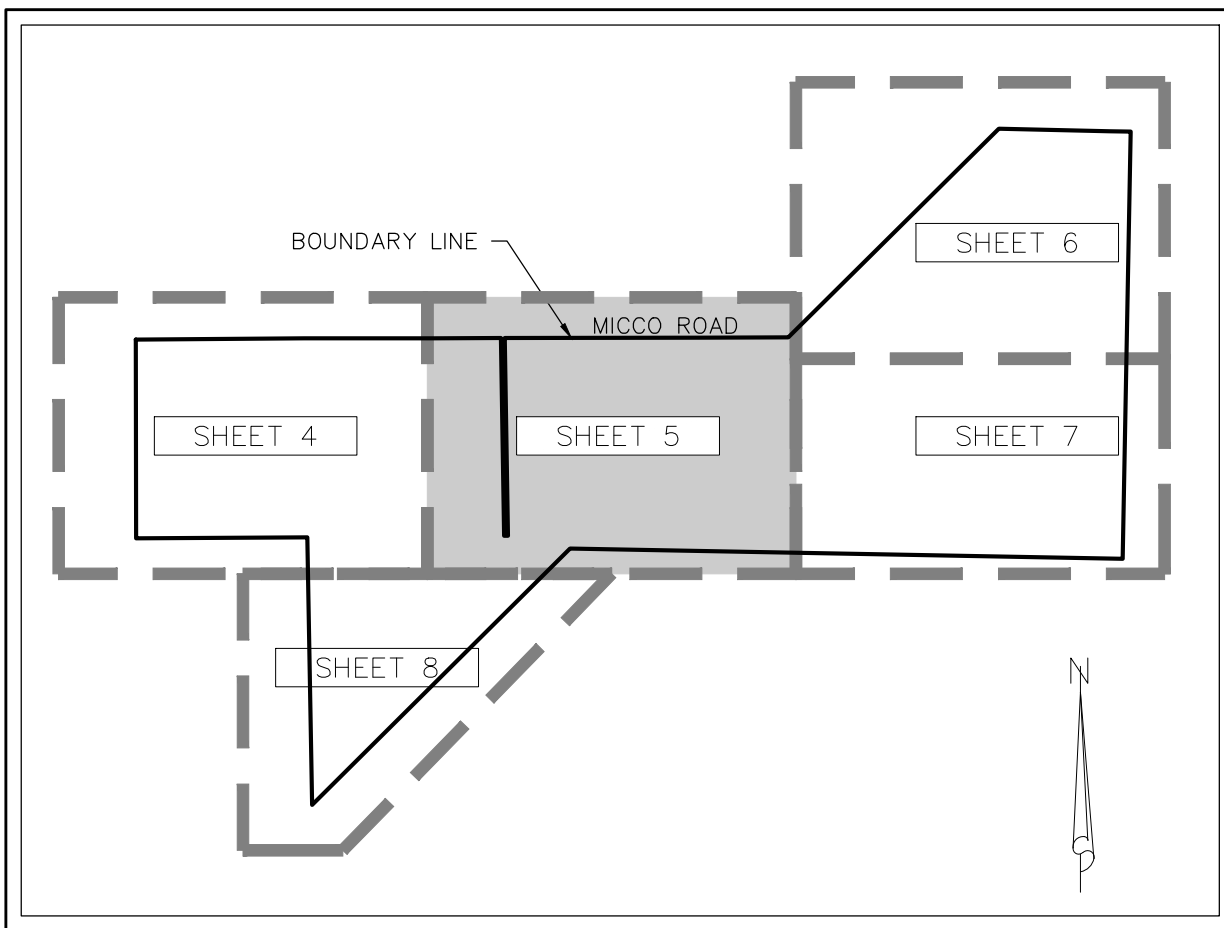
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⬤	POWER POLE ANCHOR
⬤	SIGN
⬤	WOOD POWER POLE



MATCHLINE SEE SHEET 6

MATCHLINE SEE SHEET 7



SHEET KEY MAP  
NOT TO SCALE

CALC FILE

22-082-001 CALC

REVISIONS	DATE	BY

09/12/22	22-082-001 SURV
DATE	DWG. NO.
MT	DAB
DRAWN/APPROVED BY	CHECKED BY
SEE NOTE	1"=200'
FIELD BOOK / PAGE	SCALE

ALTA/NSPS LAND TITLE SURVEY

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ASHTON PARK SOUTH

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JOB NO.

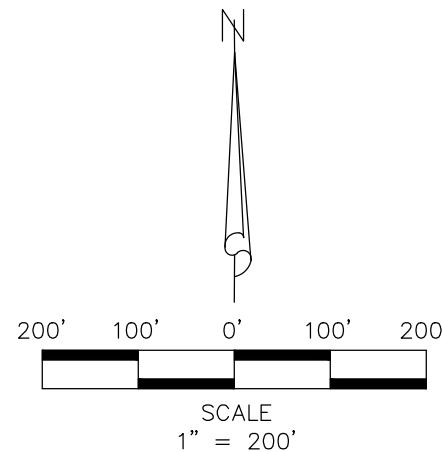
22-082-001 SURV

SHEET 5 OF 8

ALTA/NSPS LAND TITLE SURVEY

FOR: PALM BEACH LAND GROUP, LLC

CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

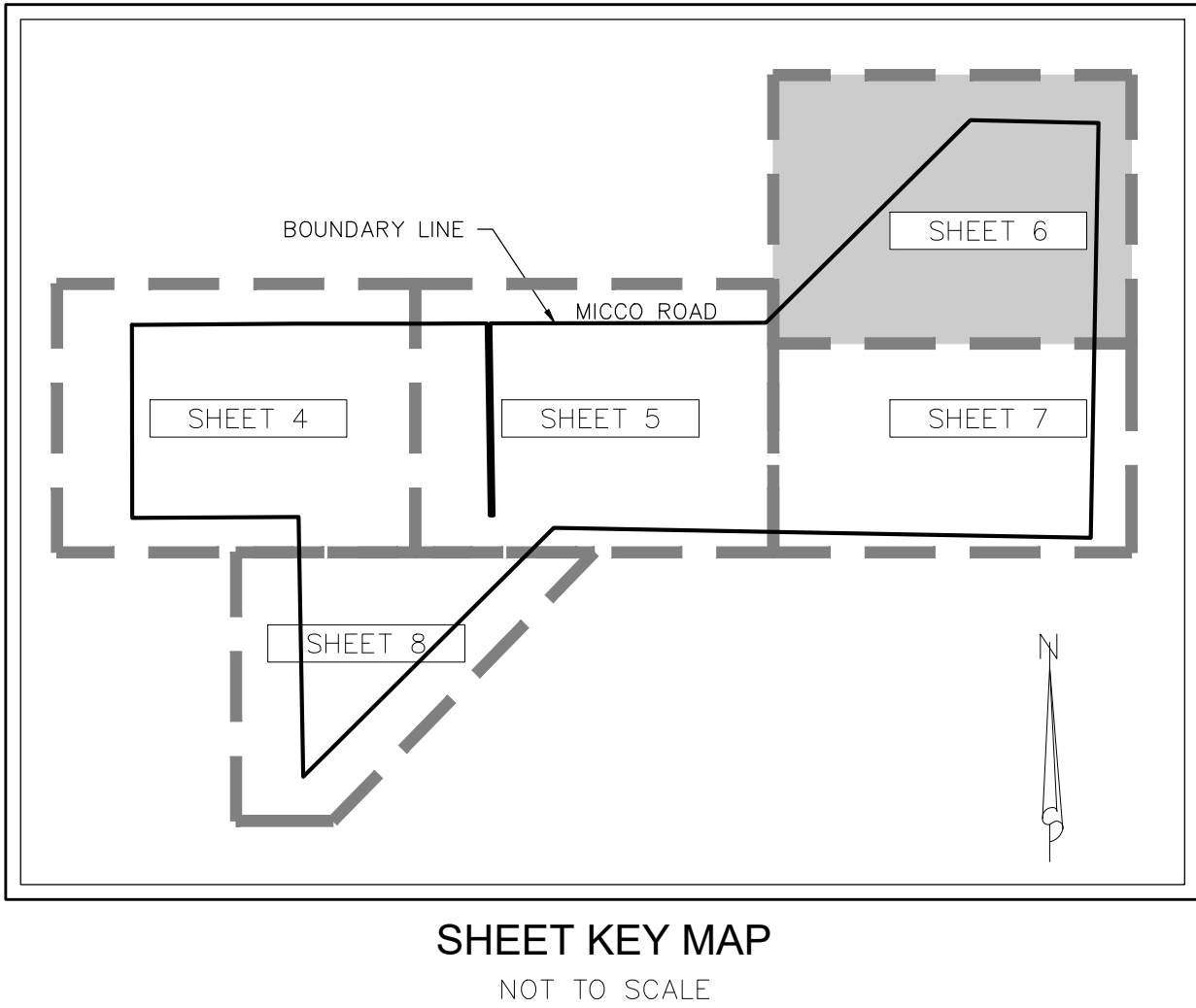
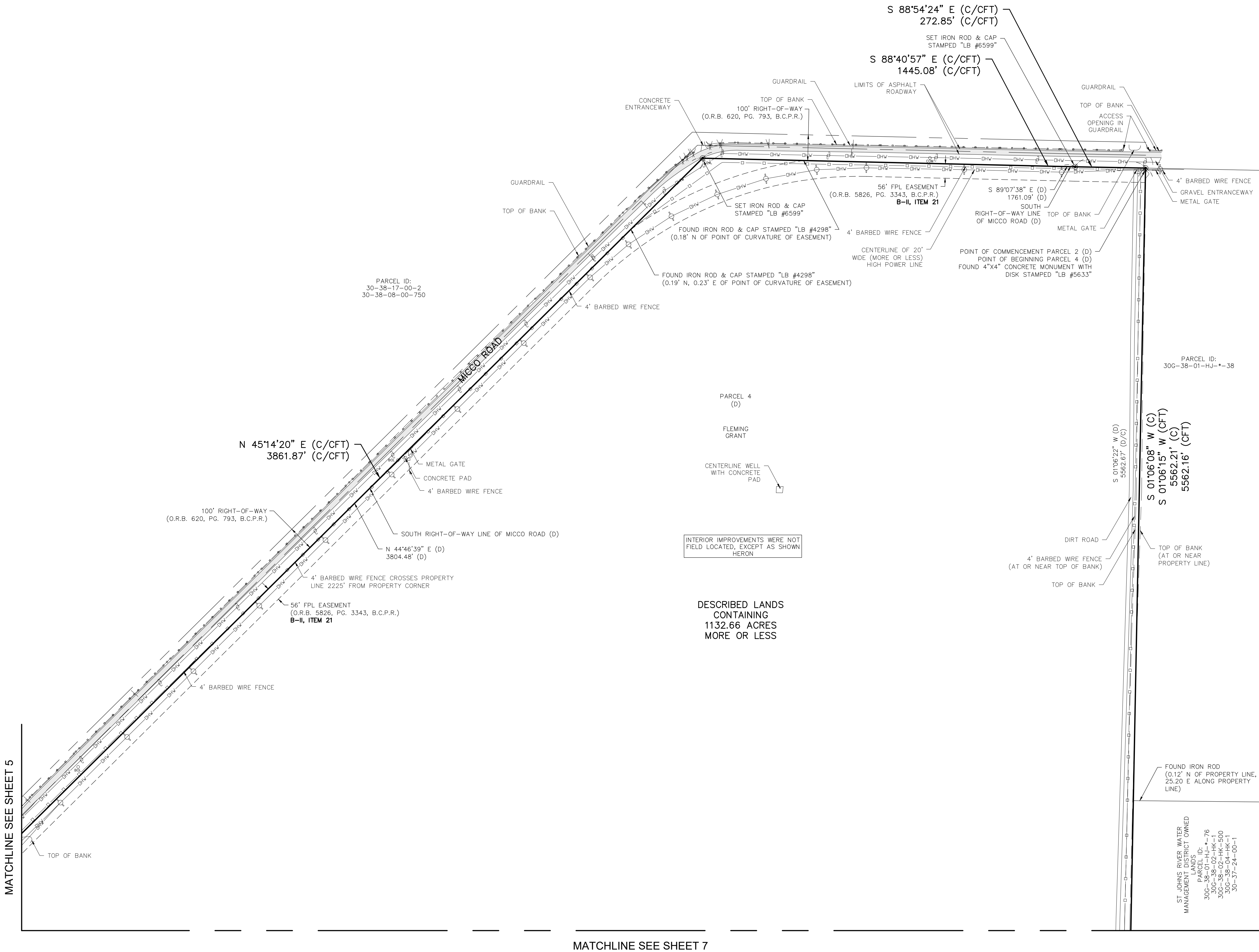


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CALC FILE  
22-082-001 CALC.

REVISIONS	DATE	BY

09/12/22	22-082-001 SURV
DATE	DWG. NO.
MT	DAB
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SEE NOTE	1"=200'
FIELD BOOK / PAGE	SCALE

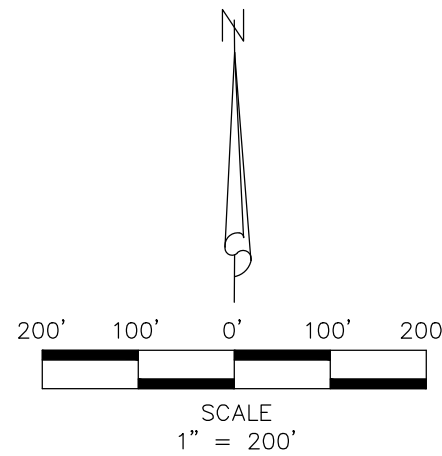
ALTA/NSPS LAND TITLE SURVEY  
FOR: PALM BAY LAND GROUP, LLC  
ASHTON PARK SOUTH  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

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JOB NO.  
22-082-001 SURV  
SHEET 6 OF 8

ALTA/NSPS LAND TITLE SURVEY

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CITY OF PALM BAY, BREVARD COUNTY, FLORIDA



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←	POWER POLE ANCHOR
⊖	SIGN
⊙	WOOD POWER POLE

MATCHLINE SEE SHEET 6

DESCRIBED LANDS  
CONTAINING  
1132.66 ACRES  
MORE OR LESS

INTERIOR IMPROVEMENTS WERE NOT  
FIELD LOCATED, EXCEPT AS SHOWN  
HEREON

TOP OF BANK  
4' BARBED WIRE FENCE  
(AT OR NEAR TOP OF BANK)  
DIRT ROAD  
TOP OF BANK  
(AT OR NEAR  
PROPERTY LINE)

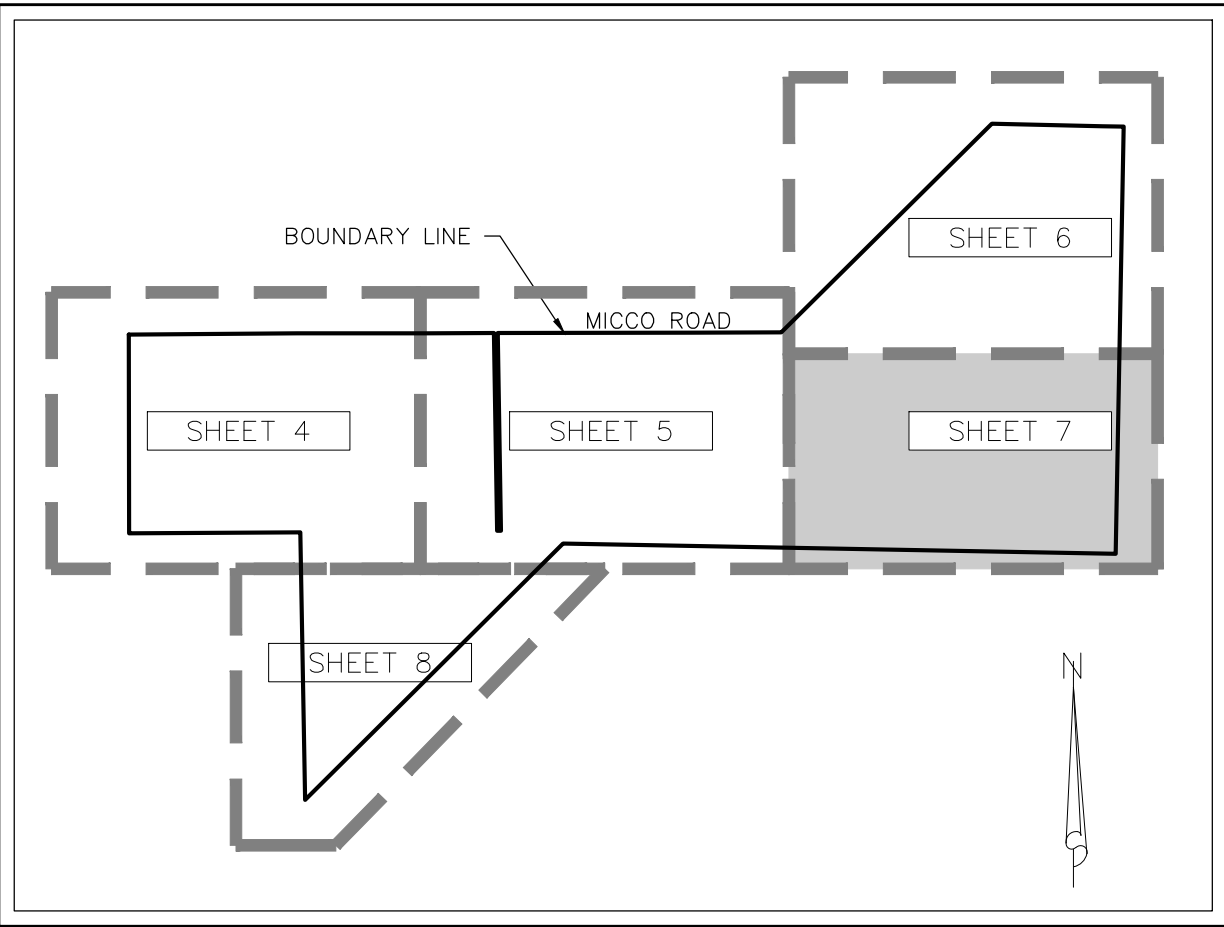
S 01°06'22" W (D)  
5562.67' (D/C)  
S 01°06'08" W (C)  
S 01°06'15" W (CFT)  
5562.21' (C)  
5562.16' (CFT)

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT OWNED  
LANDS  
PARCEL ID:  
30G-38-01-HJ-1-76  
30G-38-02-HK-1-76  
30G-38-02-HK-500  
30G-38-04-HK-1  
30-37-24-00-1

FOUND IRON ROD & CAP  
STAMPED "LB #6969"  
(117.59' N, 0.31' E OF  
PROPERTY LINE)

FOUND IRON ROD &  
CAP STAMPED  
"BLACKMON LB #4889"  
(0.95' S, 0.21' W)  
DID NOT ACCEPT  
SET IRON ROD & CAP  
STAMPED "LB #6599"

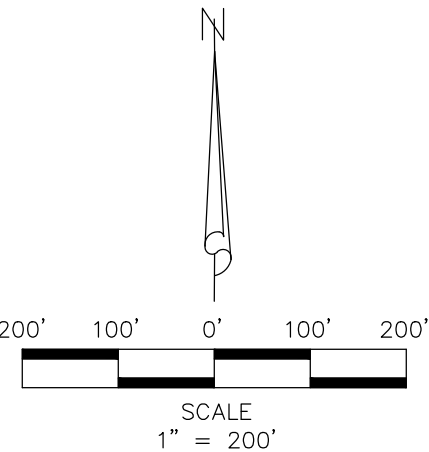
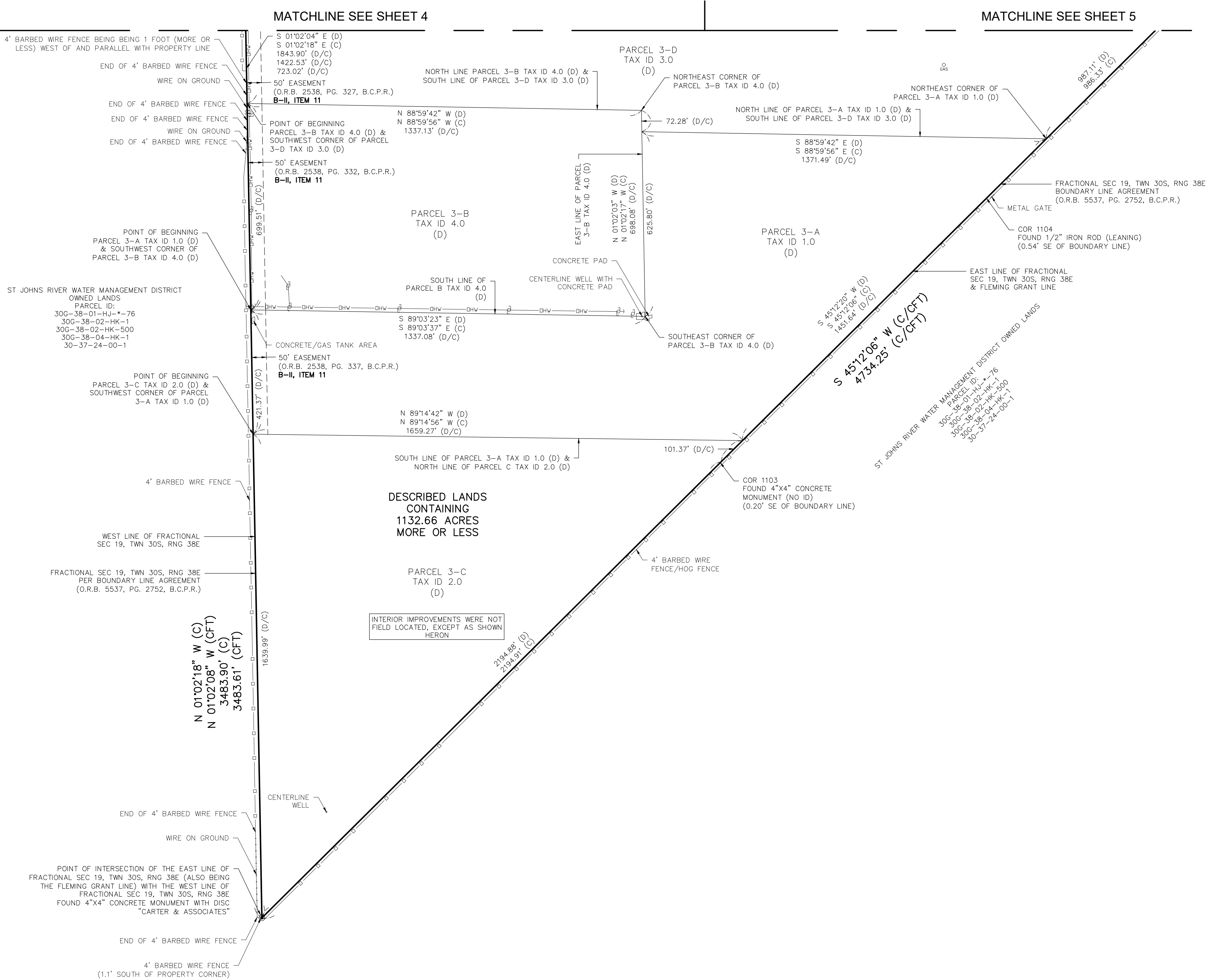
(2) 48"  
CORRUGATED  
METAL CULVERTS



SHEET KEY MAP  
NOT TO SCALE

ALTA/NSPS LAND TITLE SURVEY

FOR: PALM BEACH LAND GROUP, LLC  
CITY OF PALM BAY, BREVARD COUNTY, FLORIDA

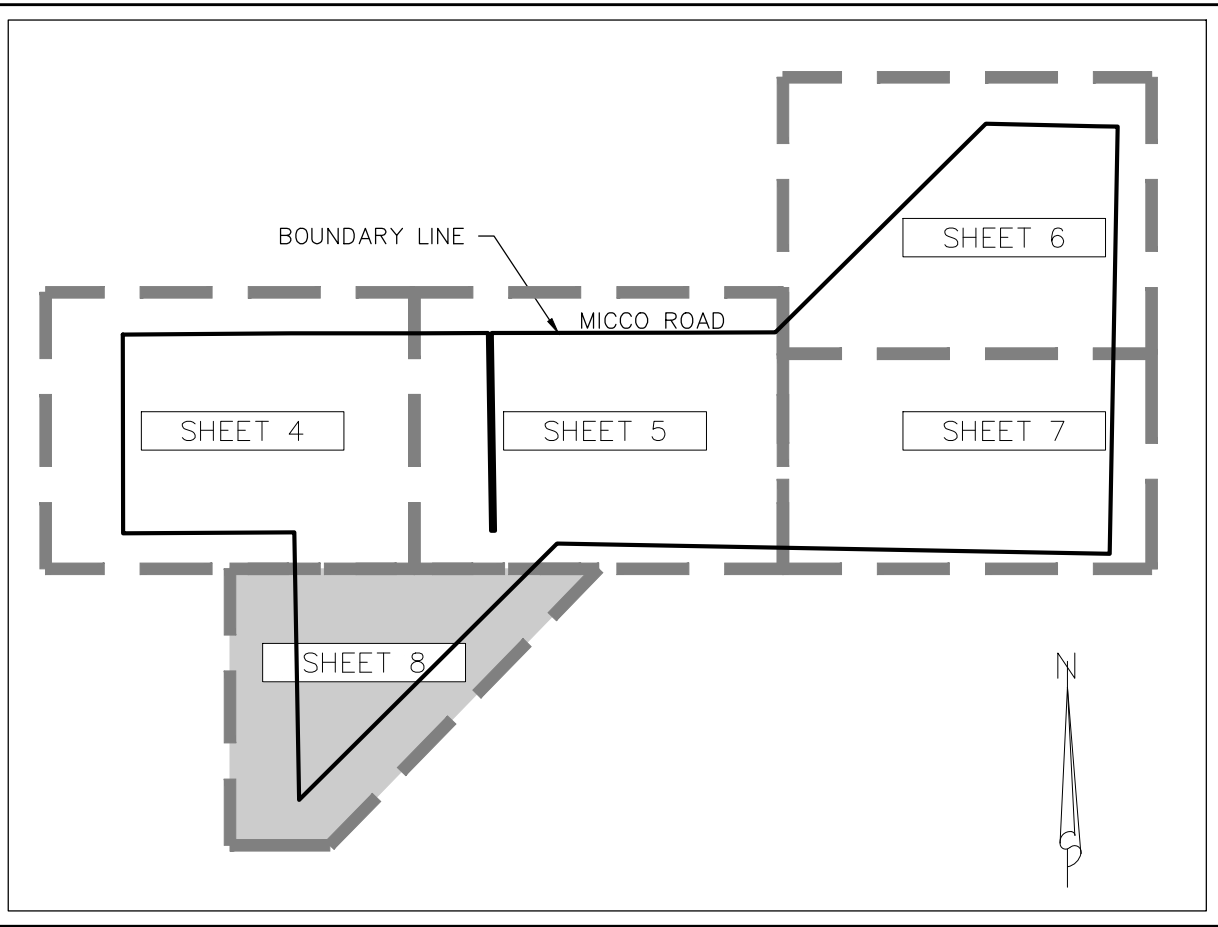


LEGEND:

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P.B. PLAT BOOK  
PG. PAGE  
RNG RANGE  
SEC SECTION  
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SYMBOL LEGEND:

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○ COM COMMUNICATIONS RISER  
◇ CONCRETE POWERPOLE  
○ GAS GAS RISER  
← POWER POLE ANCHOR  
— SIGN  
⊙ WOOD POWER POLE



SHEET KEY MAP  
NOT TO SCALE

CALC FILE

22-082-001 CALC

REVISIONS	DATE	BY

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SEE NOTE	1"=200'
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ALTA/NSPS LAND TITLE SURVEY

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JOB NO.

22-082-001 SURV

SHEET 8 OF 8



## Ashton Park

**Citizen Participation Plan:** (As required by Ordinance 2006-45, City of Palm Bay, Florida)

**Date:** 1/17/2023

**Applicant:** Construction Engineering Group, LLC

**Development:** Development seeking approval of a Comprehensive Plan Amendment

**Site:** BCPA Parcel IDs: 30-37-13-00-750; 30-38-19-00-1; 30-38-17-00-1; 30-38-19-00-2; 30-38-19-00-3; 30-38-19-00-4; 30-38-18-00-751; 30G-38-01-HJ-\*-4.01; 30G-38-02-HK-2; 30-38-18-00-750 along with 30-38-08-00-750; 30-38-17-00-2; 30G-38-01-HJ-\*-4-02; 30-38-08-00-751

**Owners:** MLCI Investments LTD; Brevard 270 LLC; David Lee LLC; Brevard Property Holdings, LLC; MLCI Realty II, LLC ; MLCI Realty LTD; L & L Collections LLC; William H Lee Revocable Trust; Tiffany Dismukes Floyd

The following information reflects the plan of the Applicant to notify interested parties of its pending application with the City of Palm Bay for the proposed development of this site, as described above; and to facilitate an open dialogue with such parties and attempt to address their concerns.

### Persons Notified Directly:

All persons or businesses residing within a 500' radius of the corners of the property (as provided by the Brevard County Property Appraiser's Office) was notified by USPS mail.

### Public Meeting:

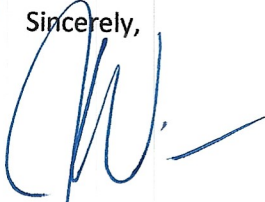
- One neighborhood community meeting was held where the current proposed site exhibit will be made available to the attending public to view to provide information about the proposal.
- The City of Palm Bay Growth Management Department was sent an invitation to attend the meeting.
- All attendees were requested to provide their name and email address. One attendee did not want to provide their name or contact information
  - A copy of the sign in sheet is attached.
- Minutes of the meeting were taken and they are as follows:
  - Attendee asked when utilities would be installed. CEG responded that the construction plans would need to be approved and they would then be installed during construction.
  - Attendee asked where the utilities would be located. CEG responded utility locations have not been designed yet as we are in conceptual planning phase.
  - Attendee asked if there would be a connection to SJ Heritage Park to Micco Road. CEG responded there could be a connection with another project, but there are no plans for the connection with the Ashton Park development.
  - Attendee asked who the contractor would be. CEG responded there has not been a contractor selected yet.
  - Attendee asked if there would be any impact to the EELS. CEG responded development will not be allowed to encroach into the EELS.



## Ashton Park

The applicant acknowledges that upon completion of the process described above, it is required to submit this Citizen Participation Report to the Growth Management Department at least five days prior to the City's first public hearing or final administrative review.

Sincerely,



Jake T. Wise, PE  
Principal Civil Engineer - Construction Engineering Group, LLC



# SIGN IN SHEET

<u>Name</u>	<u>Address</u>	<u>Email</u>	<u>Phone #</u>
Teresa Flamm	for Wheeler Cos.	teresa@flammrealestate.com	321-863-8498
Rusty Bannack	P.O. Box 1266 Vero Beach	rbannack@ bellsouth.net	772-473-9516
Dylan Flamm	P.O. Box 69 Vero Beach		772-473-7501



# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699

Dr. Robert E. Schiller, Ed.D., Interim Superintendent



January 19, 2023

Mr. Jesse Anderson, Ph.D  
Assistant Growth Management Director  
City of Palm Bay  
Growth Management Department  
120 Malabar Road SE  
Palm Bay, Florida 32907

**RE: Proposed Ashton Park Development  
School Impact Analysis – Capacity Determination CD-2023-02**

Dear Mr. Anderson,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development. The subject property is comprised of multiple parcels, please see list attached, containing a total of approximately 1,435.36 acres in the City of Palm Bay, Florida. The proposed development includes 5,055 single family homes and 2,960 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28* which is attached for reference.

	Multi Family		Single Family		Both
	2960		5055		
Students Generated	Student Generation Rates	Calculated Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.11	325.6	0.24	1213.2	1539
Middle	0.02	59.2	0.07	353.85	413
High	0.05	148	0.12	606.6	755
Total	0.18	532.8	0.43	2173.65	2707

Planning & Project Management  
Facilities Services

Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	913	913	935	1,023	1,067	1,067
Southwest	1,230	1,230	1,230	1,289	1,289	1,289
Bayside	2,263	2,263	2,263	2,263	2,382	2,382

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	767	836	908	1,004	1,067	1,067
Southwest	920	1,024	1,127	1,174	1,285	1,285
Bayside	1,885	2,023	2,099	2,175	2,371	2,371

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	-	-	-	-	-	-
Southwest	-	-	-	-	-	-
Bayside	-	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	-	88	263	438	613	1,539
Southwest	-	23	68	113	158	413
Bayside	-	43	128	213	298	755

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	767	924	1,171	1,442	1,680	2,606
Southwest	920	1,047	1,195	1,287	1,443	1,698
Bayside	1,885	2,066	2,227	2,388	2,669	3,126

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Sunrise	146	(11)	(236)	(419)	(613)	(1,539)
Southwest	310	184	36	3	(154)	(409)
Bayside	378	198	37	(125)	(287)	(744)

At this time, Sunrise Elementary School, Southwest Middle School and Bayside High School are not projected to have enough capacity for the total of projected and potential students from the Ashton Park development. Because there is a shortfall of available capacity in the concurrency service area, the capacity of adjacent concurrency service areas must be considered.

The adjacent elementary school concurrency service areas are Port Malabar Elementary School, Columbia Elementary School, and Westside Elementary School. The adjacent middle school concurrency service area is Stone Magnet Middle. The adjacent high school



concurrency service area is Palm Bay Magnet Senior High. A table of capacities of the *adjacent Schools Concurrency Service Areas* that may accommodate the impacts of the Ashton Park development is shown below:

**FISH Capacity (including relocatable classrooms) from the  
Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	852	852	852	852	852	852
Columbia	751	751	751	751	751	751
Stone	1,076	1,076	1,076	1,076	1,076	1,076
Palm Bay	2,657	2,657	2,657	2,657	2,657	2,657

**Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	640	683	746	760	795	795
Columbia	512	531	522	538	538	538
Stone	708	799	823	890	977	977
Palm Bay	1,495	1,581	1,683	1,704	1,700	1,700

**Students Generated by Newly Issued SCADL Reservations Since FFP**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	-	-	-	-	-	-
Columbia	-	-	-	-	-	-
Stone	-	-	-	-	-	-
Palm Bay	-	-	-	-	-	-

**Cumulative Students Generated by  
Proposed Development**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	-	88	263	438	613	1,539
Columbia	-	88	263	438	613	1,539
Stone	-	23	68	113	158	413
Palm Bay	-	43	128	213	298	755

**Total Projected Student Membership (includes  
Cumulative Impact of Proposed Development)**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	640	771	1,009	1,198	1,408	2,334
Columbia	512	619	785	976	1,151	2,077
Stone	708	822	891	1,003	1,135	1,390
Palm Bay	1,495	1,624	1,811	1,917	1,998	2,455

**Projected Available Capacity =  
FISH Capacity - Total Projected Student Membership**

School	2023-24	2024-25	2025-26	2026-27	2027-28	2028+
Port Malabar	212	82	(157)	(346)	(556)	(1,482)
Columbia	239	133	(34)	(225)	(400)	(1,326)
Stone	368	255	186	74	(59)	(314)
Palm Bay	1,162	1,034	847	741	660	202

The adjacent high school concurrency area is projected to have enough capacity for the total of projected and potential students from the Ashton Park development; however, there is a shortfall of available capacity in the concurrency service area and the adjacent concurrency service areas for elementary and middle schools.

Before this project is submitted for final school concurrency determination, please contact our staff to discuss the mitigation process as defined in Section 13.5 of the *ILA-2014*. The District is closely monitoring rapid development in this area.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen Black', with a long horizontal flourish extending to the right.

Karen M. Black, AICP  
Manager – Facilities Planning & Intergovernmental Coordination  
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Copy: Susan Hann, AICP, Assistant Superintendent of Facility Services  
File CD-2023-02

David G. Lindemann, AICP, Director of Planning & Project  
Management, Facilities Services  
File CD-2023-02

# Ownership Listing

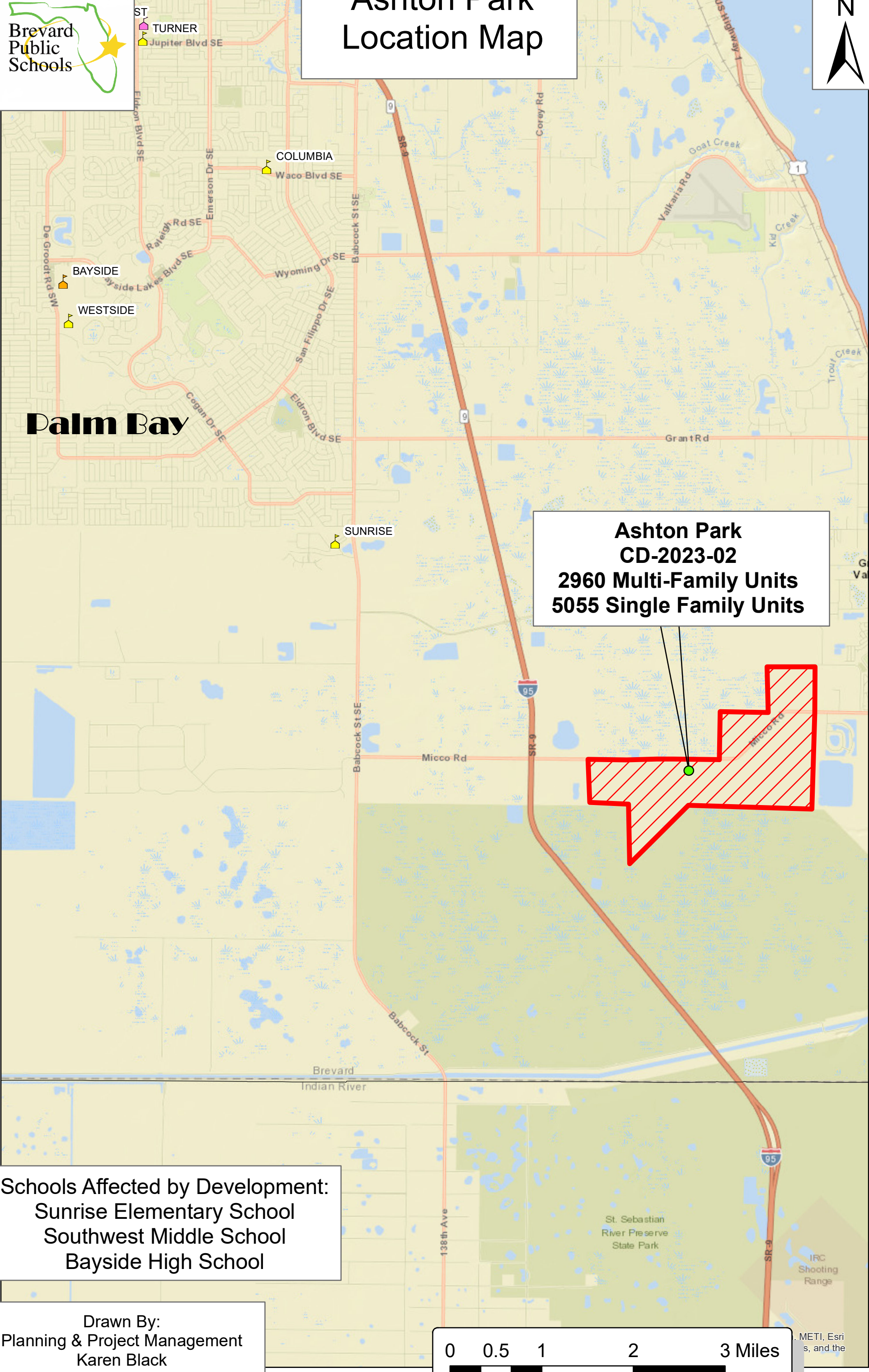
Tax Account	Parcel ID	Owner Name	Address
3000721	30-37-13-00-750	MLCI Investments LTD Brevard 270 LLC David Lee LLC Brevard Property Holdings, LLC	17888 Brian Way; Jupiter, FL 33478
3007867	30-38-17-00-1	David Lee, LLC MLCI Realty II, LLC MLCI Realty LTD	313 65 <sup>th</sup> Trail N; Palm Beach, FL 33413
3007869	30-38-18-00-750	L & L Collections LLC William H Lee Revocable Trust David Lee LLC	360 Columbia Drive; Suite 100 West Palm Beach, FL 33409
3007870	30-38-19-00-1	MLCI Investments LTD Brevard 270 LLC Brevard Property Holdings LLC David Lee LLC	17888 Brian Way; Jupiter, FL 33478
30007871	30-38-19-00-2	MLCI Investments LTD Brevard 270 LLC David Lee LLC Brevard Property Holdings, LLC	17888 Brian Way; Jupiter, FL 33478
3007872	30-38-19-00-3	MLCI Investments LTD Brevard 270 LLC David Lee LLC Brevard Property Holdings LLC	17888 Brian Way; Jupiter, FL 33478
3007873	30-38-19-00-4	MLCI Investments LTD Brevard 270 LLC David Lee LLC Brevard Property Holdings LLC	17888 Brian Way; Jupiter, FL 32978

<u>Tax Account</u>	<u>Parcel ID</u>	<u>Owner Name</u>	<u>Address</u>
3008618	30G-38-02-HK-2	David Lee LLC MLCI Realty II LLC MLCI Realty LTD	313 65 <sup>th</sup> Trail N West Palm Beach, FL 33413
3010496	30-38-18-00-751	David Lee LLC MLCI Realty II LLC MLCI Realty LTD	313 65 <sup>th</sup> Trail N West Palm Beach, FL 33413
3008614	30G-38-01-HJ-*-4.01	David Lee LLC MLCI Realty II LLC MLCI Realty LTD	313 65 <sup>th</sup> Trail N West Palm Beach, FL 33413
3001886	30-38-08-00-750	Tiffany Dismukes Floyd	PO Box 69; Kenansville, FL 34739
3010494	30-38-17-00-2	Tiffany Dismukes Floyd	PO Box 69; Kenansville, FL 34739
3010495	30G-38-01-HJ-*-4.02	Tiffany Dismukes Floyd	PO Box 69; Kenansville, FL 34739
3017583	30-38-08-00-751	Tiffany Dismukes Floyd	PO Box 69; Kenansville, FL 34739





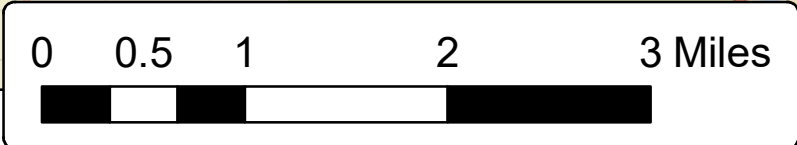
# Ashton Park Location Map



**Ashton Park**  
**CD-2023-02**  
**2960 Multi-Family Units**  
**5055 Single Family Units**

**Schools Affected by Development:**  
Sunrise Elementary School  
Southwest Middle School  
Bayside High School

Drawn By:  
Planning & Project Management  
Karen Black  
01/20/2023



METI, Esri, and the



# Brevard County Public Schools

## Financially Feasible Plan To Maintain Utilization Rates Lower than the **100%** Level of Service

### Data and Analysis for School Years 2022-23 to 2027-28



Summary				2022-23			2023-24			2024-25			2025-26			2026-27			2027-28		
Highest Utilization Elementary Schools:						93%			99%			100%			99%			99%			100%
Highest Utilization Middle Schools:						88%			88%			94%			92%			91%			100%
Highest Utilization Jr / Sr High Schools:						83%			83%			81%			78%			77%			76%
Highest Utilization High Schools:						107%			99%			97%			98%			100%			100%

School	Type	Grades	Utilization Factor	School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
				FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization

Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	598	80%	751	598	80%	751	635	85%	751	704	94%	751	720	96%	773	766	99%
Andersen	Elementary	K-6	100%	884	568	64%	884	568	64%	884	549	62%	884	537	61%	884	530	60%	884	501	57%
Apollo	Elementary	K-6	100%	902	731	81%	902	731	81%	902	749	83%	902	753	83%	902	736	82%	902	718	80%
Atlantis	Elementary	PK-6	100%	739	620	84%	739	620	84%	739	608	82%	739	596	81%	739	585	79%	739	572	77%
Audubon	Elementary	PK-6	100%	761	450	59%	761	450	59%	761	435	57%	761	422	55%	761	419	55%	761	426	56%
Cambridge	Elementary	PK-6	100%	787	495	63%	787	495	63%	787	511	65%	787	505	64%	787	510	65%	787	524	67%
Cape View	Elementary	PK-6	100%	570	305	54%	570	288	51%	570	309	54%	570	314	55%	570	315	55%	570	329	58%
Carroll	Elementary	K-6	100%	751	626	83%	751	633	84%	751	643	86%	751	623	83%	751	619	82%	751	628	84%
Challenger 7	Elementary	PK-6	100%	573	503	88%	573	503	88%	573	474	83%	573	462	81%	573	433	76%	573	413	72%
Columbia	Elementary	PK-6	100%	751	506	67%	751	512	68%	751	531	71%	751	522	70%	751	538	72%	751	538	72%
Coquina	Elementary	K-6	100%	711	560	79%	711	560	79%	711	565	79%	711	602	85%	711	590	83%	711	585	82%
Creel	Elementary	PK-6	100%	1,114	626	56%	1,114	660	59%	1,114	668	60%	1,114	668	60%	1,114	667	60%	1,114	658	59%
Croton	Elementary	PK-6	100%	795	488	61%	795	488	61%	795	514	65%	795	528	66%	795	542	68%	795	542	68%
Discovery	Elementary	PK-6	100%	980	643	66%	980	664	68%	980	675	69%	980	671	68%	980	720	73%	980	761	78%
Endeavour	Elementary	PK-6	100%	968	719	74%	968	750	77%	968	717	74%	968	707	73%	968	674	70%	968	671	69%
Enterprise	Elementary	K-6	100%	729	597	82%	729	597	82%	729	578	79%	729	552	76%	729	538	74%	729	529	73%
Fairglenn	Elementary	PK-6	100%	789	617	78%	789	617	78%	789	617	78%	789	632	80%	789	635	80%	789	625	79%
Gemini	Elementary	K-6	100%	711	468	66%	711	477	67%	711	465	65%	711	468	66%	711	455	64%	711	457	64%
Golfview	Elementary	PK-6	100%	777	441	57%	777	441	57%	777	460	59%	777	481	62%	777	489	63%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	403	64%	629	405	64%	629	457	73%	629	474	75%	629	494	79%	629	509	81%
Holland	Elementary	PK-6	100%	605	432	71%	605	450	74%	605	451	75%	605	444	73%	605	442	73%	605	431	71%
Imperial Estates	Elementary	K-6	100%	729	659	90%	729	684	94%	729	712	98%	729	724	99%	751	742	99%	795	779	98%
Indianlantic	Elementary	K-6	100%	798	686	86%	798	686	86%	798	685	86%	798	671	84%	798	676	85%	798	651	82%
Jupiter	Elementary	PK-6	100%	930	729	78%	930	735	79%	930	801	86%	930	882	95%	974	940	97%	1,040	1,030	99%
Lockmar	Elementary	PK-6	100%	892	585	66%	892	585	66%	892	569	64%	892	552	62%	892	558	63%	892	559	63%
Longleaf	Elementary	PK-6	100%	790	631	80%	790	637	81%	790	613	78%	790	590	75%	790	563	71%	790	528	67%
Manatee	Elementary	K-6	100%	998	898	90%	998	910	91%	998	889	89%	998	845	85%	998	888	89%	998	881	88%
McAuliffe	Elementary	PK-6	100%	838	621	74%	838	621	74%	838	580	69%	838	568	68%	838	553	66%	838	528	63%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	74%	1,114	825	74%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowlane Primary	Elementary	K-6	100%	824	651	79%	824	666	81%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mila	Elementary	PK-6	100%	707	435	62%	707	435	62%	707	439	62%	707	396	56%	707	383	54%	707	362	51%
Mims	Elementary	PK-6	100%	725	464	64%	725	464	64%	725	481	66%	725	512	71%	725	525	72%	725	513	71%
Oak Park	Elementary	PK-6	100%	968	505	52%	968	505	52%	968	471	49%	968	478	49%	968	475	49%	968	447	46%
Ocean Breeze	Elementary	PK-6	100%	654	554	85%	654	550	84%	654	542	83%	654	533	81%	654	534	82%	654	531	81%
Palm Bay Elem	Elementary	PK-6	100%	983	586	60%	983	613	62%	983	610	62%	983	627	64%	983	630	64%	983	636	65%
Pinewood	Elementary	PK-6	100%	569	521	92%	591	521	88%	591	541	92%	613	572	93%	613	598	98%	613	600	98%
Port Malabar	Elementary	PK-6	100%	852	640	75%	852	640	75%	852	683	80%	852	746	88%	852	760	89%	852	795	93%
Quest	Elementary	PK-6	100%	932	693	74%	932	693	74%	932	684	73%	932	681	73%	932	685	73%	932	697	75%
Riviera	Elementary	PK-6	100%	777	699	90%	777	714	92%	777	718	92%	799	780	98%	843	827	98%	887	866	98%
Roosevelt	Elementary	K-6	100%	599	288	48%	599	298	50%	599	269	45%	599	256	43%	599	239	40%	599	220	37%
Sabal	Elementary	PK-6	100%	785	500	64%	785	500	64%	785	503	64%	785	516	66%	785	534	68%	785	535	68%
Saturn	Elementary	PK-6	100%	998	649	65%	998	649	65%	998	677	68%	998	821	82%	998	794	80%	998	786	79%
Sea Park	Elementary	PK-6	100%	461	337	73%	461	337	73%	461	327	71%	461	321	70%	461	326	71%	461	329	71%
Sherwood	Elementary	PK-6	100%	609	459	75%	609	459	75%	609	458	75%	609	459	75%	609	450	74%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	759	83%	913	767	84%	913	836	92%	935	908	97%	1,023	1,004	98%	1,067	1,067	100%
Suntree	Elementary	K-6	100%	755	600	79%	755	602	80%	755	561	74%	755	541	72%	755	516	68%	755	480	64%
Surfside	Elementary	K-6	100%	541	442	82%	541	442	82%	541	425	79%	541	418	77%	541	417	77%	541	407	75%
Tropical	Elementary	K-6	100%	910	669	74%	910	669	74%	910	614	67%	910	600	66%	910	572	63%	910	545	60%
Turner	Elementary	PK-6	100%	874	555	64%	874	564	65%	874	589	67%	874	647	74%	874	675	77%	874	691	79%
University Park	Elementary	PK-6	100%	811	487	60%	811	487	60%	811	545	67%	811	592	73%	811	642	79%	811	658	81%
Viera Elem	Elementary	K-6	100%	1,030	695	67%	1,030	717	70%	1,030	759	74%	1,030	857	83%	1,030	926	90%	1,074	1,061	99%
Westside	Elementary	K-6	100%	857	799	93%	857	846	99%	923	922	100%	989	974	98%	1,033	988	96%	1,099	1,100	100%
Williams	Elementary	PK-6	100%	715	451	63%	715	450	63%	715	443	62%	715	414	58%	715	411	57%	715	415	58%
Elementary Totals				42,215	30,468		42,237	30,778		42,303	30,996		42,435	31,549		42,677	31,905		43,007	32,280	



				School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
School	Type	Grades	Utilization Factor	FISH Capacity	10/14/22 Membership	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,158	76%	1,514	1,228	81%	1,514	1,289	85%	1,514	1,377	91%
DeLaura	Middle	7-8	90%	960	842	88%	960	844	88%	960	902	94%	960	820	85%	960	789	82%	960	826	86%
Hoover	Middle	7-8	90%	680	505	74%	680	505	74%	680	534	79%	680	574	84%	680	577	85%	680	588	86%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	545	83%	660	538	82%	660	555	84%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	608	70%	873	600	69%	873	609	70%	873	563	64%	873	548	63%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%	1,064	825	78%
Kennedy	Middle	7-8	90%	869	671	77%	869	671	77%	869	687	79%	869	670	77%	869	669	77%	869	677	78%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	484	62%	781	452	58%	781	476	61%	781	593	76%
McNair	Middle	7-8	90%	616	365	59%	616	369	60%	616	346	56%	616	354	57%	616	337	55%	616	347	56%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	92%	1,289	1,174	91%	1,289	1,285	100%
Stone	Middle	7-8	90%	1,076	668	62%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	890	83%	1,076	977	91%
Middle Totals				10,323	7,314		10,323	7,367		10,323	7,729		10,323	7,893		10,382	8,072		10,382	8,631	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,536	73%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%	2,097	1,470	70%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%	1,445	867	60%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%	1,852	1,402	76%
Jr / Sr High Totals				5,394	4,062		5,394	4,070		5,394	4,060		5,394	3,916		5,394	3,874		5,394	3,739	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,164	80%	1,451	1,158	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	1,885	83%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%	2,382	2,371	100%
Eau Gallie	High	PK, 9-12	95%	2,221	1,582	71%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,631	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,033	88%	2,314	2,055	89%	2,314	2,065	89%	2,314	2,057	89%	2,314	2,099	91%	2,314	2,171	94%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	95%	2,370	2,284	96%	2,370	2,345	99%
Merritt Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%	1,962	1,454	74%
Palm Bay	High	PK, 9-12	95%	2,657	1,483	56%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,683	63%	2,657	1,704	64%	2,657	1,700	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	93%	1,836	1,693	92%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,518	99%	1,551	1,536	99%	1,551	1,433	92%	1,551	1,413	91%	1,551	1,359	88%	1,551	1,299	84%
Titusville	High	9-12	95%	1,813	1,313	72%	1,813	1,333	74%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%	1,813	1,322	73%
Viera	High	PK, 9-12	95%	2,141	2,289	107%	2,474	2,319	94%	2,474	2,391	97%	2,474	2,417	98%	2,569	2,579	100%	2,664	2,660	100%
High Totals				22,555	18,528		22,912	18,664		22,912	18,945		22,912	19,178		23,007	19,441		23,221	19,793	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	657	453	69%	657	471	72%	657	489	74%	657	507	77%	657	529	81%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	552	89%	794	570	72%	794	588	74%	794	606	76%	794	624	79%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				4,484	3,760		4,660	3,827		4,836	3,863		4,836	3,899		4,836	3,935		4,836	3,975	
Brevard Totals				84,971	64,132		85,526	64,706		85,768	65,593		85,900	66,435		86,296	67,227		86,840	68,418	

#### Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
  - Development Projections from Brevard County Local Government Jurisdictions
  - Brevard County School Concurrency Student Generation Multipliers (SGM)
  - Fall Membership student addresses and corresponding concurrency service areas
  - Student Mobility Rates / Cohort Survival Rates
  - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
  - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
  - Current From/To attendance patterns are assumed to remain constant.
  - Nongecoded student addresses are assumed to continue in their attendance schools.
  - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
  - If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
    - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
  - For school year 2023-24, no additional capacity is needed.
  - For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
  - For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riveria (1), Sunrise (1) and Westside (3) Elementary Schools.
  - For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riveria (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
  - For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riveria (2), Viera El (2), Sunrise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.



## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

# COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

### APPLICATION AMENDMENT TYPE:

- ☐ **Small Scale** (50 acres or Less) ☐ **Text Amendment** (Comp. Plan)
- ☒ **Large Scale** (More than 50 acres)

### PARCEL ID(S):

30-37-13-00-750; 30-38-19-00-1; 30-38-17-00-1; 30-38-19-00-2; 30-38-19-00-3; 30-38-19-00-4;  
30-38-18-00-751; 30G-38-01-HJ-\*4.01; 30G-38-02-HK-2; 30-38-18-00-750 along with 30-38-08-00-750;  
30-38-17-00-2; 30G-38-01-HJ-\*4.02; 30-38-08-00-751

### TAX ACCOUNT NUMBER(S):

3000721; 3007870; 3007867; 3007871; 3007872; 3007873; 3010496; 3008614; 3008618; 3007869 along with  
3001886; 3010494; 3010495; 3017583

### LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):

See attached

### SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

+/-1,435.36

**CITY OF PALM BAY, FLORIDA**  
**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION**  
**PAGE 2 OF 3**

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

MPVD (City) and RES 1 (County)

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

Mixed Use

**PRESENT USE OF PROPERTY:**

Nursery (vacant), grazing land, one single family home

**STRUCTURES LOCATED ON THE PROPERTY:** Single family home; pole barn

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** No

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

See attached

**SPECIFIC USE INTENDED FOR PROPERTY:**

Master planned mixed use development with varying types of residential, commercial/ industrial flex space, a downtown district

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**



\*Application Fee. Make Check payable to "City of Palm Bay."



**\$1,200.00 - Small Scale** (50 acres or Less)



**\$2,000.00 - Large Scale** (More than 50 acres)



**\$2,000.00 - Text Amendment** (Comp. Plan)



CITY OF PALM BAY, FLORIDA

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

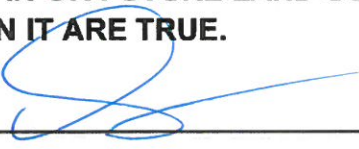
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**Name of Representative** Jake Wise, PE - Construction Engineering Group

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL 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.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

**Owner Signature**  **Date** 8-9-22

**Printed Name** David Logan - MLCI Investments, Ltd.

**Full Address** 313 65th Trail North, West Palm Beach, FL 33413

**Telephone** (561) 686-3948 **Email** DavidL@Murraylogan.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

**CITY OF PALM BAY, FLORIDA**

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION**


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**Owner Signature**  **Date** 8-9-22

**Printed Name** David Logan - Brevard 270, LLC

**Full Address** 313 65th Trail North, West Palm Beach, FL 33413

**Telephone** (561) 686-3948 **Email** DavidL@Murraylogan.com

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**CITY OF PALM BAY, FLORIDA**

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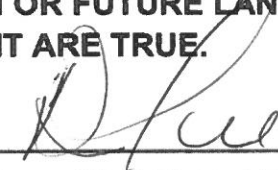
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**Owner Signature**  **Date** 8/11/22  
**Printed Name** David Lee - David Lee, LLC  
**Full Address** c/o Dan Logan, Esq. 360 Columbia Drive, Suite 100, West Palm Beach, FL 33409  
**Telephone** (561) 444-3336 **Email** Dan@tkl-law.com

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CITY OF PALM BAY, FLORIDA  
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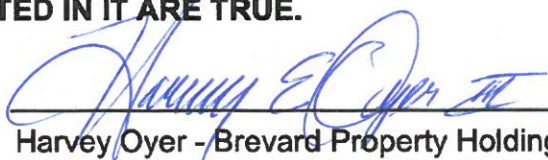
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Owner Signature



Date

9 Aug. 2022

Printed Name

Harvey Oyer - Brevard Property Holdings, LLC

Full Address

c/o Dan Logan, 360 Columbia Drive, Suite 100, West Palm Beach, FL 33409

Telephone

(561) 444-3336

Email Dan@tkl-law.com

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**Owner Signature**  **Date** 8-9-22

**Printed Name** David Logan - MLCI Realty II, LLC

**Full Address** 313 65th Trail North, West Palm Beach, FL 33413

**Telephone** (561) 686-3948 **Email** DavidL@Murraylogan.com

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CITY OF PALM BAY, FLORIDA  
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**Printed Name** David Logan - MLCI Realty, Ltd.

**Full Address** 313 65th Trail North, West Palm Beach, FL 33413

**Telephone** (561) 686-3948 **Email** DavidL@Murraylogan.com

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CITY OF PALM BAY, FLORIDA

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**Owner Signature**  **Date** 8/9/22

**Printed Name** Murray Daniel Logan - L&L Collections, LLC

**Full Address** 360 Columbia Drive, Suite 100, West Palm Beach, FL 33409

**Telephone** (561) 444-3336 **Email** Dan@tkl-law.com

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CITY OF PALM BAY, FLORIDA  
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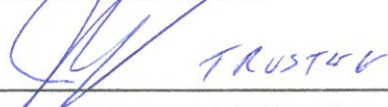
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**Owner Signature**

 TRUSTEE

**Date**

8/11/2022

**Printed Name**

Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust

**Full Address**

c/o Dan Logan, 360 Columbia Drive, Suite 100, West Palm Beach, FL 33409

**Telephone**

(561) 444-3336

**Email**

Dan@tkl-law.com

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CITY OF PALM BAY, FLORIDA  
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**Owner Signature** Candice Mayr, Trustee **Date** 8/11/2022  
**Printed Name** Candice Mayr and Jeffrey Lee, Trustees of the William H. Lee Revocable Trust  
**Full Address** c/o Dan Logan, 360 Columbia Drive, Suite 100, West Palm Beach, FL 33409  
**Telephone** (561) 444-3336 **Email** Dan@tkl-law.com

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**Owner Signature** Tiffany Dismukes Floyd **Date** 8-5-2022  
**Printed Name** Tiffany Dismukes Floyd  
**Full Address** PO Box 69; Kenansville, FL 34739  
**Telephone** 772-473-7501 **Email** CBDS911@aol.com

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## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** February 1, 2023

**SUBJECT:** T-16-2023 - Accessory Dwelling Unit - City of Palm Bay, Florida (Growth Management Department) - A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, to amend the definition for Accessory Dwelling Unit

### ATTACHMENTS:

#### Description

- ▣ Case T-16-2023 - Staff Report
- ▣ Case T-16-2023 - Application



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Jesse Anderson, Assistant Director, Growth Management

---

#### CASE NUMBER

T-16-2023

#### PLANNING & ZONING BOARD HEARING DATE

February 1, 2023

---

#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

---

#### SUMMARY OF REQUEST

A textual amendment to the City of Palm Bay's Code of Ordinances, Title XVII, Land Development Code, Chapter 185: General Provision, Section 185.006 to add language on Accessory Dwelling Unit.

#### Existing Land Use

Not Applicable

#### Site Improvements

Not Applicable

#### Site Acreage

Not Applicable

---

#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

---

**BACKGROUND:**

A textual amendment to the City of Palm Bay's Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Comprehensive Plan Regulations, Section 185.006 to add language to the definition of Accessory Dwelling Unit (ADU) The proposed Textual Amendment changes to the Land Development Code are provided below:

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**SECTION PURPOSE AND INTENT:**

The purpose and intent of this amendment is to establish a clear definition and intent to build Accessory Dwelling Units within the jurisdictional limits of the City. The added language will allow more clarity to the land use and zoning regulations regarding the Accessory Dwelling Unit application.

**ANALYSIS:**

The proposed textual amendment will codify language that enables the City to regulate the Accessory Dwelling Unit. The staff has drafted this amendment to allow for the change in verbiage as described above and textually written below to ensure compliance with the current Florida Statute.

**STAFF FINDINGS:**

Case T-16-2023 meets the minimum criteria for a textual amendment request.

## TITLE XVII: LAND DEVELOPMENT CODE

### Chapter 185: Zoning Code

#### § 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY DWELLING UNIT.** A residential dwelling unit, but not a mobile home or recreational vehicle, located on the same lot or parcel of land as a single-family dwelling unit, with a separate, complete housekeeping unit including a separate kitchen, sleeping area, and full bathroom facilities. The unit may be attached to the single-family dwelling unit or detached in a free-standing structure. An accessory dwelling unit is not permitted as accessory to a two-family dwelling, multi-family dwelling, or mobile home dwelling.

(1) The unit shall be accessory to and on the same property as a single-family dwelling unit and may only be located on lots or parcels of land that meet the minimum lot size requirement of this >>any Single-Family Residential District (SF-1, RS-1, RS-2, and RS-3), Estate Residential District (RE), Rural Residential District (RR), or General Use Holding District (GU) where single-family dwellings are permitted<< zoning district.

(2) The unit shall be developed in conjunction with or after development of the principal dwelling unit and the owner of the property must reside within either the principal or the accessory dwelling unit.

(3) Not more than one (1) accessory dwelling unit Excluding converted (existing) garage accessory dwelling units, the per property is permitted.

(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels.

(5) The air-conditioned floor area of the accessory dwelling unit shall not exceed 50% of the air-conditioned floor area of the principal structure, or 800 square feet, whichever is less. The accessory dwelling unit shall be no less than 200 square feet of air-conditioned floor area.

(6) The unit shall meet the accessory structure setback and height provisions identified in §§ [185.118](#)(A) and (B).

(7) ~~Excluding converted (existing) garage accessory dwelling units, t~~The unit shall be designed so that the exterior façade material is similar in appearance (material and color) of the existing principal structure.

(8) A minimum of one (1), but not more than two (2) parking spaces shall be provided for the accessory dwelling unit, in addition to the spaces required for the principal dwelling unit.



(9) Construction of the accessory dwelling unit, in combination with all structures on the property, shall not cause the maximum lot coverage of ~~this~~ >>the<< zoning district to be exceeded.

(10) The accessory dwelling unit shall be serviced by centralized water and waste water or meet the health department's well and septic tank and drain field requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.

(11) An accessory dwelling unit shall be treated as a ~~multi-family~~ >>mobile home<< unit for impact fees.



**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042  
Landdevelopment@palmbayflorida.org

**CODE TEXTUAL AMENDMENT APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:**

Section 185.006

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

To update the regulations and fees associated with Accessory Dwelling Units.

CITY OF PALM BAY, FLORIDA  
CODE TEXTUAL AMENDMENT APPLICATION  
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☒ \*\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers 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.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant

Date

Printed Name of Applicant

Full Address

Telephone

Email

PERSON TO BE NOTIFIED (If different from above):

Printed Name

Full Address

Telephone

Email

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Jesse Anderson, Ph.D., Assistant Growth Management Director

**DATE:** February 1, 2023

**SUBJECT:** CP-3-2023 - Comp Plan Future Land Use Elemen - A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element

### ATTACHMENTS:

#### Description

- ▣ Case CP-3-2023 - Staff Report
- ▣ Case CP-3-2023 - Future Land Use Element Data Analysis
- ▣ Case CP-3-2023 - Proposed Future Land Use Element
- ▣ Case CP-3-2023 - Application





# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Jesse D. Anderson, Assistant Growth Management Director

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#### CASE NUMBER

CP-3-2023

#### PLANNING & ZONING BOARD HEARING DATE

February 1, 2023

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#### APPLICANT

City of Palm Bay, Florida

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### SUMMARY OF REQUEST

A Comprehensive Plan Textual Amendment to amend and updated the language in the Future Land Use Element of the City of Palm Bay Comprehensive Plan.

##### Existing Zoning

Not Applicable

##### Existing Land Use

Not Applicable

##### Site Improvements

Not Applicable

##### Site Acreage

Not Applicable

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#### SURROUNDING ZONING & USE OF LAND

##### North

Not Applicable

##### East

Not Applicable

##### South

Not Applicable

##### West

Not Applicable

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**BACKGROUND:**

A Comprehensive Plan Textual Amendment to amend the language in the Future Land Use Element of the City of Palm Bay Comprehensive Plan by adopting a new Future Land Use element to provide the first comprehensive update to the Future Land Use Element since 2002.

The applicant for this amendment is the City of Palm Bay, Florida. The applicant seeks to adopt an updated Future Land Use Element that will establish and provide criteria for application reviews and future initiatives undertaken by the City over the next 7 years.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strike~~through format.

**INTENT AND APPLICABILITY:**

The city declares that the purpose and intent of this Future Land Use Element is to provide for the city a plan which will guide future growth and development; encourage the most appropriate use of land, water and other resources consistent with the public interest, preserve, promote and protect the public health, safety, comfort, good order, appearance, convenience, and general welfare; preserve the residential or historical character of neighborhoods, prevent the overcrowding of land, avoid undue concentration of population; provide adequate and energy-efficient transportation, water, sewage, drainage, fire protection, law enforcement, schools, parks, recreation facilities, housing and other services, facilities and resources; enhance the aesthetic appeal of the community; promote the residential, business, and industrial needs of the community; and conserve and protect natural resources within the city, while protecting private property rights. By the adoption of this element, the city will encourage and actively pursue coordination and cooperation between the planning and development activities of the city, other local governments, regional agencies, state government, and private property owners.

**ANALYSIS:**

Staff has drafted this amendment to allow for the adoption of an updated Future Land Use Element. The last comprehensive update to the City's Future Land Use Element occurred with the 2002 Comprehensive Plan Adoption. While subsequent smaller amendments have taken place, a holistic and comprehensive review of the entire element has not occurred within the last twenty (20) years. As such, staff has engaged outside consultants (Inspire) to work with the public and staff to draft a new Future Land Use Element that reflects current and projected growth rates, current and future citizen needs, and established best planning practices. The new Future Land Use Element will establish new Future Land Use Categories that are more ubiquitously used in planning practice and enable more in depth and accurate planning

analyses. The changes to these categories will also enable the City to successfully and sustainably accommodate projected future populations and any associated infrastructure or services that may be required.

**STAFF RECOMMENDATION:**

Case CP-3-2023 - Comprehensive Plan Future Land Use Element is recommended for approval and adoption.

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# FUTURE LAND USE



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## 1.0 INTRODUCTION

The Future Land Use Element (FLUE) is intended to determine the distribution, location, and intensity of uses necessary for accommodating the City's projected population growth, advance its economic interests, minimize impacts to the natural environment, and deliver high-quality public facilities and services. The Data & Analysis portion of this Element provides the basis for future land use decisions and policy changes made by the City. Topics related to land use explored as part of this analysis include demographics and socioeconomic conditions, community character, existing land use, natural resources, historic and cultural preservation, public facilities and services, population growth, future land use, urban sprawl, and considerations for equity.

### 1.1 HISTORICAL CONTEXT

At the mouth of Turkey Creek where it meets the Indian River, a small but charming settlement known as Tillman slowly began to take shape during the nineteenth century. However, the pace of growth quickly escalated by the arrival of the railroad in the late 1800s, which allowed local farming operations to export their goods to markets throughout the region. Tillman's growing agricultural economy attracted a wealth of new workers and their families to the area, resulting in a sharp rise in the community's population. Yet, this growth would soon slow once again as poor drainage practices at the time hurt the viability of the soil, which caused many local farms to shutter their operations—sharply diminishing the area's population by the early 1920's.

Nevertheless, those who remained in Tillman organized and sought to rebrand their community by renaming the town to Palm Bay, which more aptly reflected the area's local ecosystem and proximity to the water. By the time the City was officially incorporated in 1960, Palm Bay's population stood at approximately 2,800 residents. Around this time, exciting new commercial and industrial projects began to arise within and around Palm Bay—the most prolific of which was the John F. Kennedy Space Center (located in Merritt Island) which helped earn the region its nickname as Florida's Space Coast.

During this time, large-scale residential investments were being made in the area as well. In 1959, the area's leading developer, the General Development Corporation (GDC), purchased large tracts of land and quickly began developing single-family neighborhoods and homes throughout Palm Bay, which allowed the City's population to surge exponentially to 62,632 by 1990—rendering Palm Bay as Brevard County's most populous city. Over thirty years later, this distinction remains, as the City's population was estimated to be 127,256 in 2022—the overwhelming majority of which live in single-family neighborhoods.

Many challenges stemming from the City's quick rise in population continue to persist: the City lacks a defined downtown, the transportation network remains oriented overwhelmingly to the automobile, commercial and industrial development has not kept pace with residential growth, and the housing stock is predominately limited to single-family products. Yet, opportunities for bringing positive changes to Palm Bay have been identified as well, including the completion of the St. Johns Heritage Parkway interchange, the continued progress of several large-scale development projects, and the creation of a new community-driven vision plan for the City. This 2045 Comprehensive Plan addresses the ongoing and emerging topics by establishing a renewed set of Goals, Objectives, and Policies backed by well-informed data and analyses.

### 1.2 GEOGRAPHIC CONTEXT

Located in Central Florida and spanning a total of 86 square miles, the City of Palm Bay can be found in the southeastern quadrant of Brevard County. The City is surrounded by the Three Forks Conservation Area to the west, Melbourne & West Melbourne to the north, the Indian River Lagoon to the east, and the Indian River County boundary to the south. The community is intersected by two of Florida's most heavily-traveled roadways—I-95

(which splits the City vertically) and US Highway 1, which is located along Palm Bay's eastern boundary. **Map FLUE-1** provides a regional snapshot of the City of Palm Bay, while **Map FLUE-2** provides a more detailed look at the current City limits.

### 1.3 DEMOGRAPHIC & SOCIOECONOMIC CONTEXT

According to the latest decennial Census, the City of Palm Bay possessed a permanent population of 119,760 in 2020 and is estimated to have grown to 127,256 residents as of June 2022. One method of understanding the lifestyles and rich character of Palm Bay's population is to conduct a profile and analysis of its current demographic (age, sex, and race/ethnicity) and socioeconomic (income, occupation, and education) composition. These findings can then be compared to Brevard County and the State of Florida as a whole to better understand the challenges and opportunities which may be unique to Palm Bay. This comparison is shown in **Tables FLUE-1 & FLUE-2**.

**Table FLU - 1: Demographic Comparison – City, County, & State**

	City of Palm Bay	Brevard County	State of Florida
Total Population	127,256 <sup>1</sup>	619,038	22,114,754
Total Households <sup>2</sup>	40,918	262,376	8,760,977
Average Household Size <sup>3</sup>	3.11	2.36	2.52
Median Age	41	48	43
Female Population (%)	52	51	51
Male Population (%)	48	49	49
Senior Population (%)	20	26	22
Race/Ethnicity			
White Alone (%)	60.2	73.1	56.7
Black Alone (%)	17.8	9.7	14.9
American Indian Alone (%)	0.4	0.4	0.4
Asian Alone (%)	2.0	2.7	3.0
Pacific Islander Alone (%)	0.1	0.1	0.1
Some Other Race Alone (%)	6.0	3.5	7.5
Two or More Races (%)	13.5	10.6	17.4
Hispanic Origin (%)	18.2	11.6	27.1
Diversity Index	71	56	77
<sup>1</sup> According to June 2022 electric water meter counts for residential developments within the City. <sup>2</sup> Determine by dividing Total Population (Row 2) by Average Household Size (Row 4) <sup>3</sup> Determined by dividing the City's 2020 Census population (119,760) by Palm Bay's estimated number of occupied housing units in 2020 (38,486) according to the Shimberg Center's Florida Housing Data Clearinghouse (FHDC) at the University of Florida			

Sources: City of Palm Bay, ESRI Business Analyst Online, 2022.

**Table FLU - 2: Socioeconomic Comparison – City, County, & State**

	City of Palm Bay	Brevard County	State of Florida
Median Household Income	\$55,542	\$64,216	\$65,438
Persons in Poverty (%)	13.4	9.9	13.1
Median Home Value	\$214,832	\$272,299	\$285,477
Owner Occupied Housing Units (%)	76.8	76.7	66.1
Renter Occupied Housing Units (%)	23.2	23.3	33.9
Employed Population (%)	95.8	95.9	96.1



	City of Palm Bay	Brevard County	State of Florida
Unemployed Population (%)	4.2	4.1	3.9
High School Graduate or Higher (%)	88.4	93.4	88.5
Bachelor's Degree or Higher (%)	19.6	30.9	20.5

Sources: American Community Survey, 2020; City of Palm Bay, ESRI Business Analyst Online, 2022.

Highlights from the demographic and socioeconomic data available for the City of Palm Bay reveal several important characteristics about the community, particularly when compared at the County and State level. In terms of demographic makeup, Palm Bay residents generally live in larger households and are younger than their comparatives. Socioeconomically, households in Palm Bay generally make less money and are likelier to own less expensive homes than those living in other portions of the County and State. When taken as whole, this information indicates that Palm Bay is a family-oriented community rich with growing, working-class households.

## 1.4 COMMUNITY CHARACTER

Much of Palm Bay's character today can be traced back to the rapid development led by the GDC in the latter half of the 20<sup>th</sup> century. Like many other GDC-developed communities, including Port Charlotte, North Port, and Port St. Lucie, extremely large tracts of agricultural and natural lands were purchased and divided into thousands of single-family lots that were often sold to northern retirees with disposable income. As a result, many of these developments eventually grew into sprawling bedroom communities—often lacking the critical components of typical cities, including downtowns, commercial and industrial employment centers, and multifamily housing options. However, the City of Palm Bay remains steadfast in its attempts to correct planning mistakes of the past. Although this section attempts to describe Palm Bay's community character today, it is highly likely these descriptors will no longer be appropriate as the City continues to evolve in the decades ahead.

### 1.4.1 Suburban Living

Residential neighborhoods in Palm Bay consist primarily of single-family residences built between 1950 and 2009. These neighborhoods are scattered throughout the City, accounting for the primary use of land within the jurisdiction. The vast majority of these neighborhoods feature suburban roadway networks with poor internal and external connectivity. This type of roadway network often isolates residents in their neighborhoods and creates barriers to simplified, connected, and streamlined travel—particularly to pedestrians and cyclists. Additionally, many neighborhoods within the City are currently not served by the City's centralized water and sewer system and thus rely on private wells and septic tanks.

Although single-family homeownership continues to be aspiration for many American families, national changes in lifestyle preferences and economic circumstances have created a significant market for more urbanized living, where residents can live, work, play, and grow all within a walkable setting. Higher-density housing products, particularly those within a walkable distance to public and private goods and services are nearly nonexistent within Palm Bay. By diversifying the local housing stock, the City will be more likely to attract families from a wider range of backgrounds, income levels, and lifestyles.

### 1.4.2 Commuting Culture

One of the consequences of the General Development Corporation's influence on the City's rapid population growth was its lack of vision for establishing strong commercial and industrial centers. As detailed later in the Existing Land Use section of this report, less than 15% of the City's total land area is currently utilized for commercial and industrial development. Their absence from the community often forces its large residential population to travel to other communities (such as the neighboring Cities of Melbourne and Titusville) to meet

their needs for goods, services, and employment. This phenomenon is further evidenced by the employment figures in **Table FLUE-3**.

**Table FLU - 3: Business & Employment Indicators Comparison – City, County, & State**

	City of Palm Bay	City of Melbourne	City of Titusville
Total Population	127,256	85,993	48,685
Employed Civilian Population – Age 16+ <sup>1</sup>	61,865 (48.6%)	42,507 (49.4%)	22,114 (45.4%)
Total Daytime Population <sup>2</sup>	92,451 (-34,805) <sup>3</sup>	109,405 (+23,412) <sup>3</sup>	52,168 (+3,483) <sup>3</sup>
Total Number of Businesses	2,912	5,717	2,616
Total Number of Employees	20,952	56,329	21,274
Average Number of Employees Per Business <sup>4</sup>	7.2	9.9	8.1
Jobs/Employed Population Ratio <sup>5</sup>	0.34	1.33	0.96
<sup>1</sup> Includes those who are non-military employees or are self-employed, including those who work 15 hours or more for a family business (paid or unpaid) or those who are temporarily absent from work due to illness, vacation, or other personal reasons. <sup>2</sup> Includes workers (civilian, non-military employed at work, and armed forces personnel ages 16+) and residents (population age 0-15, unemployed adults, those not in the labor force, and employed civilians who are not working temporarily due to illness, vacation, etc.). <sup>3</sup> Total Daytime Population minus Total Population <sup>4</sup> Total Number of Businesses divided by the Total Number of Employees <sup>5</sup> Total Number of Employees divided by the Employed Civilian Population – Age 16+			

Sources: City of Palm Bay, ESRI Business Analyst Online, 2022.

Despite sharing a similar proportion of employed working age residents between the three cities, Palm Bay has a significantly lower proportion of businesses and jobs compared to the City's total population. This relative lack of employment opportunities often results in a commuting culture, where residents typically spend their days [and often their money] in communities other than their own. This appears to be the case for the City of Palm Bay which, unlike the Cities of Melbourne and Titusville, has a significant reduction in its total daytime population. Considering that many Americans desire to have shorter commutes to work, the relative lack of jobs in the city limits may result in many prospective residents choosing to move to neighboring communities rather than Palm Bay.

Although the volume of businesses and jobs is important to the economic viability of a community, identifying the types of industries found within each City is critical to understanding where Palm Bay may be struggling to compete with its largest neighbors. An industry breakdown (organized into the Standard Industrial Classification (SIC) system) for Palm Bay, Melbourne, and Titusville is shown in the following tables. **Table FLUE-4** shows the total number of businesses comprising each industry, while **Table FLUE-5** identifies the total number of persons employed by industry.

**Table FLU - 4: Number of Businesses per Industry Comparison – City, County, & State**

	City of Palm Bay		City of Melbourne		City of Titusville	
Industry (by SIC Code)	#	%	#	%	#	%
Agriculture & Mining	98	3.4	113	2.0	39	1.8
Construction	316	10.9	420	7.3	132	6.1
Manufacturing	66	2.3	145	2.5	58	2.7
Transportation	73	2.5	115	2.0	57	2.6
Communication	23	0.8	57	1.0	17	0.8

	City of Palm Bay		City of Melbourne		City of Titusville	
Utility	7	0.2	17	0.3	2	0.1
Wholesale Trade	71	2.4	139	2.4	44	2.0
Retail Trade	568	19.5	1,100	19.2	486	22.4
Finance, Insurance, & Real Estate	226	7.8	559	9.8	193	8.9
Services <sup>1</sup>	1,031	35.4	2,289	40.0	883	40.8
Government	67	2.3	94	1.6	69	3.2
Unclassified <sup>2</sup>	367	12.6	669	11.7	186	8.6
Total	2,913	100.0	5,717	100.0	2,166	100.0

<sup>1</sup>Services includes the following SIC Code categories: Hotels & Lodging, Automotive Services, Motion Pictures & Amusements, Health Services, Legal Services, Education Institutions & Libraries, & Other Services.  
<sup>2</sup>Unclassified refer to businesses which did not report an SIC code.

Source: ESRI Business Analyst Online, 2022.

**Table FLU - 5: Number of Employees per Industry Comparison – City, County, & State**

	City of Palm Bay		City of Melbourne		City of Titusville	
Industry (by SIC Code)	#	%	#	%	#	%
Agriculture & Mining	306	1.5	531	0.9	226	1.1
Construction	1,455	6.9	2,311	4.1	818	3.8
Manufacturing	770	3.7	2,085	3.7	532	2.5
Transportation	371	1.8	1,467	2.6	370	1.7
Communication	95	0.5	497	0.9	211	1.0
Utility	24	0.1	83	0.1	3	0.0
Wholesale Trade	468	2.2	2,634	4.7	361	1.7
Retail Trade	6,360	30.4	12,259	21.8	5,079	23.9
Finance, Insurance, & Real Estate	1,110	5.3	3,515	6.2	969	4.6
Services <sup>1</sup>	7,767	37.1	28,348	50.3	8,639	40.6
Government	2,131	10.2	1,765	3.1	3,927	18.5
Unclassified <sup>2</sup>	95	0.5	834	1.5	139	0.7
Total	20,952	100.0	56,329	100.0	21,274	100.0

<sup>1</sup>Services includes the following SIC Code categories: Hotels & Lodging, Automotive Services, Motion Pictures & Amusements, Health Services, Legal Services, Education Institutions & Libraries, & Other Services.  
<sup>2</sup>Unclassified refer to businesses which did not report an SIC code.

Source: ESRI Business Analyst Online, 2022.

Despite its larger population, the City of Palm Bay has a lower volume of businesses than both Melbourne and Titusville. Yet, as shown in **Table FLUE-4**, the composition of each city's industry share is relatively similar. Services comprises the largest percentage of each city's total volume of businesses, with retail trade coming in second.

**Table FLUE-5** reveals starker contrasts between the three local economies. Unlike business volume, where the City of Palm Bay possesses more total private enterprises than Titusville, Palm Bay currently maintains less employment opportunities than both Melbourne and Titusville. In fact, Melbourne (which possesses 32% less population than Palm Bay), more than doubles the job opportunities found in Palm Bay. Additionally, Palm Bay's proportion of Service jobs (much of which is comprised of highly skilled and well-paid sectors like health and legal services) is lower than both of its neighbors. Alternatively, Palm Bay has a larger proportion of Retail Trade jobs than its comparatives, which often relies on unskilled labor and offers lower wages.

To continue to attract new residential and nonresidential investment into the City, Palm Bay must seek to render itself more competitive with its neighboring cities by seeking to increase the total number of businesses and jobs available within its community. As explored throughout this Element, a critical step in achieving this goal necessitates a frequent evaluation, monitoring, and revising (as necessary) of its land use policies regarding new commercial and industrial development opportunities.

## 2.0 LAND USE INVENTORY

### 2.1 EXISTING LAND USE

Using Department of Revenue (DOR) use codes included in the Brevard County Property Appraiser tax parcel shapefile, **Map FLUE-3** summarizes the existing land uses and development pattern found within the City, while **Table FLUE-6** reveals the acreage comprised by each land use category.

**Table FLU - 6: Existing Land Use Composition**

Existing Land Use	Acres	Percentage of Total
Low Density Residential	13,158	28.1%
Agricultural	5,475	11.7%
Public/Institutional	2,056	4.4%
Industrial	1,141	2.4%
Commercial	942	2.0%
Recreational	893	1.9%
Moderate Density Residential	568	1.2%
High Density Residential	301	0.6%
Office/Professional	221	0.5%
Right-of-Way/Utilities	123	0.3%
<i>Total Developed Area</i>	<i>24,878</i>	<i>53.1%</i>
<i>Total Undeveloped Area (Vacant)</i>	<i>22,001</i>	<i>46.9%</i>
<b>Total Area</b>	<b>46,879</b>	<b>100%</b>

Sources: Brevard County Property Appraiser, S&ME, 2022.

Of the nearly 47,000 acres of land included within Palm Bay's current municipal limits, only 53.1% (24,878.1 acres) is considered to be developed. By a significant margin, the largest existing land use within the City is *low density residential*, which occupies more than 28% of the City's total land area at 13,158 acres. The only remaining land use category comprising more than five percent of Palm Bay's total acreage is *agricultural* at 11.7% (5,475.4 acres). A brief description of each existing land use category (along with their typical uses and general location) within the City is provided as follows.

#### *Low Density Residential*

The low-density residential land use category includes low density housing accommodations such as single-family detached dwellings and mobile home units. This type of residential development comprises the vast majority of the City's housing stock and can be found throughout the City.

#### *Agricultural*

This designation represents areas used for agricultural activities and rural residential development located on the fringes of the urban areas. Uses found in the agriculture areas may include vegetable farms, livestock ranches, fruit groves, plant nurseries and silviculture activities, as well as kennels, farm equipment storage and sales, and other



more intensive uses. As shown on the Existing Land Use Map, agricultural land uses are primarily located within the southern area of the City.

#### *Public/Institutional*

Public/Institutional uses consist of public, semi-public and private not-for-profit uses, such as civic and community centers, hospitals, libraries, police and fire stations, and government administration buildings. This category also includes churches, social service facilities, cemeteries, nursing homes, emergency shelters, and other similar uses. Educational facilities, such as public or private schools (primary or secondary), vocational and technical schools, and colleges and universities, are also included in this category. This land use is located throughout the City.

#### *Industrial*

Industrial uses typically include warehousing, wholesaling/distribution, heavy equipment repair, assembly, processing, motor vehicle impoundment facilities, construction offices, and outdoor storage. This use is located primarily in the northeastern area of the City (near the Indian River) and in the southwestern area of the community.

#### *Commercial*

The commercial land use category consists of a variety of restaurant and retail uses including, but not limited to, fast-food establishments, clothing stores, automobile service facilities, and more. The Existing Land Use Map shows that commercial land is primarily located along the City's major corridors, such as I-95, Palm Bay Road, US Highway 1, and Malabar Road.

#### *Recreation*

Lands designated as Recreational on the Existing Land Use Map include parks, open spaces, and public or private golf courses. Recreational uses are located throughout Palm Bay, with the largest being Fred Poppe Regional Park, Turkey Creek Sanctuary Park, and The Majors Golf Course.

#### *Moderate Density Residential*

The medium density residential land use category includes attached medium density housing accommodations such as duplexes, triplexes, and quadruplexes. This land use category is predominately located in the northeastern area of the City.

#### *High Density Residential*

This land use category describes residential structures within the City capable of accommodating a large number of dwellings and frequently takes the form of multi-story apartments or condominiums. This use can be found in the northeastern portion of the City along San Filippo Drive, Malabar Road, Port Malabar Boulevard, Palm Bay Road, and US Highway 1.

#### *Office/Professional*

This land use category describes lands within the City that contain professional offices, such as medical complexes, office buildings, executive suites, and some condominiums which are used for office space. This category is similar to Commercial in that it is often near major roadway corridors and is generally separated from low density residential areas.

#### *Right-of-Way/Utilities*

This land use category contains infrastructure designed to accommodate the City's inventory of residential and nonresidential uses, including utility boxes, railroads, stormwater retention facilities, and some roadway corridors.

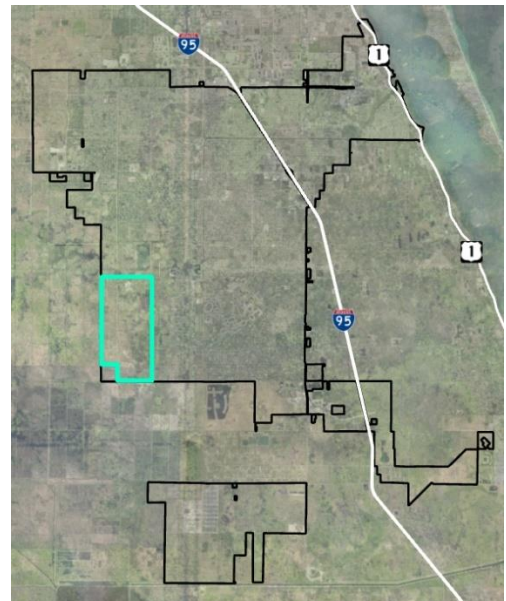
The designation is scattered throughout the City with heavier concentrations in the northeast and along Malabar Road.

### *Undeveloped Lands (Vacant)*

Over 22,000 acres within Palm Bay remains vacant, which includes parcels that are either currently undeveloped or unimproved. This may include lots in subdivisions that have already been platted, but are not developed, as well as lands that currently have no active buildings. As shown in **Map FLUE-3**, vacant lands are found throughout Palm Bay, but are primarily located in the western areas of the City, as well as recently annexed areas in the southern portion of the community.

Nearly 3,000 acres of the Palm Bay's inventory of vacant lands are located within the southwest portion of the City in an area known as The Compound (pictured to the right in **Figure FLUE-1**). Like much of Palm Bay, this area was originally purchased and subdivided by the GDC. However, shortly after constructing much of the area's internal road network, the Corporation went bankrupt and failed to develop the area's remaining infrastructure system, including water, sewer, and electricity. Today, the majority of The Compound remains vacant and unkempt. Additionally, near-term development of the area isn't likely, as a significant portion of the area's subdivided lots are owned by different individuals and organizations who do not currently reside in Palm Bay.

**Figure FLU - 1: The Compound**



## **2.2 NATURAL RESOURCES**

The City of Palm Bay is rich with a wide variety of natural resources. The protection and maintenance of these natural amenities not only serve to elevate the quality of life for Palm Bay's residents and visitors alike, but also help preserve and enhance Florida's native ecosystem as whole. An inventory and analysis of these resources are presented below.

### **2.2.1 Waterbodies, Wetlands, & Floodplains**

The largest body of water within the City of Palm Bay is the Indian River, which is located in the northeastern portion of the City. The Indian River is a brackish lagoon that runs for 121 miles along the coast of Florida and makes up part of the intracoastal waterway. This lagoon also feeds into Turkey Creek, which is one of the City's most prominent bodies of water and is located northeast of Port Malabar Boulevard. As demonstrated in **Maps FLUE-4** and **FLUE-5**, wetlands and floodplains are also present within the City. Wetland features can be found within 4,809 acres of the City (excluding lakes, ponds, rivers, and lagoons) and are primarily found along the banks of the Indian River, lining the City's western boundary, and north of Centerlane Road. Alternatively, floodplains cover a much larger portions of the City at 16,741 acres and are located primarily in the western- and southern-most portions of Palm Bay. These important environmental features will need protection, preservation, and/or mitigation if these areas develop in the future, which can increase the cost and timeline of development considerably.

### 2.2.2 Soil Permeability

The development potential of land can be affected by the types of soils present. Soils that have poor load bearing features or drain poorly will be more difficult and costly to develop. Other soils may not be suitable for certain types of development and septic tanks. The soil types best suited to support development in the City are those that are well to excessively drained and occurring in large areas on uplands, such as the Norfolk, Arredondo, and Candler soils. As demonstrated in **Map FLUE-6**, most of the soil in Palm Bay is labeled as poorly drained, speckled with locations that are very poorly drained. The soils labeled as excessively well drained and well drained are concentrated in the northeastern corner of the City, along the Indian River, US Highway 1, and Port Malabar Boulevard.

### 2.2.3 Aquifer Recharge

As shown in **Map FLUE-7**, all land within the city limits of Palm Bay are located within an aquifer discharge area, which are areas where groundwater seeps up to the soil surface or into streams. While recharge involves the downward movement and influx of groundwater to an aquifer, discharge involves the upward movement and outflux of groundwater from an aquifer. Waterlogging and salinity are most likely to occur in these areas and are generally found in lower elevations.

## 2.3 HISTORIC & CULTURAL RESOURCES

The City of Palm Bay currently does not maintain a local registry of historically significant resources or a historic preservation ordinance. Instead, the City relies on the listing maintained by the Florida Division of Historical Resources (FDHR) in their Florida Master Site File (FMSF), which is the State of Florida's official inventory of historical and/or cultural resources. Categories of resources recorded within the FMSF include archeological sites and historical structures, cemeteries, bridges, districts, and landscapes.

**Figure FLU - 2: St. Joseph's Catholic Church**



According to the FMSF, past surveys have recorded 23 structures, one cemetery, two bridges, and 16 resource groups found within the City. As shown on **Map FLUE-8**, only one resource is listed on the National Registry of Historic Places—the St. Joseph's Catholic Church (photographed in **Figure FLUE-2**), a historic structure which was registered in 1987. Additionally, there is currently one resource group which has been determined to be eligible for potential listing on the national registry (Florida East Coast Railroad), as well as one bridge (US Highway 1 overpassing Turkey Creek).

Continuing to identify, recognize, and celebrate Palm Bay's historic and cultural resources will be critical to the future

success of the community in establishing a sense of place, cultivating civic pride, and supporting economic development within the City for centuries to come.

## 2.4 PUBLIC FACILITIES & SERVICES

### 2.4.1 Water & Sewer

The presence and availability of centralized potable water and sanitary sewer systems are critical to supporting future residential and nonresidential development within a community. Fortunately, the City of Palm Bay currently owns, operates, and maintains its own water and sewer systems; however, significant developed and undeveloped

portions of the City remain disconnected from these networks. For instance, approximately 14% of all households within the City are currently not connected to the centralized water system and thus rely on private wells to meet their water needs. **Map FLUE-9** illustrates the extent of the Water Service Area within Palm Bay. The City is hopeful to serve residents and businesses alike which are currently not connected to the potable water system in the near future. However, there are no immediate plans to expand the water system into underserved areas, as the Utilities Department’s primary focus is on rehabilitating the existing system and accommodating developer-driven expansion.

Existing and potential connections to the City’s sanitary sewer system are even more sporadic, as approximately 60% of Palm Bay households remain disconnected from centralized sewer services. Similar to water services, a majority of households served by the City’s sanitary sewer system are located in northeast Palm Bay, within the Sanitary Sewer Service Area (**Map FLUE-10**). As such, many of the City residents continue to rely on personal septic tanks to meet their wastewater needs. The City desires to connect residential and nonresidential developments which currently utilize septic tanks; however, the Utilities Department focus remains primarily on rehabbing the existing sewer system and accommodating the expansion needs of developers.

#### 2.4.2 Airports

There are no airports within the borders of Palm Bay, but the Melbourne Orlando International Airport is located just north of the City in the neighboring community of Melbourne. Similarly, there is a small public airport south of the City in the Town of Grant-Valkaria called Valkaria Airport.

#### 2.4.3 Railways

There is currently one railway which passes through the City, running parallel to US Highway 1 in the northeastern portion of the City. The railway is owned by the Florida East Coast Railway and runs between the cities of Jacksonville and Miami.

#### 2.4.4 Prisons & Detention Centers

There are currently no prisons or detention centers within or near Palm Bay’s City Limits.

#### 2.4.5 Military Installations

Sec. 3175(4), Florida Statutes, details additional comprehensive planning requirements for municipalities which possess a qualified military installation within their jurisdiction. Although the U.S. Air Force Malabar Transmitter Annex (5600 Minton Road) is located within Palm Bay, it is not identified by the State of Florida as military installation warranting additional protections within the City’s Plan. The facility is currently used as an auxiliary communications annex in support of space activities for NASA and the U.S. Space Force.

### 2.5 COMMUNITY REDEVELOPMENT AREA

Six years after completing an extensive Findings of Necessity study in 1994, the City of Palm Bay adopted Ordinance 2000-39 which officially established the *Bayfront Community Redevelopment District* and *Bayfront Community Redevelopment Agency (CRA)*. The District, which comprises approximately 1,070 acres, is located in the northeastern-most portion of the City and shares a boundary with the Palm Bay City Limits to the north, east, and south, while the District’s western boundary is formed by Lipscomb Street and the Florida East Coast Railway corridor. This boundary can be seen in the FLUM (**Map FLUE-11**) at the end of this document.



The Bayfront Community Redevelopment District is a vital tool which assists the City with its land use planning efforts—particularly when addressing conditions of slum and blight through targeted investments, programming, and development incentives. These efforts are made possible through the District’s Tax Increment Financing (TIF) fund which is managed by the Bayfront CRA. These funds can only be spent on the projects, programs, and incentives specifically identified in the Bayfront Community Redevelopment Plan, which was last updated in 2009. Goals, Objectives, and Policies have been included within the Comprehensive Plan to ensure the provisions of the Redevelopment Plan are successfully implemented. The operational timeframe for the Bayfront Community Redevelopment Area is scheduled to sunset in May 2024.

### 3.0 LAND USE ANALYSIS

According to the 2020 decennial census, the City of Palm Bay’s permanent population in 2020 was 119,760. Two years later, the total number of residents is estimated to be 127,256 according to June 2022 electric water meter counts for residential developments within the City. As supported by historical population data, development trends, and new applications for residential projects, the City is expecting further population growth within the 2045 planning horizon. The following section provides population projections at five-year increments through the 2045 planning horizon and identifies how the City’s Future Land Use Map (FLUM) is capable of accommodating this growth without further contributing to the localized urban sprawl.

#### 3.1 PROJECTED POPULATION

For comprehensive planning purposes, Chapter 163 of the Florida Statutes requires local governments to develop permanent and seasonal population projections to anticipate the land, housing, and services necessary to accommodate current and new residents. The most widely used source for determining future population projections within the state is the Bureau of Economic and Business Research (BEBR) at the University of Florida. However, BEBR only provides population projections at the County level and does not include any data on seasonal residents.

Therefore, the population projections for the City of Palm Bay were derived by performing a step-down analysis utilizing the latest Brevard County population projections provided by BEBR. In this popular form of population analysis, the City’s historic and current share of the County’s population is used to predict the City’s population in the future. This information is supplemented by seasonal population data derived from housing data provided by the Shimberg Center for Housing Studies’ Florida Housing Data Clearinghouse (FHDC). The result of this analysis is shown in **Table FLUE-7**.

**Table FLU - 7: City of Palm Bay Population Projections**

	2020	2025	2030	2035	2040	2045
Brevard County (BEBR Med/High Avg.) <sup>1</sup>	606,612	664,200	707,150	743,250	775,250	803,750
Permanent Palm Bay Population	119,760	131,129	139,609	146,736	153,053	158,680
Seasonal Palm Bay Population	6,164	6,750	7,186	7,553	7,878	8,168
<b>Cumulative Palm Bay Population</b>	<b>125,924</b>	<b>137,879</b>	<b>146,795</b>	<b>154,289</b>	<b>160,931</b>	<b>166,848</b>
<sup>1</sup> Performing a step-down analysis using BEBR's Medium Population Estimates for Brevard County resulted in projections that were determined to be too low when considering historical population data, development trends, and new applications for residential projects within the City. Alternatively, projections resulting from BEBR High Population Estimates were estimated to be too excessive for the same reason. As a result, this analysis utilizes an average of BEBR Medium and High Population Estimates for Brevard County.						

Source: BEBR, City of Palm Bay, FHDC, S&ME, 2022.

### 3.2 FUTURE LAND USE

The City's Future Land Use Map (FLUM) has designated lands throughout the City which can accommodate Palm Bay's projected population growth through the 2045 planning horizon. The range of uses, densities, and intensities permitted on each property is determined by the site's future land use designation. As part of the Comprehensive Plan Update process, the City has amended its future land use categories (FLUC). Some FLUCs have received name changes, several categories have been consolidated into a new designation, and two FLUCs have been established but are not yet implemented on the FLUM. These changes are highlighted in **Table FLUE-8**.

**Table FLU - 8: Future Land Use Map/Category Changes**

Past FLUCs	Max. Density <sup>1</sup> (du/ac) <sup>2</sup>	Max. Intensity <sup>1</sup> (FAR) <sup>3</sup>	Current FLUCs	Max. Density <sup>1</sup> (du/ac) <sup>2</sup>	Max. Intensity <sup>1</sup> (FAR) <sup>3</sup>	Changes Made
Rural Single Family (RSF)	.02	N/A	Rural Single Family (RSF)	0.2	N/A	No change
Single Family Residential (SFR)	5	N/A	Low Density Residential (LDR)	5	N/A	Name change
Mobile Home Residential (MHR)	10	N/A	Moderate Density Residential (MDR)	10	N/A	Name change; permits additional housing types
Multiple Family Residential (MFR)	20	N/A	High Density Residential (HDR)	20	N/A	Name change
No existing equivalent			Neighborhood Center (NC)	25 (30 <sup>5</sup> )	0.5 (1.0 <sup>5</sup> )	New FLUC
			Community Mixed-Use (CMU)	30 (35 <sup>5</sup> )	1.0 (1.5 <sup>5</sup> )	New FLUC
Bayfront Mixed Use Village (BMUV)	10	1.8	Urban Mixed-Use (UMU)	40 (50 <sup>5</sup> )	2.5 (3.5 <sup>5</sup> )	Consolidates several FLUCs
Bayfront Mixed Use (BMU)	40	1.0				
Mixed Use (MU)	30	2.0				
Regional Activity Center (RAC)	13 <sup>4</sup>	4,000,000 SF	Regional Activity Center (RAC)	13 <sup>4</sup>	4,000,000 SF	Increases minimum du/ac
Parkway Flex Use (PFU)	10	1.0	Parkway Flex Use (PFU)	10	1.0	No change
Professional Office (PRO)	N/A	0.5	Professional Office (PRO)	N/A	0.5	No change
Commercial (COM)	N/A	2.5	Commercial (COM)	N/A	2.5	No change
Industrial (IND)	N/A	5.0	Industrial (IND)	N/A	5.0	No change
Public/Semi-Public (PSP)	N/A	2.0	Public/Semi-Public (PSP)	N/A	2.0	No change
Utilities (UTL)	N/A	1.5	Utilities (UTL)	N/A	1.5	No change
Recreation & Open Space (ROS)	N/A	0.25	Recreation & Open Space (ROS)	N/A	0.25	No change
Conservation (CON)	N/A	0.05	Conservation (CON)	N/A	0.05	No change
Micco Park Village (MPV)	See Ord.	See Ord.	Special Planning Area (SPA)	See Goal 3		Consolidates several area-specific FLUCs.
Calumet Farms (CF)	See Ord.	See Ord.				
Centerlane (CL)	See Ord.	See Ord.				
<sup>1</sup> Unless stated otherwise within the Table <sup>2</sup> du/ac = dwelling units per acre <sup>3</sup> FAR = floor area ratio <sup>4</sup> Maximum densities for each RAC vary <sup>5</sup> With density/intensity bonus						

Source: City of Palm Bay, 2022.

### 3.2.1 City of Palm Bay Future Land Use Categories

Descriptions of each of Palm Bay's FLUCs, along with the range of uses, densities, and intensities permitted therein, are provided in **Table FLUE-9**, and further explained in the narrative which follows.

**Table FLU - 9: City of Palm Bay Future Land Use Categories**

FLUC	General Purpose	Typical Uses	Maximum Density (du/ac)	Maximum Intensity (FAR) <sup>1</sup>
Rural Single-Family (RSF)	Areas of low density rural residential character interspersed with large tracts of agriculture, open space, or recreation	Single family homes, agriculture, recreation, and institutional uses	0.2 du/ac	n/a
Low Density Residential (LDR)	Areas of low density suburban residential character	Single family homes, duplexes, accessory dwelling units, recreation, and institutional uses	5 du/ac	n/a
Moderate Density Residential (MDR)	Transitional areas of increasingly urban, moderate density residential character	Single family homes, duplexes, accessory dwelling units, mobile homes, recreation, and institutional uses	10 du/ac	n/a
High Density Residential (HDR)	Areas of urban, high density residential character	A range of housing types, recreation, and institutional uses	20 du/ac	n/a
Neighborhood Center (NC)	Areas accommodating high residential densities complemented by neighborhood-scale commercial and office uses	A range of housing types, commercial, office, recreation, and institutional uses	25 du/ac (30 with density bonus) <sup>2</sup>	0.5 FAR (1.0 with intensity bonus) <sup>2</sup>
Community Mixed-Use (CMU)	Nodes of high intensity mixed-use development within a compact, urban environment—primarily at the intersection of collector or arterial roadways	A range of housing types, commercial, office, recreation, and institutional uses	30 du/ac (35 with density bonus) <sup>2</sup>	1.0 FAR (1.5 with intensity bonus) <sup>2</sup>
Urban Mixed-Use (UMU)	Concentrations of very high intensity mixed-use development within a pedestrian-friendly environment—primarily at the intersection of arterial roadways	A range of housing types, commercial, office, recreation, and institutional uses	40 du/ac (50 with density bonus) <sup>2</sup>	2.5 FAR (3.5 with intensity bonus) <sup>2</sup>
Regional Activity Center (RAC)	Master planned communities which provide employment opportunities in close proximity to residential development within a compact, urban environment	See Objective FLU-1.6	13 du/ac	4,000,000 sq. ft.
Parkway Flex Use (PFU)	A range of commercial and office uses located along highly visible corridors within the City supported by moderate density residential development	Retail, personal service establishments, daycare centers, church/religious uses, restaurants, financial institutions, office uses, service stations with fuel sales, food service, theaters, professional office uses, medical or veterinary clinics, and a range of housing types	10 du/ac	1.0 FAR <sup>3</sup>



FLUC	General Purpose	Typical Uses	Maximum Density (du/ac)	Maximum Intensity (FAR) <sup>1</sup>
Professional Office (PO)	Areas accommodating low intensity office development—often serving as a transition between commercial and residential areas	Professional offices and services, financial institutions, recreation, and institutional uses	n/a	0.5 FAR
Commercial (COM)	Areas supportive of low-to - moderate intensity commercial developments	Offices, retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, and other similar uses, as well as institutional activities	n/a	2.5 FAR
Industrial (IND)	Areas accommodating industrial activity and other significant employment-generating uses	Manufacturing, warehousing, research and development, and other similar uses, as well as institutional activities	n/a	5.0 FAR
Public/Semi-Public (PSP)	Areas intended to accommodate major existing and programmed public/quasi-public facilities	Government owned facilities, churches, utilities, clubs and lodges, educational facilities, recreation facilities, hospitals, congregate living facilities, and similar uses	n/a	2.0 FAR
Utilities (UTL)	Areas which accommodate public and private utilities	Public and private utilities	n/a	1.5 FAR
Recreation & Open Space (ROS)	Areas supportive of parks, recreation, and open spaces	Parks, recreational, and open spaces	n/a	0.25 FAR
Conservation (CON)	Areas of major public or privately held lands reserved for the primary purpose of the preservation of natural resources	Floodways, nature sanctuaries, and areas established for long-term conservation	n/a	0.05 FAR
Special Planning Area (SPA)	Areas which, due to their scale and unique development objectives, permit a range of uses, densities, and intensities. For more information, see GOAL FLU-3.			

<sup>1</sup> Unless noted as maximum square footage in the table

<sup>2</sup> See Policy FLU-1.1D.

<sup>3</sup>A minimum of 40 square feet of commercial space shall be provided for each residential unit.

### Special Planning Areas

Lands possessing a SPA FLU designation are areas which, due to their scale and unique development objectives, permit a range of uses, densities, and intensities. As shown in **Map FLUE-12**, there are currently four SPAs within the City, totaling 4,988.2 acres (or 10.8% of the City's total land area). Each of these SPAs as described below:

- **Centerlane SPA.** This SPA is intended to promote industrial uses that are energy-efficient, compatible with the environment, and generate new employment opportunities. Individual developments within the SPA shall not exceed a 0.5 FAR and in no case shall the amount of total nonresidential square footage in the Centerlane SPA exceed 500,000 square feet. Future development within the Centerlane SPA is required to meet the provisions of Ordinance 2010-

69, Exhibit A. This SPA is concentrated in the southern portion of the City, south of Centerlane Road and accounts for over 200 acres (approximately 0.4% of the FLUM's total acreage).

- **Calumet Farms SPA.** The purpose of this SPA is to be a walkable, "Aging in Place" community featuring a range of residential and nonresidential activities. Within the Calumet Farms SPA, the maximum number of residential units is capped at 3,184 units and the maximum square footage for nonresidential uses are limited to 180,000. Developments within the SPA are required to abide by the provisions established in Ordinance 2010-67, Exhibit A. The designation is concentrated in the southern portion of the City, north of Centerlane Road and accounts for about 1,700 acres or 3.8% of the City.
- **Emerald Lakes SPA.** This SPA is intended to create a mixed-use community with a sizable nonresidential component. Dwelling units within the SPA are limited to 3,760, while permitted nonresidential uses (a combination of commercial, office, industrial, educational, hotel, and hospital facilities) are limited to 2,820,000 square feet. Development within the SPA are also subject to other provisions of found in Ordinance 2018-52. The Emerald Lakes SPA is found in the southeastern portion of the City and comprises over 3.3% of the Palm Bay's total acreage at 1,552.3 acres.
- **Micco Park Village SPA.** The purpose of the Micco Park Village SPA is to create walkable communities in a traditional village design. Within this SPA, the maximum number of residential units is capped at 3,871, while nonresidential square is limited to 1,044,200 square feet. Developments within the SPA are required to abide by the provisions established in Ordinance 2010-62, Exhibit A. Lands featuring this FLU designation are located in the southeastern-most portion of the City and comprise approximately 1494.6 acres (3.2% of the City's total land area).

### 3.2.2 *Brevard County Future Land Use Categories*

Over 3,500 acres of the City's total land area currently possess a Brevard County FLU designation. These designations include Agriculture (AGR), Residential 1:2.5 (R 1:2.5), Residential 1 (R-1), and Neighborhood Commercial (NC). Typically, lands containing a County FLU designation would be assigned an equivalent City FLUM assignment upon annexation. However, there are currently no equivalent land use category for these County designations. As such, the County designations will remain until a FLUM amendment is requested for these properties. A more detailed description of these categories is provided as follows:

#### *Agriculture (AGR) [Brevard County]*

AGR, a Brevard County land use designation, permits agricultural activities and large lot residential development at a maximum density of 0.2 units/ac. The designation is concentrated in the southernmost part of the City, near Centerlane Road and it accounts for almost 2,000 acres at 4.3%.

#### *Residential 1:2.5 (R 1:2.5) [Brevard County]*

Residential 1:2.5, a Brevard County land use designation, permits a maximum density of one unit per 2.5 acres. The designation is concentrated in the area of the City, south of Centerlane Road and accounts for 3% of the FLUM at ±1,388 acres.

#### *Residential 1 (R-1) [Brevard County]*

R-1, a Brevard County land use designation, permits low density residential development with a maximum density of one du/ac. The designation is concentrated in the southern portion of the City and accounts for approximately 161.40 acres (or 0.3% of the FLUM).

*Neighborhood Commercial (NC) [Brevard County]*

Neighborhood Commercial, a Brevard County land use designation, intends to accommodate a low-impact commercial area which serves the needs of the immediate residential area. NC allows for mixing of uses such as professional offices, institutional uses, residential uses, recreational uses, and public facilities at intensities not to exceed 0.25 FAR. The NC designation is near the St. Johns Heritage Parkway and accounts for nearly 12 acres, less than 0.1% of the FLUM's total acreage.

**Table FLUE-10** identifies how much acreage each FLUC occupies within the City while **Map FLUE-11** shows how these categories are applied on the FLUM.

**Table FLU - 10: City of Palm Bay Future Land Use Composition**

Future Land Use Category	Acres	Percentage of Total
Rural Single-Family (RSF)	1,621	3.5%
Low Density Residential (LDR)	24,171	52.1%
Moderate Density Residential (MHR)	208	0.4%
High Density Residential (HDR)	2,097	4.5%
Neighborhood Center (NC) <sup>1</sup>	0.0	0.0%
Community Mixed-Use (CMU) <sup>1</sup>	0.0	0.0%
Urban Mixed-Use (UMU)	149	0.3%
Regional Activity Center (RAC) <sup>1</sup>	0.0	0.0%
Parkway Flex Use (PFU)	193	0.4%
Professional Office (POF)	36	0.1%
Commercial (COM)	2,098	4.5%
Industrial (IND)	1,867	4.0%
Public/Semipublic (PSP)	1,792	3.9%
Utilities (UTIL)	682	1.5%
Conservation (CON)	1,876	4.0%
Recreation and Open Space (PRO)	1,051	2.3%
Special Planning Area (SPA)	4,988	10.8%
<i>Brevard County Designations</i>		
Agriculture (AGR)	1,981	4.3%
Residential 1:2.5 (R 1:2.5)	1,388	3.0%
Residential 1 (R-1)	161	0.3%
Neighborhood Commercial (NC)	12	<0.1%
<b>Total</b>	<b>46,370<sup>2</sup></b>	<b>100.0%</b>
<sup>1</sup> Currently unassigned on the FLUM <sup>2</sup> The City of Palm Bay Future Land Use GIS shapefile used to perform these calculations do not include some rights-of-way which were considered as part of the Existing Land Use analysis shown in <b>Table FLUE-6</b> . As such, there is a slight ( $\pm 1\%$ ) difference in acreage between the two data sets.		

Source: City of Palm Bay, 2022.

### 3.3 HOLDING CAPACITY

The following tables highlight the City's estimated prior (**Table FLU-11**) and existing (**Table FLU-12**) capacity for supporting future residential growth within Palm Bay. These estimates were developed by taking the total acreage of vacant lands within the City (see **Map FLU-3**), subtracting the wetland acreages, and multiplying the remaining vacant acreage by the maximum density afforded to them by their FLUM designation. In the case of vacant lands featuring a mixed-use FLU designation, it was assumed that 50% of the acreage would develop as residential. Additionally, a density factor of 0.75 was applied to all non-SPAs to account for the high likelihood that few properties will develop at the maximum density permitted by their FLU designation considering that much of the City continues to lack centralized water and sewer service.

The result of this analysis shows that the City of Palm Bay could accommodate an additional 129,720 residents by the year 2045 (an increase of 715 residents from what would be possible with the City's prior FLUM designations). As noted previously, the City's population is expected to increase by 40,924 residents by the year 2045, for a total of 166,848 residents. *Therefore, it can be assumed that the City currently has the holding capacity needed to accommodate Palm Bay's projected population growth within the 2045 planning horizon.*



**Table FLU - 11: Carrying Capacity Analysis (Prior FLUM)**

Future Land Use Categories	All Parcels		Vacant Parcels		Vacant Lands with Wetlands	Remaining Vacant Land	Max. Residential Share	Max. Permitted Density	Density Factor	Holding Capacity <sup>1</sup>
	(Acres)	(%)	(Acres)	(%)	(Acres)	(Acres)	(%)	(du/ac)	#	(Units)
Rural Single-Family (RSF)	1,621	0.0	480	0.0	469	11	100%	0.2	0.75	2
Single Family Residential (SFR)	24,171	0.5	9,745	0.5	2,880	6,865	100%	5	0.75	25,742
Mobile Home Residential (MHR)	208	0.0	8	0.0	1	7	100%	10	0.75	52
Multiple Family Residential (MFR)	2,097	0.0	834	0.0	559	276	100%	20	0.75	4,136
Mixed Use (MU)	37	0.0	-	-	-	-	50%	30	0.75	-
Bayfront Mixed Use (BMU)	66	0.0	4	0.0	3	1	50%	40	0.75	19
Bayfront Mixed Use Village (BMUV)	46	0.0	25	0.0	4	21	50%	10	0.75	77
Parkway Flex Use (PFU)	193	0.0	169	0.0	-	169	50%	10	0.75	635
Regional Activity Center (RAC)	1,552	0.0	1,416	0.1	1,416	-	N/A	N/A	1	3,760
Micco Park Village	1,495	0.0	908	0.0	908	-	N/A	N/A	1	3,871
Calumet Farms (CF)	1,739	0.0	1,708	0.1	1,708	-	N/A	N/A	1	3,184
Centerlane (CL)	202	0.0	-	-	-	-	N/A	Not Permitted	N/A	-
Commercial (COM)	2,098	0.0	856	0.0	364	491	N/A	Not Permitted	N/A	-
Professional Office (POF)	36	0.0	23	0.0	8	15	N/A	Not Permitted	N/A	-
Industrial (IND)	1,867	0.0	227	0.0	162	65	N/A	Not Permitted	N/A	-
Public/Semipublic (PSP)	1,792	0.0	1,107	0.1	888	220	N/A	Not Permitted	N/A	-
Utilities (UTIL)	682	0.0	25	0.0	2	23	N/A	Not Permitted	N/A	-
Conservation (CON)	1,876	0.0	1,024	0.1	717	-	N/A	Not Permitted	N/A	-
Recreation and Open Space (ROS)	1,051	0.0	609	0.0	607	-	N/A	Not Permitted	N/A	-
County Designations										
Agriculture (AGR)	1,981	4.3%	-	0.0%	-	-	100%	0.2	0.75	-
Residential 1 (R-1)	161	0.3%	19	0.1%	19	0	100%	1.0	0.75	0
Residential 1:2.5 (R 1:2.5)	1,388	3.0%	569	2.9%	560	9	100%	0.4	0.75	3
Neighborhood Commercial (NC)	12	0.0%	12	0.1%	12	0	100%	0.4	0.75	0
Total	46,370	100.0%	19,768	100.0%	11,287	8,172	-	-	-	41,480
2045 Carrying Capacity <sup>2</sup>	129,002 Potential Residents									
<sup>1</sup> Determined using the following formula: Developable Vacant Land x Maximum Permitted Density x Maximum Residential Share										
<sup>2</sup> Assuming an average household size of 3.11 (See Table FLUE-1)										

Sources: BEBR, City of Palm Bay, FHDC, 2022.

**Table FLU - 12: Carrying Capacity Analysis (Current FLUM)**

Future Land Use Categories	All Parcels		Vacant Parcels		Vacant Lands with Wetlands	Remaining Vacant Land	Max. Residential Share	Max. Permitted Density	Density Factor	Holding Capacity <sup>1</sup>
	(Acres)	(%)	(Acres)	(%)	(Acres)	(Acres)	(%)	(du/ac)	#	(Units)
Rural Single-Family (RSF)	1,621	3.5%	480	2.4%	469	11	100%	0.2	0.75	2
Low Density Residential (LDR)	24,171	52.1%	9,745	49.3%	2,880	6,865	100%	5	0.75	25,742
Moderate Density Residential (MDR)	208	0.4%	8	0.0%	1	7	100%	10	0.75	52
High Density Residential (HDR)	2,097	4.5%	834	4.2%	559	276	100%	20	0.75	4,136
Neighborhood Center (NC)	-	-	-	-	-	-	-	20	0.75	-
Community Mixed-Use (CMU)	-	-	-	-	-	-	-	30	0.75	-
Urban Mixed-Use (UMU)	149	0.3%	28	0.1%	7	22	50%	40	0.75	326
Regional Activity Center (RAC) <sup>1</sup>	-	-	-	-	-	-	-	-	0.75	-
Parkway Flex Use (PFU)	193	0.4%	169	0.9%	-	169	50%	10	0.75	635
Professional Office (POF)	36	0.1%	23	0.1%	8	15	N/A	Not Permitted	N/A	-
Commercial (COM)	2,098	4.5%	856	4.3%	364	491	N/A	Not Permitted	N/A	-
Industrial (IND)	1,867	4.0%	227	1.1%	162	65	N/A	Not Permitted	N/A	-
Public/Semipublic (PSP)	1,792	3.9%	1,107	5.6%	888	220	N/A	Not Permitted	N/A	-
Utilities (UTIL)	682	1.5%	25	0.1%	2	23	N/A	Not Permitted	N/A	-
Recreation & Open Space (ROS)	1,051	2.3%	609	3.1%	607	2	N/A	Not Permitted	N/A	-
Conservation (CON)	1,876	4.0%	1,024	5.2%	717	307	N/A	Not Permitted	N/A	-
Special Planning Areas										
Centerlane	202.2	0.4%	-	0.0%	-	-	N/A	Not Permitted	N/A	-
Calumet Farms	1,739.1	3.8%	1,708	8.6%	1,708	-	100%	N/A	1.00	3,184
Emerald Lakes	1,552.3	3.3%	1,416	7.2%	1,416	-	100%	N/A	1.00	3,760
Micco Park Village	1,494.6	3.2%	908	4.6%	908	-	100%	N/A	1.00	3,871
County Designations										
Agriculture (AGR)	1,981	4.3%	-	0.0%	-	-	100%	0.2	0.75	-
Residential 1 (R-1)	161	0.3%	19	0.1%	19	0	100%	1.0	0.75	0
Residential 1:2.5 (R 1:2.5)	1,388	3.0%	569	2.9%	560	9	100%	0.4	0.75	3
Neighborhood Commercial (NC)	12	0.0%	12	0.1%	11.88	0	100%	0.4	0.75	0
Total	46,370	100.0%	19,768	100.0%	1,287	8,481	-	-	-	41,710
2045 Carrying Capacity <sup>2</sup>	129,720 Potential Residents									
¹Determined using the following formula: Developable Vacant Land x Maximum Permitted Density x Maximum Residential Share										
²Assuming an average household size of 3.11 (See Table FLUE-1)										

Sources: BEBR, City of Palm Bay, FHDC, 2022.

### 3.4 PREVENTION OF URBAN SPRAWL

Section 163.3164(52), F.S., defines urban sprawl as “a development pattern characterized by low density, automobile dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.” Considering the long-term negative effects of urban sprawl, the State of Florida strongly discourages communities from establishing any GOPs within their comprehensive plan which encourage its proliferation. To assist municipalities with this effort, Section 163.3177(6)(a)9., F.S., includes 13 indicators of urban sprawl.

Despite the City’s suburban origins, the Palm Bay Comprehensive Plan does not currently include any Goals, Objectives, or Policies which may directly or indirectly contribute to the proliferation of urban sprawl within their jurisdiction. In fact, the City currently includes many provisions within its Comprehensive Plan and Land Development Code (LDC) which direct growth in an efficient manner. For example, the City maintains few low density/intensity FLU designated lands, a mix of residential and nonresidential uses are permitted in many FLU categories, developers are required to avoid, minimize, offset, or compensate impacts to significant environmental features, and redevelopment, infill, and connections to centralized utility services are strongly encouraged.

In further efforts to prevent the proliferation of urban sprawl, the City currently maintains the holding capacity necessary to accommodate its projected population growth by the year 2045. As such, future annexations into the City will only be approved when it is determined that the act will result in a more orderly and efficient provision of public facilities and services and improve the local quality of life for all residents.

### 3.5 CONSIDERATIONS FOR ADVANCING EQUITY

*Equality* involves providing the same resources and opportunities to all groups of people. *Equity*, however, recognizes imbalanced social systems, and provides resources and opportunities based on the unique circumstances and challenges faced by different people. Rather than focusing on equal treatment, equity focuses on achieving equal outcomes. Between 2021 and 2022, the Palm Bay community worked collaboratively to create the Palm Bay Vision Plan to help guide the direction of the forthcoming comprehensive plan update process. One of the major themes included in the Vision Plan was *Advancing Equity*. As such, this section summarizes how the City incorporated equity principles within the FLUE Goals, Objectives, and Policies.

#### 3.5.1 Environmental Justice

*Environmental justice* is the idea that everyone should be protected from environmental hazards and be able to live, work, and play in healthy communities. In the United States, neighborhoods which possessed a large

#### Implementing the Sustainability Action Plan

In 2021, the City of Palm Bay updated its *Sustainability Action Plan* to further advance the City’s local sustainability efforts. The Plan establishes specific sustainability goals and objectives for the City, residents, businesses, and the community as a whole.

More specifically, the Plan provides a clear direction on how the City can enhance the sustainability of its natural and built environments, transportation and mobility system, waste management processes, and its education and public engagement efforts.

As such, this Comprehensive Plan Update has incorporated the directives included within the Sustainability Action Plan to ensure that the City of Palm Bay is able to continue meeting the needs of its current population without comprising its ability to effectively serve its future residents with high-quality public facilities and services.

concentration of minority populations and/or lower income residents were often more likely to be located near environmental hazards, such as industrial sites, landfills, or hazardous waste materials. Additionally, these neighborhoods were also frequently located adjacent to other high impact generating uses (such as shopping malls or private sports complexes) that were not designed to be compatible with nearby residential development. To help prevent local environmental injustices from occurring in the future, additional compatibility measures and considerations have been included in the Goals, Objectives, and Policies of the FLUE.

### 3.5.2 *Heritage Preservation*

*Heritage preservation* involves preserving tangible and intangible historic and cultural resources from neglect, poorly considered changes, or destruction. This can include restoring or maintaining historic buildings and neighborhoods, passing on traditional crafts and traditions, and recording significant events. Many of these resources in Palm Bay are finite and cannot be restored once demolished—therefore representing a legitimate land use concern for the City. Future efforts to identify, preserve, and celebrate Palm Bay’s historic and cultural resources in future land use decisions can help the City foster a distinct sense of place which helps separate the community from other nearby jurisdictions.

As discussed in an earlier section of this report, few historic and cultural resources have been identified and/or surveyed within the City. Although not required by Florida Statutes, many communities across the state have elected to recognize, catalogue, and protect these resources using a variety of programs and regulatory tools which should continue to be considered by the City of Palm Bay. Some potential programs and tools that are available to the City for heritage preservation purposes are listed below:

- Establishing a local registry of cultural resources;
- Incorporating provisions into the Land Development Code which protect culturally significant resources; and
- Participating in the Certified Local Government (CLG) program.

### 3.5.3 *Community Engagement*

*Community engagement* is the process of involving the community in decision-making processes to achieve more sustainable and equitable outcomes. Collaborative and inclusive planning processes are extremely important, as they increase the visibility and understanding of issues that different members of the community may face, and ensures solutions truly reflect the desires of the community. Effective community engagement is centered around informing, compiling, and interacting with the public.

However, not all community engagement is equitable. Members of the public who have the means necessary to attend hearings may not necessarily provide the most accurate representation of the ‘public.’ Many socioeconomically disadvantaged populations may face physical, language, institutional, technological, or transportation barriers that can limit their access to information or opportunities for engagement. The inability to strongly engage with such constituents can result in those communities having little influence over decisions that impact their lives, which can worsen social and health inequities. Using a variety of strategies to build meaningful relationships with underrepresented communities can empower them and result in more equitable decision-making.

The City of Palm Bay has a Citizen Participation Plan, adopted as part of the Comprehensive Plan, to encourage citizen involvement in local planning processes. The Citizen Participation Plan, further described in the Land

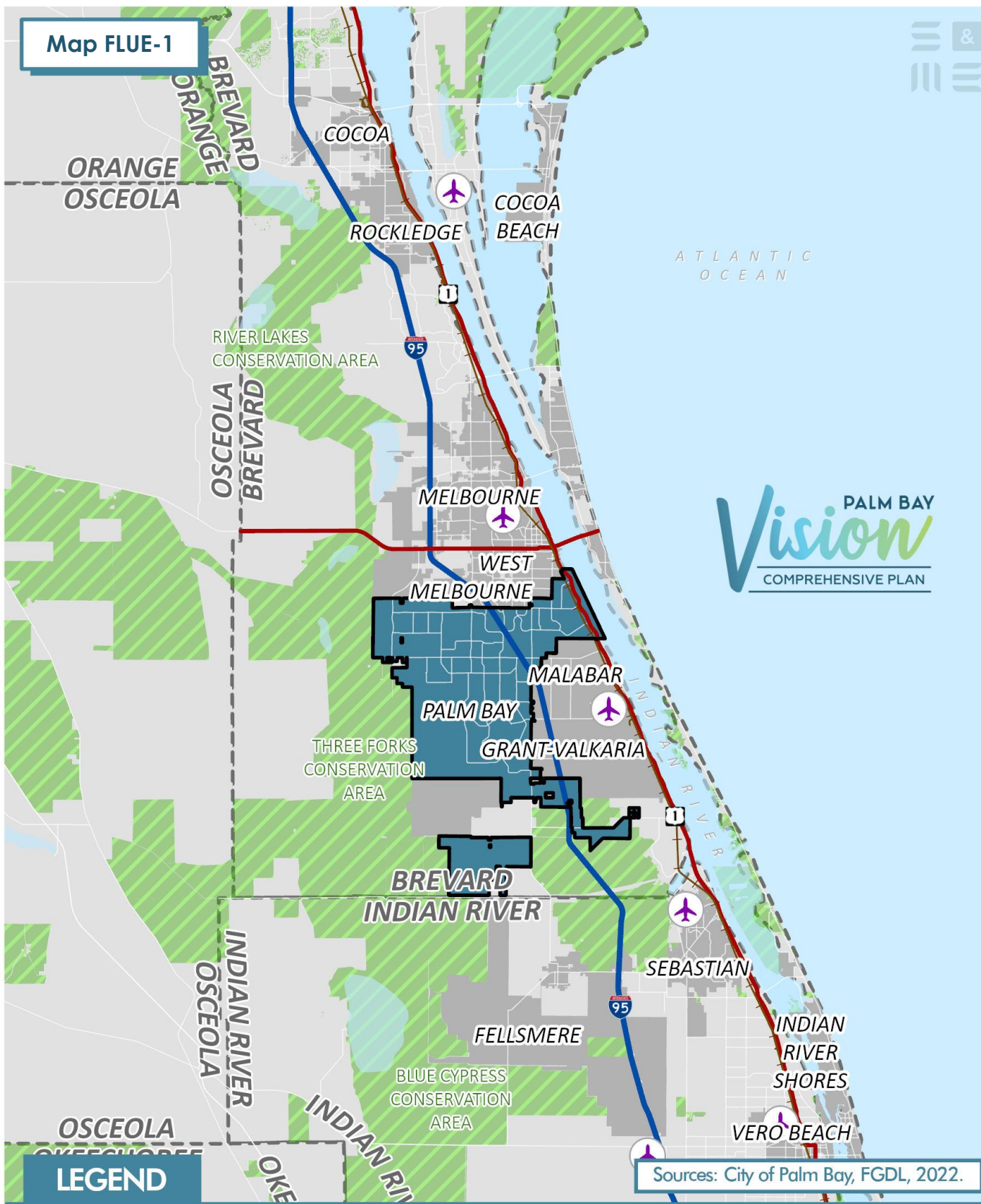


Development Code, complies with State statutes, and requires that all Local Planning Agency and City Council meetings are public and advertised prior to commencement. The plan also states that every application for development that requires a preliminary subdivision approval, preliminary planned unit development, or a conditional use shall include a citizen participation plan that must be implemented prior to the first public hearing or notice of public review and comment period on an administrative application. These plans must address how nearby property owners and other interested parties that may be impacted by the development will be identified, notified of the proposal, and provided opportunities to discuss it with the applicant prior to the public hearing or public comment and review period.

The updated Goals, Objectives, and Policies of the Comprehensive Plan includes several mechanisms designed to improve the frequency and quality of community engagement achieved during the City's many planning process, such as:

- Performing an assessment of the City's public engagement efforts to determine the success of engaging citizens of diverse backgrounds that represent the city population;
- Researching and implementing best practices for incorporating more virtual engagement opportunities for public meetings and hearings;
- Hosting community meetings in spaces and venues where residents are already gathered; and
- Forming stronger partnerships with local community-based organizations for culturally competent outreach and engagement efforts.

Map FLUE-1



## LEGEND

- |                   |                 |
|-------------------|-----------------|
| City of Palm Bay  | Major Waterbody |
| County Boundary   | Railway         |
| City Limit        | Public Airport  |
| Conservation Area |                 |

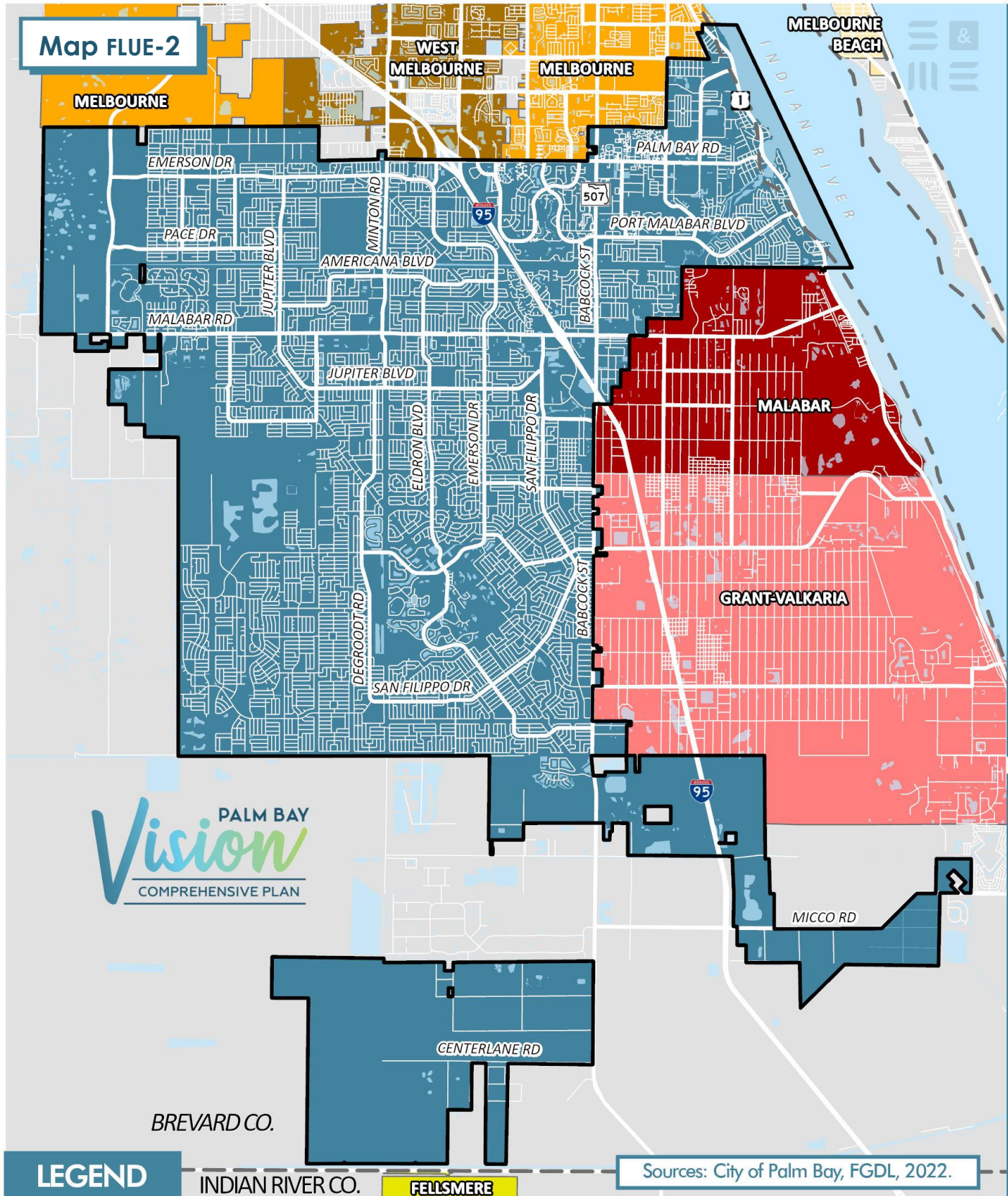
Sources: City of Palm Bay, FGDL, 2022.

# REGIONAL CONTEXT





# Map FLUE-2



## LEGEND

- |                  |                           |                 |
|------------------|---------------------------|-----------------|
| City of Palm Bay | <i>Cities &amp; Towns</i> | Melbourne       |
| County Boundary  | Fellsmere                 | Melbourne Beach |
| Water Feature    | Grant-Valkaria            | West Melbourne  |
|                  | Malabar                   |                 |

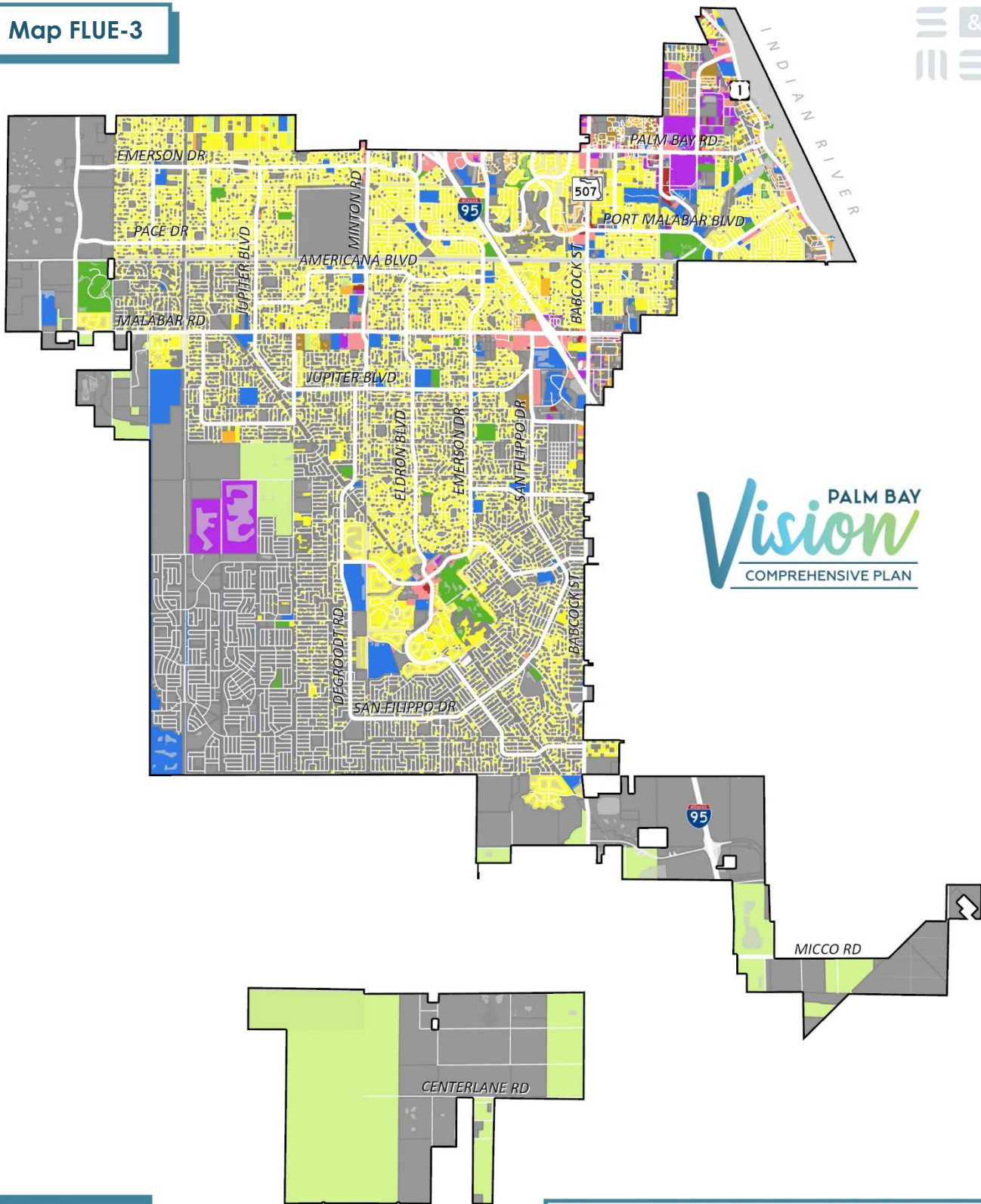
Sources: City of Palm Bay, FGDL, 2022.

## MUNICIPAL BOUNDARY





Map FLUE-3



Sources: BCPAO, 2021; City of Palm Bay, 2022.

## LEGEND

- |                          |                              |                          |
|--------------------------|------------------------------|--------------------------|
| City of Palm Bay         | Low Density Residential      | Industrial               |
| Water Feature            | Moderate Density Residential | Public/Semi-Public       |
| <i>Existing Land Use</i> | High Density Residential     | Recreation               |
| Agriculture              | Commercial                   | Right-of-Way & Utilities |
| Office/Professional      | Vacant                       |                          |

# EXISTING LAND USE

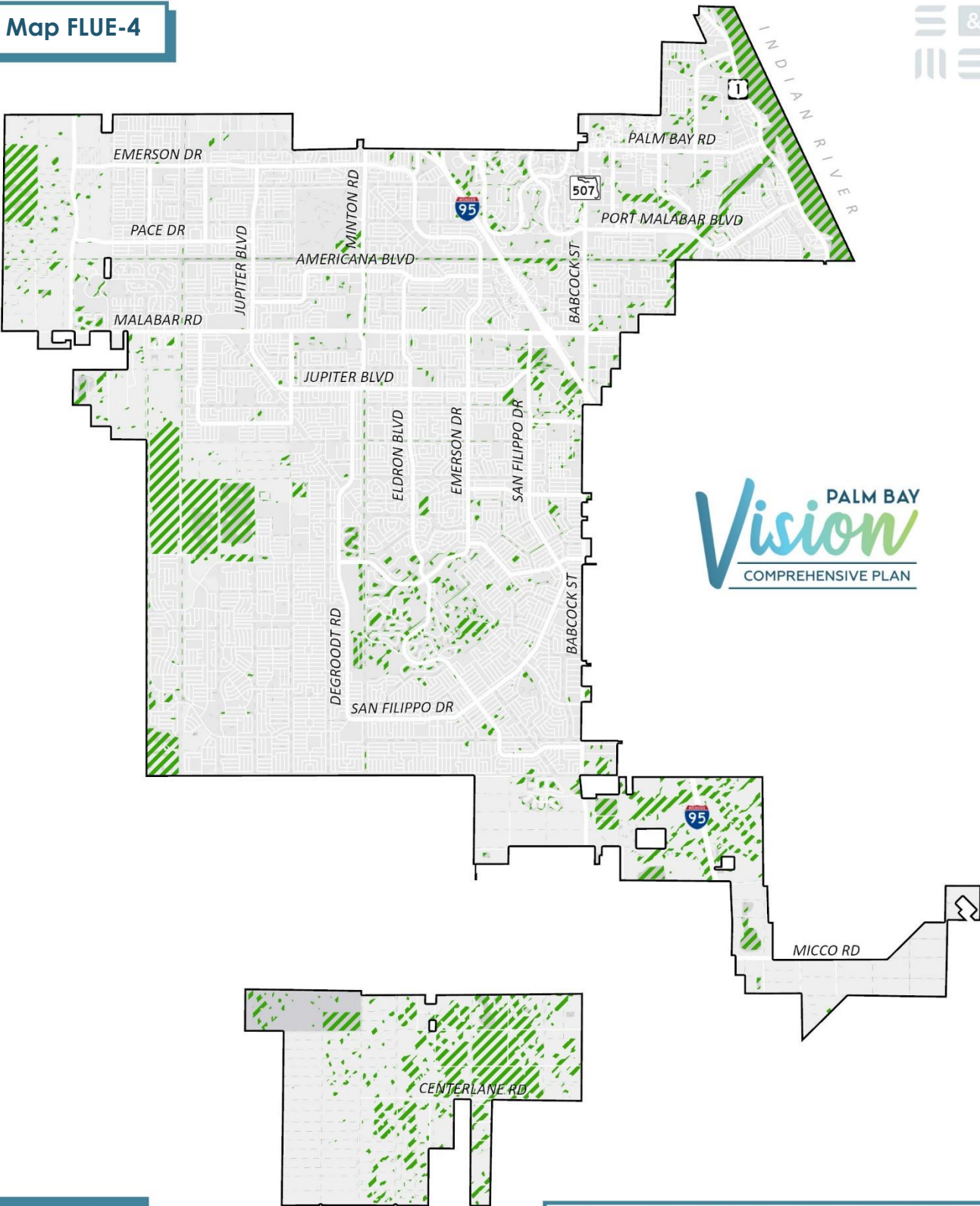




Map FLUE-4



# WETLANDS



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

- City of Palm Bay
- Wetland
- Water Feature

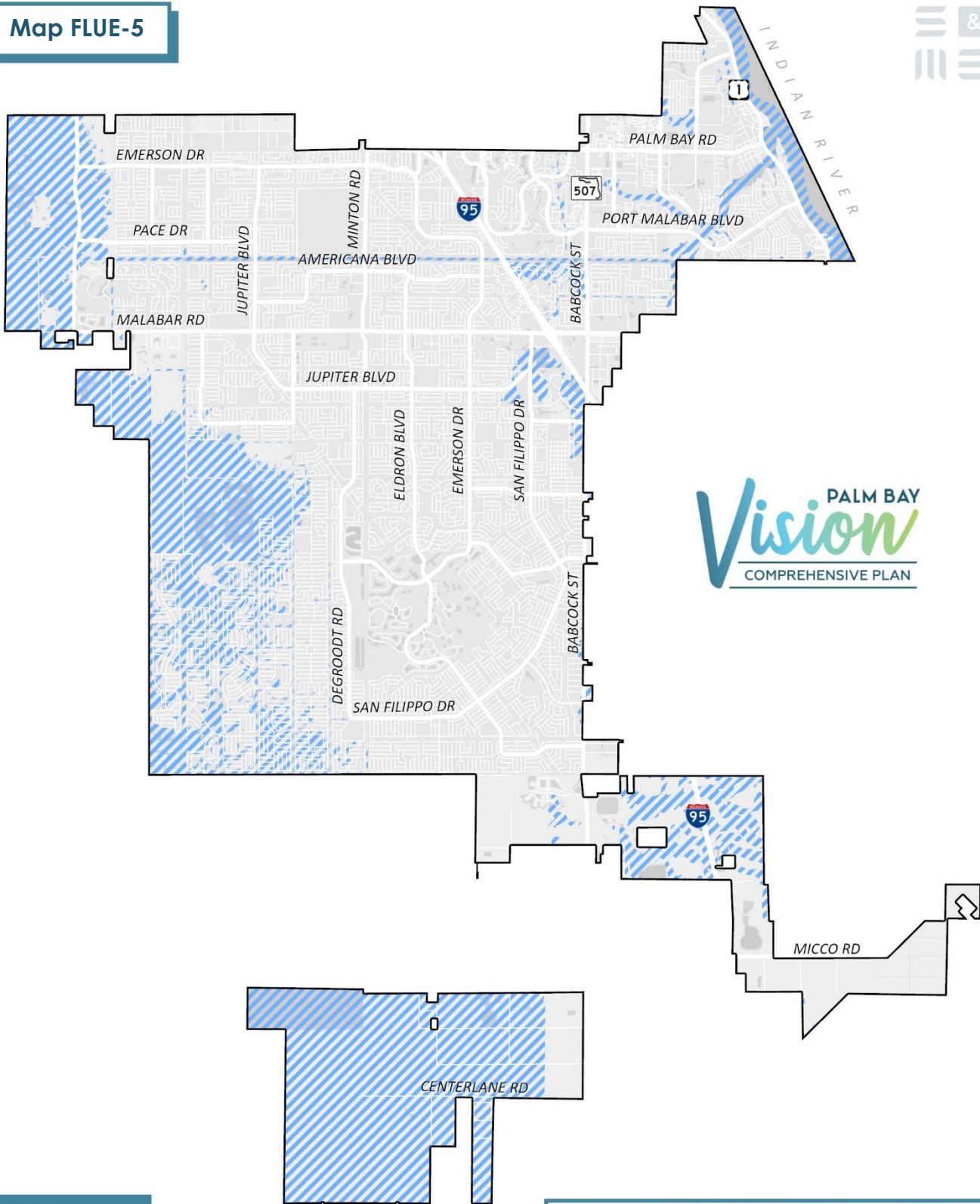
Source: City of Palm Bay, 2022; NWI, 2021.



Map FLUE-5



# FLOODPLAINS



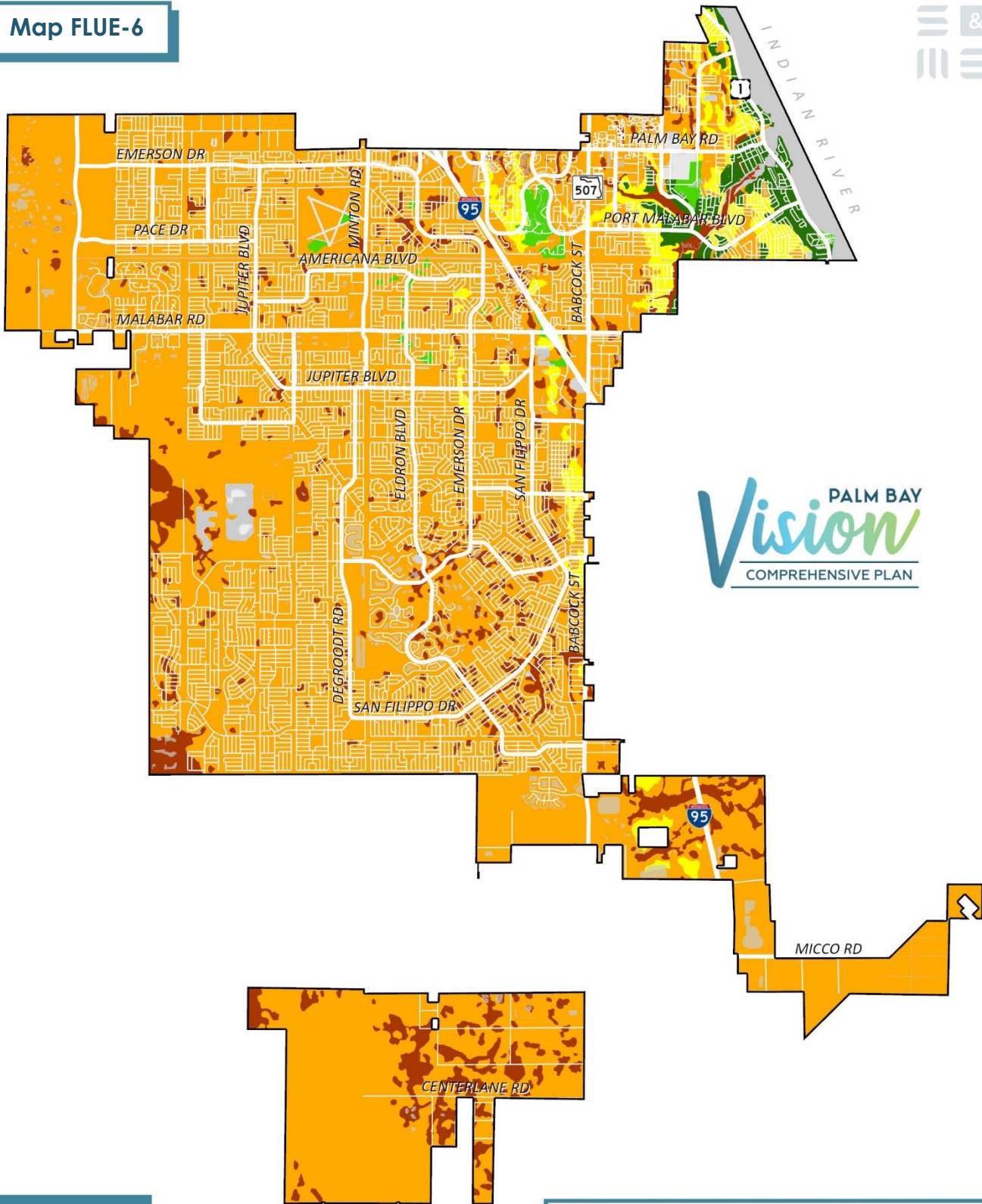
## LEGEND

- City of Palm Bay
- Floodplain
- Water Feature

Source: City of Palm Bay, 2022; FEMA, 2019.





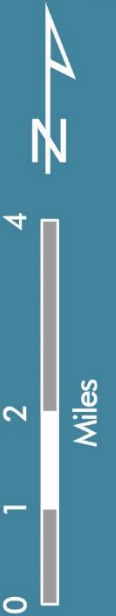


**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

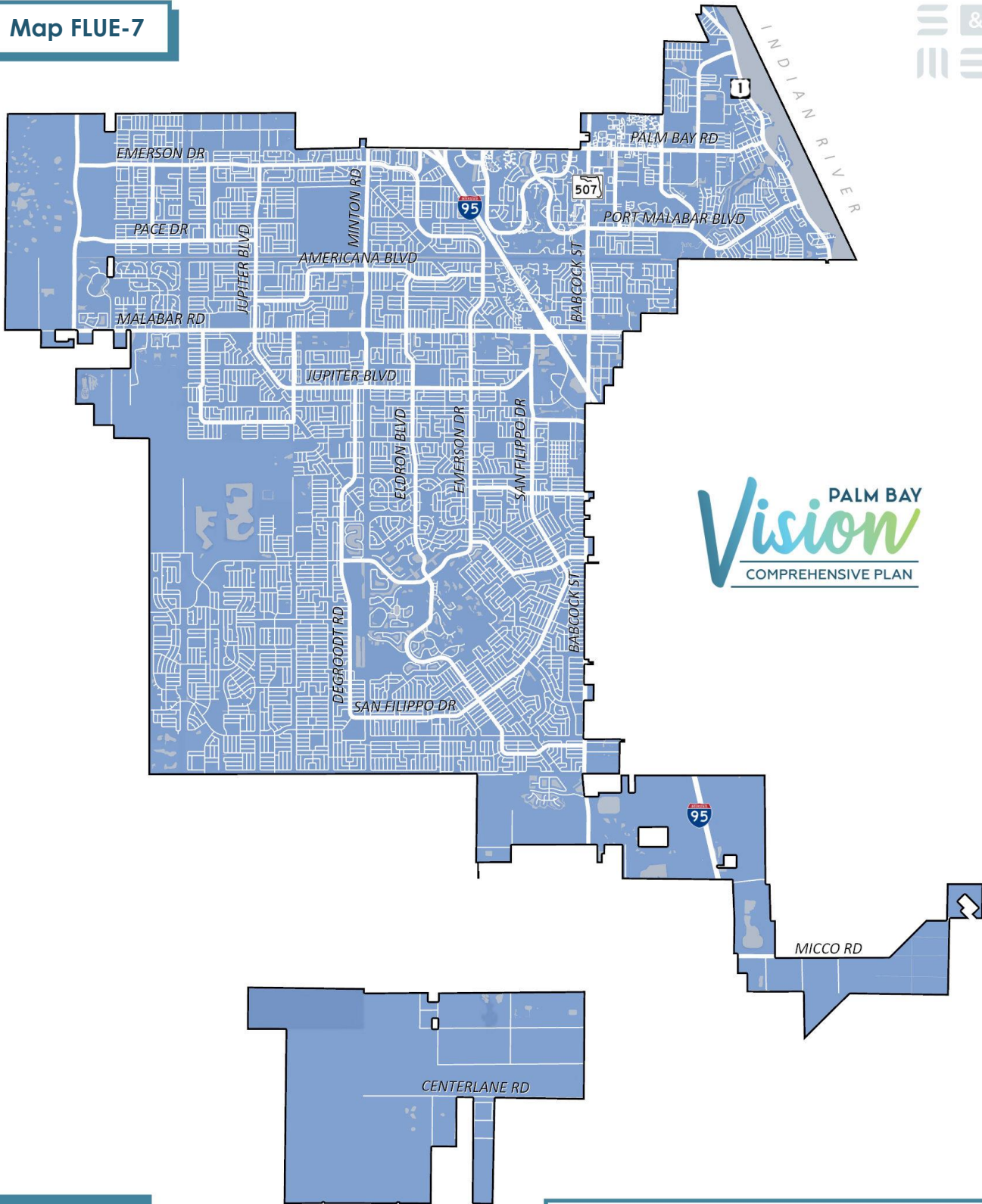
## LEGEND

- |                                |                         |
|--------------------------------|-------------------------|
| City of Palm Bay               | Well Drained            |
| Water Feature                  | Somewhat Poorly Drained |
| <i>Drainage Classification</i> | Poorly Drained          |
| Excessively Drained            | Very Poorly Drained     |
| Moderately Well Drained        |                         |

Sources: City of Palm Bay, 2022; NRCS, 2021.



Map FLUE-7



## LEGEND

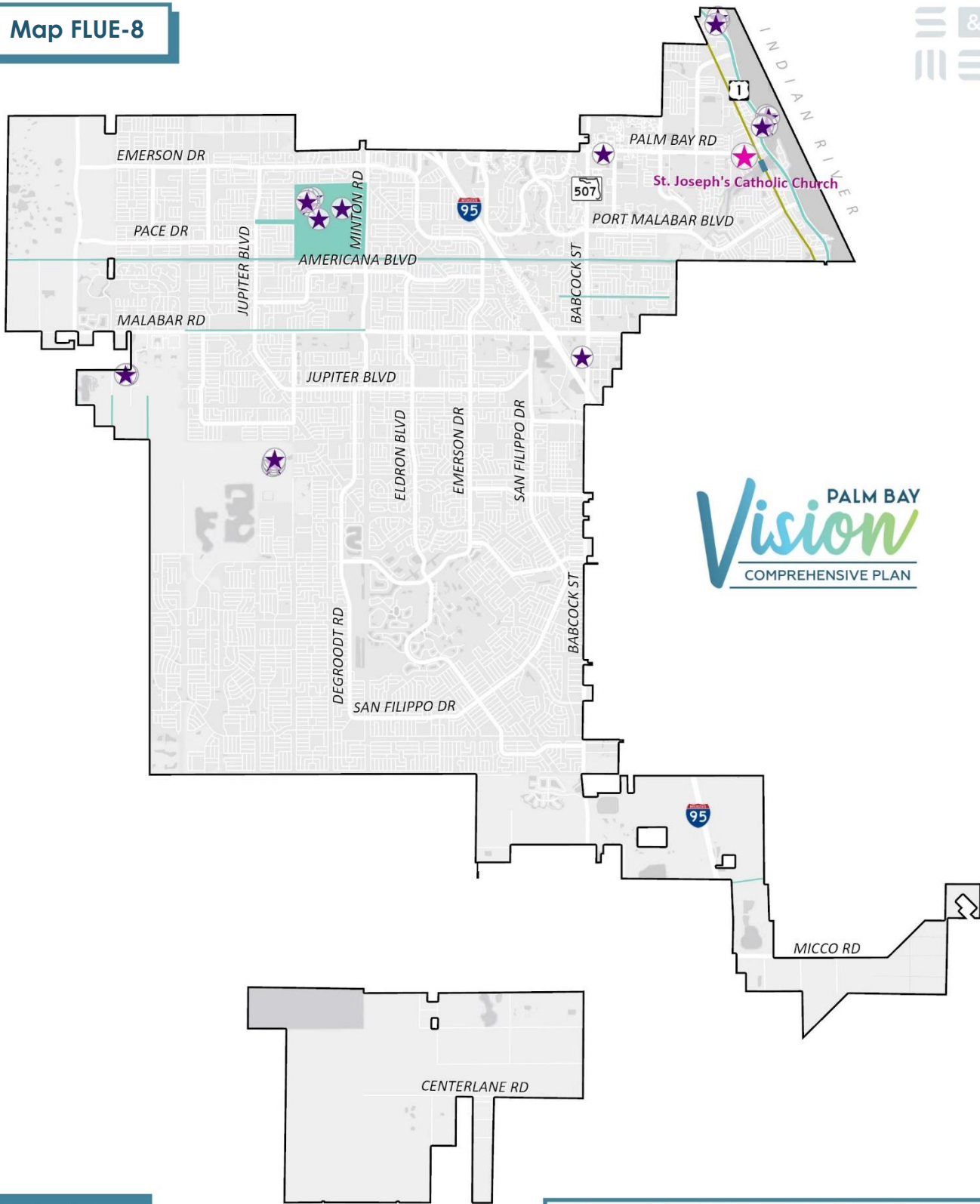
- City of Palm Bay
- Water Feature
- Aquifer Discharge (Less than 1")

# AQUIFER RECHARGE





Map FLUE-8



## LEGEND

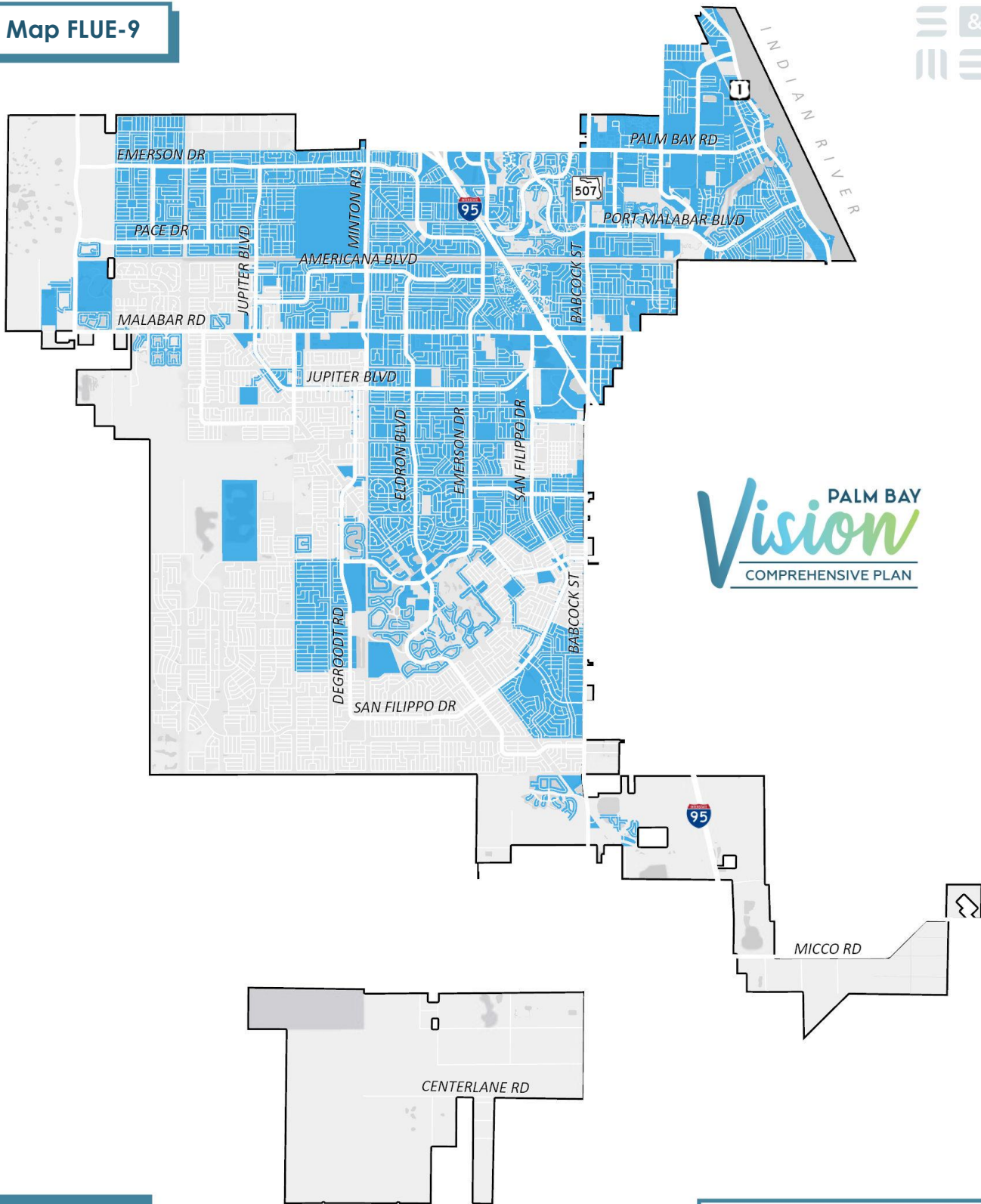
- |                    |                         |
|--------------------|-------------------------|
| City of Palm Bay   | Eligible Resource Group |
| Water Feature      | Surveyed Resource Group |
| Listed Structure   | Eligible Bridge         |
| Surveyed Structure |                         |

Sources: City of Palm Bay, 2022; FDHR, 2021.

# HISTORIC & CULTURAL RESOURCES



Map FLUE-9



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN

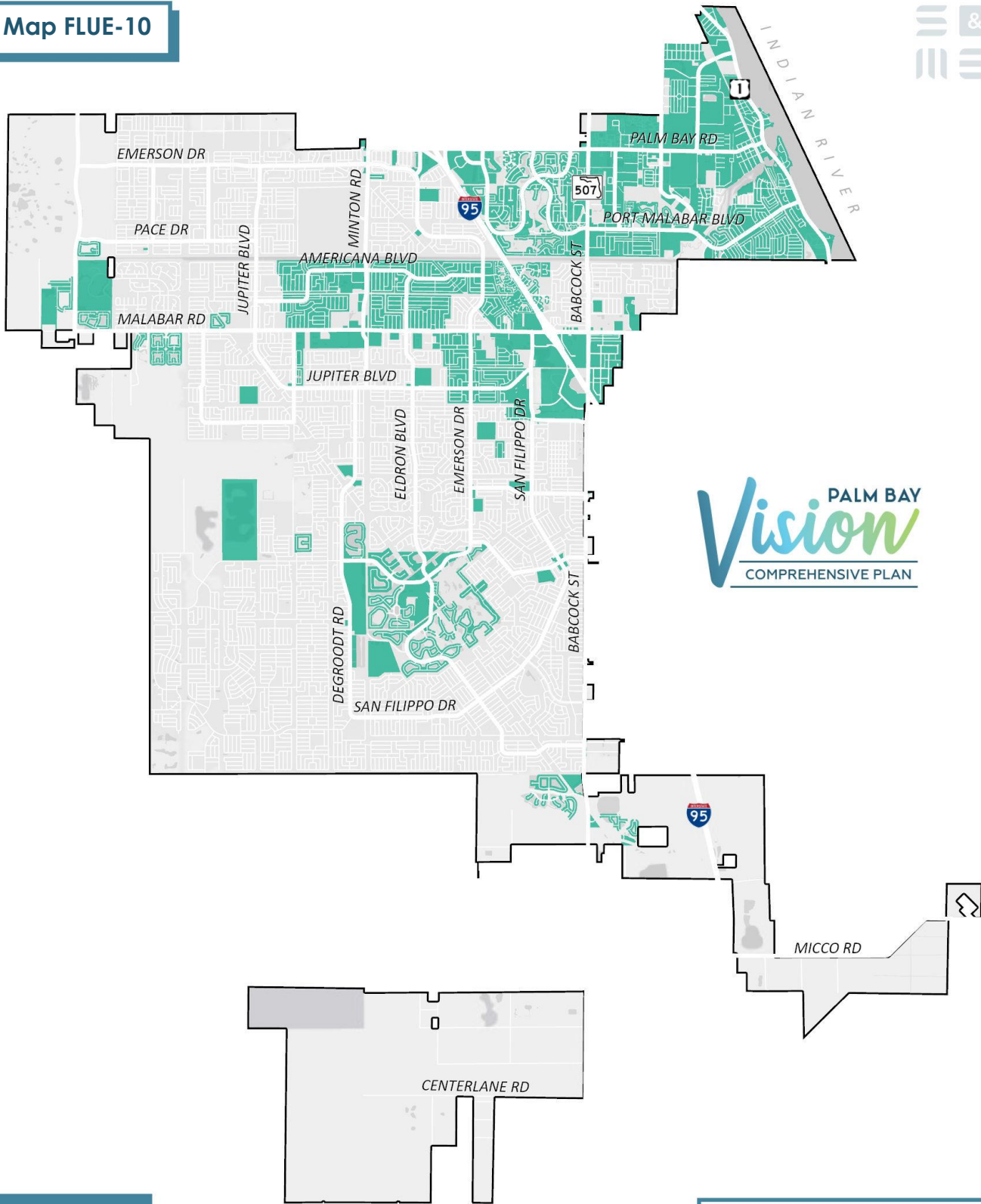
## LEGEND

- City of Palm Bay
- Water Feature
- Water Service Area

Source: City of Palm Bay, 2022.

# WATER SERVICE AREA





**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

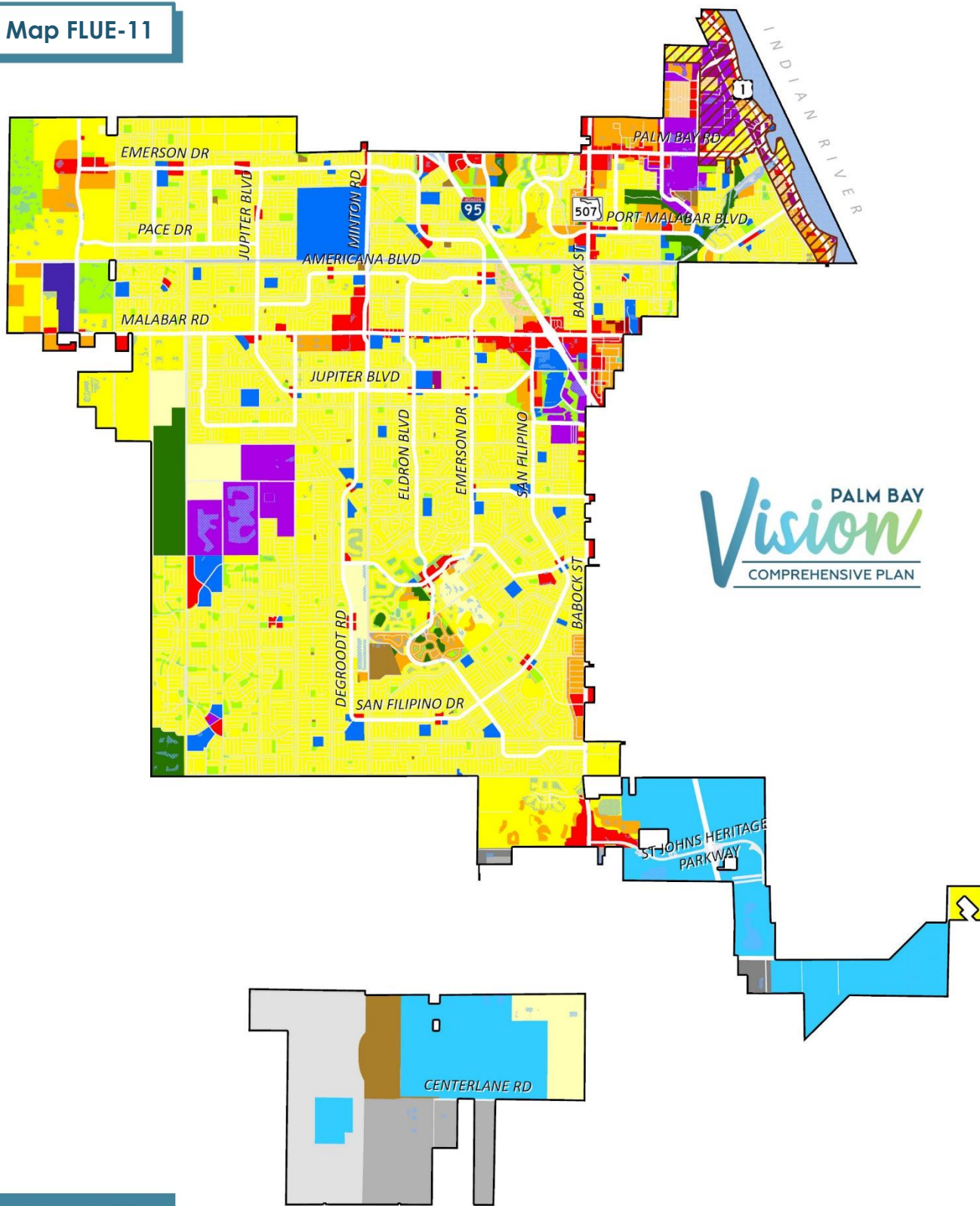
- City of Palm Bay
- Water Feature
- Sanitary Sewer Service Area

Source: City of Palm Bay, 2022.





Map FLUE-11



**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

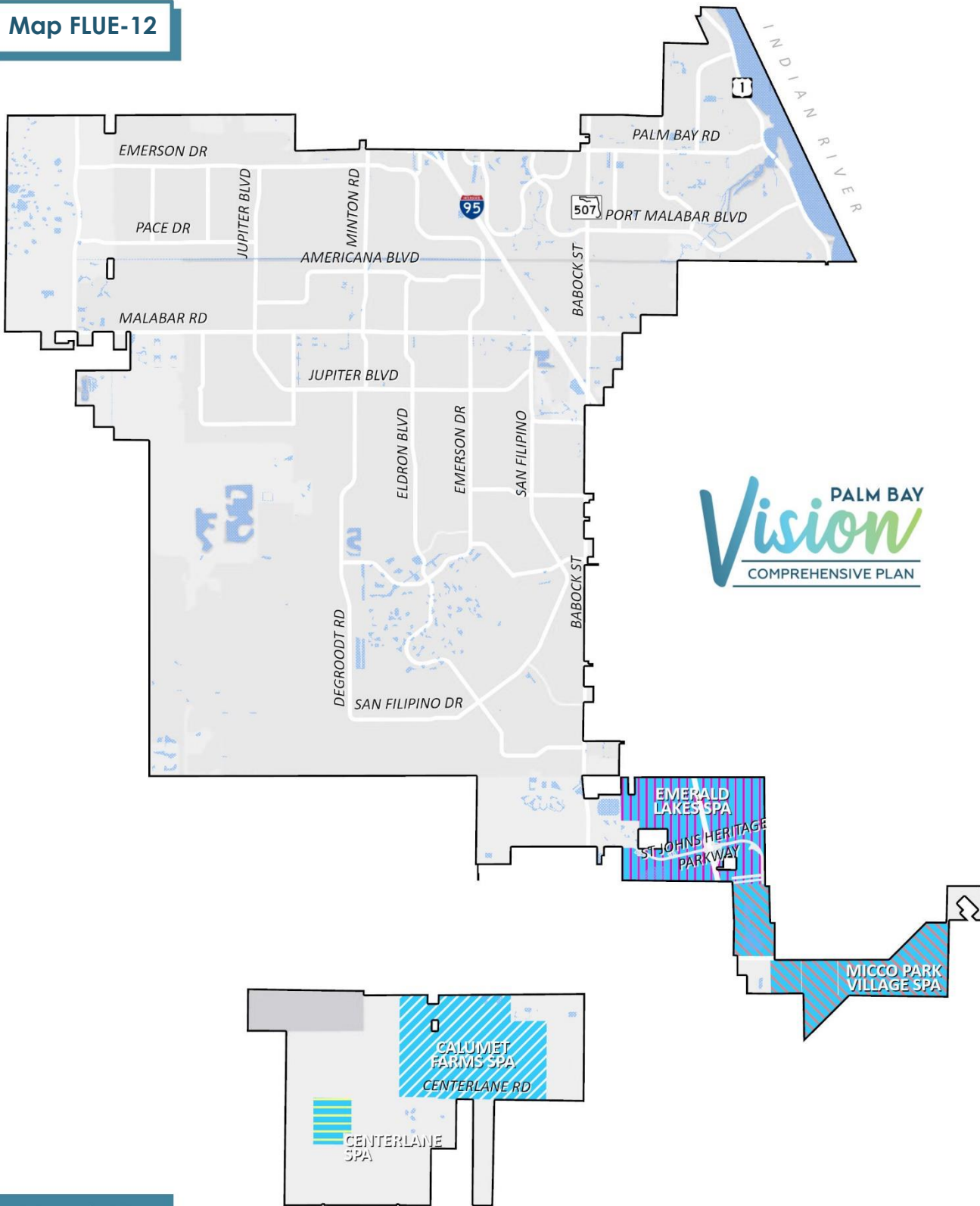
City of Palm Bay	HDR (20 du/ac)	POF (0.5 FAR)	CON (0.05 FAR)
Bayfront CRA	NC (25 du/ac; 0.5 FAR)	COM (2.5 FAR)	SPA
Water Feature	CMU (30 du/ac; 1.0 FAR)	IND (5.0 FAR)	AGR (COUNTY)
Future Land Use	UMU (40 du/ac; 2.0 FAR)	PSP (2.0 FAR)	R 1:2.5(COUNTY)
RSF (0.2 du/ac)	RAC (See Ord. 18-52)	UTIL (1.5 FAR)	R-1 (COUNTY)
LDR (5 du/ac)	PFU (10 du/ac; 1.0 FAR)	ROS (0.3 FAR)	NC (COUNTY)
MDR (10 du/ac)			

Source: City of Palm Bay, 2022.

FUTURE LAND USE







**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

Source: City of Palm Bay, 2022.

## LEGEND

- City of Palm Bay
- Water Feature
- Centerlane SPA
- Emerald Lakes SPA
- Micco Park Village SPA
- Calumet Farms SPA

## GOAL FLU-1

Ensure a high quality, diversified living environment through the efficient distribution of compatible land uses.

### Objective FLU-1.1

Adopt and implement a Future Land Use Map (FLUM), which may be amended from time to time, to regulate the location, use, density, and intensity of new development in the City.

**Policy FLU-1.1A.** New development projects shall be consistent with the typical uses, densities, and intensities assigned to the future land use categories (FLUCs) identified in Table FLU-1, which may be amended from time to time.

**Policy FLU-1.1B.** The City’s zoning map and districts shall be consistent with the Palm Bay FLUM and implement and further refine the typical uses, densities, and intensities prescribed for each FLUC.

**Policy FLU-1.1C.** Density and intensity shall generally be measured as follows (unless specifically stated otherwise within this Plan):

- (a) Density: dwelling units per gross residential acre; and
- (b) Intensity: Floor Area Ratio (FAR), calculated by dividing the gross floor area of a nonresidential building by the gross square footage of the site.

**Policy FLU-1.1D.** As shown in Table FLU-1, density and intensity bonuses may be achieved within select FLUCs if certain criteria have been met. These criteria, detailed within the City’s Land Development Code (LDC), may include the provision of:

- (a) a vertical mix of uses;
- (b) affordable housing units as defined in the Florida Statutes;
- (c) underground electric utilities;
- (d) structured parking;
- (e) public art displays;
- (f) connections to the regional trail system;
- (g) a bus turnout facility with a covered transit shelter;
- (h) publicly accessible park(s) or plaza(s); and
- (i) design features that are consistent with the City’s Low Impact Design (LID) Manual.

**Table FLU-1. Future Land Use Map Categories**

<b>FLUC</b>	<b>General Purpose</b>	<b>Typical Uses</b>	<b>Maximum Density (du/ac)</b>	<b>Maximum Intensity (FAR)<sup>1</sup></b>
Rural Single-Family (RSF)	Areas of low density rural residential character interspersed with large tracts of agriculture, open space, or recreation	Single family homes, agriculture, recreation, and institutional uses	0.2 du/ac	n/a
Low Density Residential (LDR)	Areas of low density suburban residential character	Single family homes, duplexes, accessory dwelling units, recreation, and institutional uses	5 du/ac	n/a
Moderate Density Residential (MDR)	Transitional areas of increasingly urban, moderate density residential character	Single family homes, duplexes, accessory dwelling units, mobile homes, recreation, and institutional uses	10 du/ac	n/a
High Density Residential (HDR)	Areas of urban, high density residential character	A range of housing types, recreation, and institutional uses	20 du/ac	n/a
Neighborhood Center (NC)	Areas accommodating high residential densities complemented by neighborhood-scale commercial and office uses	A range of housing types, commercial, office, recreation, and institutional uses	25 du/ac (30 with density bonus) <sup>2</sup>	0.5 FAR (1.0 with intensity bonus) <sup>2</sup>
Community Mixed-Use (CMU)	Nodes of high intensity mixed-use development within a compact, urban environment—primarily at the intersection of collector or arterial roadways	A range of housing types, commercial, office, recreation, and institutional uses	30 du/ac (35 with density bonus) <sup>2</sup>	1.0 FAR (1.5 with intensity bonus) <sup>2</sup>
Urban Mixed-Use (UMU)	Concentrations of very high intensity mixed-use development within a pedestrian-friendly environment—primarily at the intersection of arterial roadways	A range of housing types, commercial, office, recreation, and institutional uses	40 du/ac (50 with density bonus) <sup>2</sup>	2.5 FAR (3.5 with intensity bonus) <sup>2</sup>
Regional Activity Center (RAC)	Master planned communities which provide employment opportunities in close proximity to residential development within a compact, urban environment	See Objective FLU-1.6	13 du/ac	4,000,000 sq. ft.
Parkway Flex Use (PFU)	A range of commercial and office uses located along highly visible corridors within	Retail, personal service establishments, daycare centers, church/religious uses,	10 du/ac	1.0 FAR <sup>3</sup>

FLUC	General Purpose	Typical Uses	Maximum Density (du/ac)	Maximum Intensity (FAR) <sup>1</sup>
	the City supported by moderate density residential development	restaurants, financial institutions, office uses, service stations with fuel sales, food service, theaters, professional office uses, medical or veterinary clinics, and a range of housing types		
Professional Office (PO)	Areas accommodating low intensity office development—often serving as a transition between commercial and residential areas	Professional offices and services, financial institutions, recreation, and institutional uses	n/a	0.5 FAR
Commercial (COM)	Areas supportive of low-to - moderate intensity commercial developments	Offices, retail businesses, personal service businesses, day care centers, restaurants, financial institutions, hotels and motels, and other similar uses, as well as institutional activities	n/a	2.5 FAR
Industrial (IND)	Areas accommodating industrial activity and other significant employment-generating uses	Manufacturing, warehousing, research and development, and other similar uses, as well as institutional activities	n/a	5.0 FAR
Public/Semi-Public (PSP)	Areas intended to accommodate major existing and programmed public/quasi-public facilities	Government owned facilities, churches, utilities, clubs and lodges, educational facilities, recreation facilities, hospitals, congregate living facilities, and similar uses	n/a	2.0 FAR
Utilities (UTL)	Areas which accommodate public and private utilities	Public and private utilities	n/a	1.5 FAR
Recreation & Open Space (ROS)	Areas supportive of parks, recreation, and open spaces	Parks, recreational, and open spaces	n/a	0.25 FAR
Conservation (CON)	Areas of major public or privately held lands reserved for the primary purpose of the preservation of natural resources	Floodways, nature sanctuaries, and areas established for long-term conservation	n/a	0.05 FAR
Special Planning Area (SPA)	Areas which, due to their scale and unique development objectives, permit a range of uses, densities, and intensities. For more information, see GOAL FLU-3.			

<sup>1</sup> Unless noted as maximum square footage in the table

<sup>2</sup> See Policy FLU-1.1D.

<sup>3</sup> A minimum of 40 square feet of commercial space shall be provided for each residential unit.



## Objective FLU-1.2

Adopt, amend, and enforce land development regulations which implement the provisions of the Comprehensive Plan.

**Policy FLU-1.2A.** The City shall maintain land development regulations to implement this Comprehensive Plan. The regulations shall include standards which, at a minimum:

- (a) Regulate the density, intensity, and range of uses by establishing zoning district regulations;
- (b) Ensure compatibility between uses, consistent with the definition of compatibility found in Sec. 163.3164(9), Florida Statutes;
- (c) Protect natural resources;
- (d) Regulate the permitted location, size, and distribution of signs;
- (e) Establish procedures for assessing the impacts of new development on public facilities and services; and
- (f) Incentivize the use of energy efficient development practices.

**Policy FLU-1.2B.** Within one year of adopting an amendment to the Comprehensive Plan, the City shall update the LDC, if applicable, to implement the amendment and maintain consistency between the two documents.

**Policy FLU-1.2C.** Enforce the citizen participation provisions established in the LDC for all applicable planning applications.

**Policy FLU-1.2D.** Continue to accommodate and recognize planned unit developments (PUDs) within the LDC. The purpose of PUDs shall be to provide flexibility in the application of development standards to accommodate a superior urban form and promote quality development that could not otherwise be achieved through conventional zoning.

**Policy FLU-1.2E.** Continue to implement the recommendations from the Bayfront Redevelopment Plan through the Palm Bay Comprehensive Plan and LDC.

### Objective FLU-1.3

Promote the development of sustainable neighborhoods that provide a diverse range of housing options, are supported by public facilities, and maintain access to commercial areas for goods, services, and employment.

**Policy FLU-1.3A.** Maintain regulations in the LDC to accommodate a wide range of housing types and varying densities in conformance with this Plan.

**Policy FLU-1.3B.** High density residential development shall be directed to areas of the City which possess:

- (a) Alternative transportation infrastructure such as bike lanes, trails, transit, and sidewalks;
- (b) Nonresidential uses which meet the daily needs of residents for goods, services, and employment; and
- (c) public facilities, such as centralized water and sewer systems, available for connection.

**Policy FLU-1.3C.** Reevaluate the City's Subdivision Regulations to promote walkability, internal and external connectivity, and alternative modes of travel.

**Policy FLU-1.3D.** All new development shall connect to the City's central water and sewer system, unless exempted within the provisions of the Infrastructure Element.

**Policy FLU-1.3E.** Requests to change the FLUM determined to negatively impact hurricane evacuation plans, routes, or shelter facilities as determined by the review criteria contained in the Coastal Management Element (CME) shall be denied.

**Policy FLU-1.3F.** New development projects must mitigate hurricane sheltering and evacuation impacts in accordance with the CME and the LDC.

## Objective FLU-1.4

Provide and maintain FLUCs and zoning districts that would accommodate a diverse range of nonresidential activities of varying types and sizes.

**Policy FLU-1.4A.** The LDC shall direct commercial activities to develop at nodes, rather than along roadway corridors. Where appropriate, developments within these nodes shall provide:

- (a) Shared access, parking, and loading facilities;
- (b) Context-sensitive connections to nearby or adjacent residential neighborhoods;
- (c) Transitions in density, intensity, and uses between nearby or adjacent uses;
- (d) A branded wayfinding and signage program;
- (e) Coordinated, quality architecture; and
- (f) Buffering tools such as landscaping, open space, berms, walls, and/or other suitable

screening mechanisms to protect adjacent established single-family neighborhoods.

**Policy FLU-1.4B.** Amend the LDC to allow professional offices when utilized as:

- (a) a transition between commercial and residential uses; or
- (b) infill on properties within developed portions of the community infeasible for residential, commercial, or mixed-use development.

**Policy FLU-1.4C.** Amend the LDC to encourage the development of neighborhood-scale commercial uses within, or within close proximity to, residential areas.

## Objective FLU-1.5

Support the creation of harmonious mixed-use communities with residential and nonresidential uses collocated and integrated into a sustainable development pattern.

**Policy FLU-1.5A.** Support the creation and growth of community activity centers, which include a mix of residential and nonresidential uses within a compact, walkable setting.

**Policy FLU-1.5B.** Support the creation of a community activity center within the Bayfront Community Redevelopment Area by striving to:

- (a) Fund and develop a community-driven Master Plan for the area that incorporates the recommendations and findings of the Bayfront Community Redevelopment Plan;
- (b) Amend the Palm Bay Comprehensive Plan and LDC to implement the recommendations of the Master Plan;
- (c) Direct developers to locate higher density and intensity activities within the activity center; and
- (d) Establish a branded wayfinding and signage program for the area.

**Policy FLU-1.5C.** Establish development incentives for developers to redevelop properties which provide waterfront access and viewsheds to Turkey Creek, Palm Bay, and the Indian River Lagoon.

**Policy FLU-1.5D.** Work with the community to establish a long-term vision and strategic plan for the Compound.

**Policy FLU-1.5E.** Continue to explore opportunities to incorporate more innovative

planning principles into the LDC which may help cultivate a more sustainable land use pattern, such as:

- (a) Adopting form-based code regulations for community activity centers;
- (b) Requiring buildings to be placed closer to the street;
- (c) Permitting smaller lot sizes;
- (d) Incentivizing construction that utilizes low impact development (LID) techniques;
- (e) Reducing minimum parking requirements and requiring parking facilities to be located to the rear or side of buildings;
- (f) Promoting shared driveway, parking, loading, stormwater, and other similar facilities between uses of similar use and scale;
- (g) Establishing a transfer of development rights (TDR) program; and
- (h) Permitting the clustering of uses to preserve wetlands, open space, and other valuable natural amenities.

**Policy FLU-1.5F.** Continuously evaluate the effectiveness of the LDC in promoting efficient land use patterns.

**Policy FLU-1.5G.** Discourage the proliferation of strip and automobile-oriented development.



## Objective FLU-1.6

The Regional Activity Center (RAC) FLUC is intended to facilitate the development of large-scale, master planned communities which will serve as integrated centers of commerce and employment.

**Policy FLU-1.6A.** New RAC designations shall be located in close proximity to I-95 or an intersection of arterial and collector roads.

**Policy FLU-1.6B.** Development within a RAC shall be approved through the City's Planned Development (PD) zoning approval process and require a Concept Master Land Use Plan (CMLUP), Design Guidelines, and a Conservation Area Management Plan (CAMP).

**Policy FLU-1.6C.** The RAC Design Guidelines shall address and describe in appropriate detail the following:

- (a) Principles of the Development Plan;
- (b) Development standards for the approved uses;
- (c) Resource- and activity-based open space areas;
- (d) Infrastructure and engineering development standards;
- (e) Transit development and mobility standards for streets, bicycle lanes, trails, and sidewalks;
- (f) General landscaping standards;
- (g) Lighting standards;
- (h) Signage standards; and
- (i) Buffering standards.

**Policy FLU-1.6D.** A RAC development shall provide a balanced mix of uses and shall be composed of Urban Living Areas, Open Space Areas, and a Mixed-Use Town Center or Workplace or combination thereof. These areas are defined as follows:

- (a) Urban Living Areas - residential areas which include housing types of varying styles and price points;
- (b) Open Space Areas - activity-based or resource-based outdoor areas. *Activity-based Open Space Areas* provide recreational opportunities and includes such areas as walkways, bike paths, trails, picnic areas, playgrounds, lakes, and parks. *Resource-based Open Space Areas* are intended to protect and enhance environmental systems and may include wetlands, uplands or any other environmental features;
- (c) Mixed-Use Town Centers - the recognizable commercial and civic core of the community that is sized to meet the needs of residents within one mile of the community core; and
- (d) Workplaces - hubs which provide a variety of employment opportunities.

**Policy FLU-1.6E.** To ensure that a RAC is pedestrian friendly and promotes the efficient movement of people, the following principles shall be incorporated into the Design Guidelines:

- (a) At buildout, homes shall be within one half mile of transit, a Mixed-Use Town Center, a Workplace, a recreational use, or a public/semipublic use.
- (b) Streets shall be pedestrian friendly, tree-lined, and provide for on-street parking where appropriate.
- (c) Homes shall be built close to streets with the majority of the homes having street-facing facades and/or porches, windows

and doors. Homes may not need to front on the street so long as the home is designed in a manner that is consistent with the principles of Traditional Neighborhood Design or New Urbanism.

- (d) Mixed-use and commercial structures shall be built close to streets with street facing facades and entrances. Parking lots and parking structures are to be hidden behind the building to the fullest extent practicable.
- (e) Lighting shall be designed to enhance safety and be consistent with “dark sky” objectives to the maximum extent practicable.
- (f) Brick pavers, roundabouts, traffic circles and other traffic calming techniques shall be employed in key locations to enhance aesthetics, improve pedestrian access, reduce vehicle speeds and promote safety within all travel modes.
- (g) All streets shall have sidewalks on both sides. Sidewalks shall be a minimum of six feet in width to accommodate pedestrian activity.

**Policy FLU-1.6F.** To ensure the efficient movement of people through the RAC, the following design principles shall be incorporated into and made a part of the Design Guidelines:

- (a) The street system shall be a well-connected grid-based system that is fully integrated and designed to facilitate the expansion of the system as the RAC develops.
- (b) The street system shall be designed in a hierarchy that provides for alternative cross sections to facilitate the development of narrow neighborhood streets, boulevards, and alleys. Streets are to be interconnected both internally and

externally to both move and disperse traffic efficiently.

- (c) The arrangement and design of streets shall promote a pleasant, pedestrian and bicycle-friendly environment with an emphasis on convenient access to surrounding neighborhoods and community amenities.

**Policy FLU-1.6G.** The CAMP associated with each RAC shall:

- (a) Identify all jurisdictionally defined wetlands and environmentally sensitive areas;
- (b) Provide for wildlife corridors;
- (c) Designate the property to be placed in conservation easements;
- (d) Promote interconnected linkage between existing conservation or jurisdictional areas, activity- or resource-based open space, and the land within the RAC; and
- (e) Provide a minimum buffer of 25 feet adjacent to all jurisdictional wetlands.

**Policy FLU-1.6H.** Development features not specifically addressed in the Design Guidelines or CAMP must comply with the LDC. In the event of a conflict between the Design Guidelines or the CAMP, and the LDC, the most stringent requirement shall apply.

**Policy FLU-1.6I.** A preliminary wetlands and endangered species assessment, including an analysis of topography and soils, shall be completed prior to the designation of a RAC.

**Policy FLU-1.6J.** Residential development within a RAC shall have a minimum density of five dwelling units per gross residential acre and the residential units shall be allocated among the Urban Living Area, Mixed-Use Town Center, and Workplace as follows:

- (a) 20% of the approved residential units shall be placed in the Mixed-Use Town Center or the Workplace;
- (b) Single family units shall be limited to 45% of the approved residential units;
- (c) Multi-family units shall be a minimum of 55% of the approved residential units; and
- (d) 10% of the approved residential units shall qualify as affordable housing which, for this purpose, shall mean housing affordable to persons with incomes between 80% and 140% of the median household income in Brevard County.

**Policy FLU-1.6K.** The following standards shall be met in designing the Urban Living Area:

- (a) Minimum Size: 25% of the net buildable area of the RAC;
- (b) Maximum Size: 40% of the net buildable area of the RAC;
- (c) Minimum Density: five units per gross acre within the Urban Living Area;
- (d) Maximum Density: 13 units per gross acre within the Urban Living Area; and
- (e) Single family detached, single family attached, multi-family, and appropriate public/semipublic, and recreation uses are permitted.

**Policy FLU-1.6L.** The following standards shall be met in designing a Mixed-Use Town Center:

- (a) Minimum Size: 20% of the net buildable area of the RAC;
- (b) Maximum Size: 50% of the net buildable area of the RAC;
- (c) Maximum Intensity: 2,000,000 square feet;
- (d) Shall include a vertically integrated mix of higher density and intensity development;

- (e) Commercial, professional office, multi-family residential, and public/semipublic uses are permitted;
- (f) Residential uses may be located above commercial or professional office uses; and
- (g) On-street parking must be provided where appropriate.

**Policy FLU-1.6M.** The following standards shall be met in designing a Workplace:

- (a) Minimum Size: 20% of the net buildable area of the RAC;
- (b) Maximum Size: 60% of the net buildable area of the RAC;
- (c) Maximum Intensity: 2,000,000 square feet;
- (d) Uses may be mixed horizontally or may be contained within multiple use buildings;
- (e) Include denser housing products than traditional single-family detached homes;
- (f) Commercial, professional office, light industrial multi-family residential, and public/semipublic uses are permitted; and
- (g) Parklets shall be encouraged.

**Policy FLU-1.6N.** Open Space Areas shall meet the following standards:

- (a) Open Space Areas shall be a minimum of 30% of the gross acreage;
- (b) A minimum of 10% of the Open Space Area shall be activity-based; and
- (c) Stormwater management areas may be included in resource-based Open Space Areas.

**Policy FLU-1.6O.** For purposes of these policies, net buildable area is defined as the gross acreage of the lands designated as a RAC, less the resource-based Open Space Areas.

**Policy FLU-1.6P.** When a RAC includes both a Mixed-Use Town Center and a Workplace, the

combined size of both uses shall be a minimum of 35% of the RAC's net buildable area.

**Policy FLU-1.6Q.** Development within a RAC shall be based on the generalized principles of Smart Growth, Traditional Neighborhood Design, New Urbanism, or Transit Oriented Design. As such, the RAC shall include walkability standards, compact development patterns, quality architecture and urban designs, and a hierarchy of streets or street system to foster connectivity and pedestrian mobility as well as alternative modes of travel. Buildings within a RAC shall meet LEED standards or best management practices from the United States Green Building Council and Florida Green Building Council to the fullest extent practicable.

**Policy FLU-1.6R.** To reduce automobile trips and greenhouse gases, the following standards shall be met within each RAC:

- (a) Streets shall be pedestrian friendly;
- (b) Sidewalks and bike lanes shall be at least five feet wide, multi-purpose recreation trails at least ten feet wide, and unimproved nature trails and boardwalks connecting residential areas with a Mixed-Use Town Center, a Workplace, recreational uses, and public/semipublic uses shall be provided;
- (c) Streets and pedestrian ways lighting shall be designed to enhance safety and be consistent with "dark sky" objectives to the maximum extent practicable;

(d) Traffic calming techniques shall be employed to the maximum extent practicable; and

(e) Transit/bus/trolley locations shall be provided.

**Policy FLU-1.6S.** Landscaping shall be designed and installed using the University of Florida Friendly Plant List and managed in accordance with the latest University of Florida Yards and Neighborhoods Recognition Checklist.

**Policy FLU-1.6T.** To promote the creation of employment opportunities, the following residential/nonresidential thresholds shall be met:

- (a) Prior to the issuance of building permits for more than one third of the residential units, a minimum of 150 square feet of nonresidential square footage shall be constructed for each residential unit developed.
- (b) Prior to the issuance of building permits for more than two thirds of the residential units, a minimum of 150 square feet of nonresidential square footage shall be constructed for each residential unit developed.
- (c) At buildout, a minimum of 0.6 jobs shall have been created for each residential unit constructed.

**Policy FLU-1.6U.** The jobs/housing ratio shall be measured after the issuance of site plan approval for nonresidential development. If upon review, the jobs/housing ratio has not been reached, the City may require appropriate mitigation.



## Objective FLU-1.7

Expand, protect, and promote the City's industrial market.

**Policy FLU-1.7A.** Identify opportunities to capitalize on the existing defense contracting industry cluster found in South Brevard.

**Policy FLU-1.7B.** Strive to facilitate a quarterly meeting with Patrick Space Force leadership to discuss opportunities for supporting local employment and industry growth within the City.

**Policy FLU-1.7C.** Explore the creation of an incentive program to attract the relocation or development of new industrial uses within Palm Bay. This program may include, but not be limited to:

- (a) Reimbursement of impact mitigation costs
- (b) Donation of public lands
- (c) Streamlined development review process

- (d) Waiver of application and other administrative fees

**Policy FLU-1.7D.** Continue to evaluate and monitor industrial uses to ensure their impacts on natural resources, public facilities, and the public in general are mitigated to the greatest extent practicable and comply with all local, state, and federal air and water quality standards.

**Policy FLU-1.7E.** The LDC shall include provisions to prevent encroachment of non-industrial uses in areas reserved for industrial development, unless such uses are explicitly permitted within industrial lands by Florida Statutes.

**Policy FLU-1.7F.** Update the LDC to incorporate criteria for mixed use development which includes industrial uses.

## Objective FLU-1.8

Future development activity shall be compatible with established neighborhoods and strive to enhance the character of the community.

**Policy FLU-1.8A.** The City shall prohibit future encroachment of nonresidential FLUCs into established residential neighborhoods if they are incompatible with the character of the area.

**Policy FLU-1.8B.** Establish locational criteria within the LDC for future rezonings to accommodate future population growth. The following principles shall be considered:

- (a) Maximizing compatibility (consistent with the definition found in the Florida Statutes) between uses;
- (b) Providing a transition between areas of different character, density or intensity;

- (c) Locating higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities;

- (d) Potential for creating land use inequities; and

- (e) Avoiding 'spot zoning' by discouraging the rezoning of a property to a designation which is substantially different from that of the surrounding area.

**Policy FLU-1.8C.** The City shall continue enforcing provisions within the LDC which limit industrial traffic through predominately residential areas.

<b>Objective FLU-1.9</b>	Ensure public school facilities are integrated harmoniously within the Palm Bay community.
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- Policy FLU-1.9A.** Encourage new educational facilities to locate within close proximity to the neighborhoods in which they serve.

**Policy FLU-1.9B.** Revisit the LDC to include additional circulation, design, and compatibility standards for new developments located within close proximity to educational facilities.

**Policy FLU-1.9C.** Work with the Brevard County School Board to ensure adequate access
- (vehicular and pedestrian) to new school facilities within Palm Bay.

**Policy FLU-1.9D.** Coordinate with the Space Coast Transportation Planning Organization (SCTPO) and the Brevard County School Board to identify opportunities to implement the recommendations and findings of the SCTPO’s Safe Routes to School Program.

<b>Objective FLU-1.10</b>	Cultivate an environment supportive of sustainable economic development within the City.
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- Policy FLU-1.10A.** Seek to develop a long-term Economic Development Plan for the City.

**Policy FLU-1.10B.** Remove provisions within the LDC which may directly or indirectly limit the development of small businesses and incubators within the City.
- Policy FLU-1.10C.** Explore opportunities to advance minority-owned business through local programs and partnerships.

**Policy FLU-1.10D.** Identify and support ecotourism opportunities within the City.

**Policy FLU-1.10E.** Establish, support, coordinate, and help promote a local outdoor market in Palm Bay.

## Objective FLU-1.11

Establish procedures to maintain and enhance public facilities within the City.

**Policy FLU-1.11A.** Discourage the spending of City funds to expand public facilities and services outside the Urban Service Area (USA)—the boundaries of which are shown within the FLUM Series.

**Policy FLU-1.11B.** Condition development orders based upon the provision of essential public facilities to prevent the failure of meeting established levels of service (LOS).

**Policy FLU-1.11C.** Review annexation requests to determine if the site’s maximum development potential may negatively impact the adopted LOS for any public facility or service. If such requests are estimated to negatively impact the City’s ability to maintain its adopted LOS, the developer will be required to enter into an impact mitigation agreement with the City prior to the issuance of a final development order.

## Objective FLU-1.12

Work with the community to identify and implement programs and policies to create a more equitable Palm Bay.

**Policy FLU-1.12A.** Explore incorporating equity considerations as part of the City’s criteria for approving land use applications.

**Policy FLU-1.12B.** Perform an assessment of the City’s public engagement efforts to determine the success of engaging citizens of diverse backgrounds that represent the city population.

**Policy FLU-1.12C.** Continue to research and implement best practices for incorporating more virtual engagement opportunities for public meetings and hearings.

**Policy FLU-1.12D.** Explore hosting community meetings in spaces and venues where residents are already gathered.

**Policy FLU-1.12E.** Strive to improve the City’s youth engagement efforts.

**Policy FLU-1.12F.** Form stronger partnerships with local community-based organizations for culturally competent outreach and engagement efforts.

**Policy FLU-1.12G.** Identify and eliminate barriers for accessing fresh food sources.

**Policy FLU-1.12H.** Study the impacts generated from permitting new discount variety stores on the ability of residents to access fresh meats, fruits, and vegetables.

**Policy FLU-1.12I.** Seek to fund or develop a community garden program within the City.

## GOAL FLU-2

Identify, protect, and enhance the City’s inventory of cultural and natural resources.

### Objective FLU-2.1

Continue to identify, protect, and enhance Palm Bay’s natural resources.

**Policy FLU-2.1A.** Land use decisions shall consider the ability of the natural environment to support the proposed development based on the project’s consistency with the following:

- (a) Floodplain Management Ordinance;
- (b) Stormwater Management and Conservation Ordinance;
- (c) Trees and Shrubbery Ordinance;
- (d) Well and Wellfield Protection Ordinance; and
- (e) Zoning Ordinance.

**Policy FLU-2.1B.** The following land uses and activities shall be prohibited from locating within two hundred feet of any public utility water well or prime aquifer recharge areas:

- (a) Stormwater discharge retention-detention facilities;
- (b) Any industrial or commercial activities that utilize, generate, or store any hazardous constituents;
- (c) Sanitary landfills;
- (d) Domestic wastewater facilities including underground storage; and
- (e) Mining operations.

**Policy FLU-2.1C.** The following land uses and activities shall be prohibited from locating within

one thousand feet of a public utility water well or prime aquifer recharge area:

- (a) Any industrial or commercial activities that utilize, generate or store in excess of five gallons of liquid or twenty-five pounds of solid hazardous constituents; and
- (b) Fuel storage tanks and pumps.

**Policy FLU-2.1D.** Ensure the provisions of the LDC manage and protect the natural functions of local stormwater management and drainage facilities, public potable water wellfields, floodplains, and other natural or manmade water systems.

**Policy FLU-2.1E.** Amend the LDC to ensure that development orders are not issued in areas of the community where drainage conditions are not sufficient for building construction, drainage, roads, and other related facilities.

**Policy FLU-2.1F.** Modify the land development regulations which protect and preserve wetlands to include the following standards:

- (a) Wetlands shall be defined based on the same methodology, soil types, hydrological requirements and vegetation types as those utilized by the Florida Department of Environmental Protection (FDEP), the U.S. Army Corps of Engineers



- (USACE), and the St. Johns River Water Management District (SJRWMD);
- (b) Interim regulation of wetlands shall be based on this Policy and the City's Stormwater Management and Conservation Ordinance;
  - (c) If any activity which degrades or destroys a wetland is undertaken without a permit, the person performing such activity shall be responsible for repairing and maintaining the wetland. If it is not technically feasible for the responsible person to perform the repair and maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation shall include, but not be limited to: wetland restoration, wetland replacement, wetland preservation or monetary compensation;
  - (d) Criteria within the LDC shall be consistent with and at least as strict as the criteria utilized by FDEP, USACE, and SJRWMD. No development plan or permit shall be approved for wetlands or wetland buffer zones unless the applicant demonstrates that encroachment on the wetland or wetland buffer area is necessary for access and that no feasible upland alternative exists;
  - (e) Septic tank drainfields are prohibited from locating within a wetland and must maintain a 75' buffer between the edge of the drainfield and the identified boundary of any wetland and shall be located in soils suitable for septic tank drainfields;
  - (f) The area of any wetland dredged, filled, cleared of vegetation, or deepened shall not exceed 10% of the wetland within the applicant's property boundaries except as part of a required FDEP, USACE, SJRWMD, or City mitigation area;
  - (g) Natural wetlands shall not be dredged, cleared of vegetation, deepened, widened, or otherwise altered unless permits are received from FDEP, USACE, SJRWMD, and the City of Palm Bay;
  - (h) Development activities must be planned, designed, constructed and maintained to preserve the function of wetlands as a natural storage area for water, as a natural filter for reducing and assimilating pollutants, as water detention areas, and as habitat for native and endangered species;
  - (i) Wetlands shall not be used as primary sediment traps during and/or after development. No grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and all wetlands. Such devices shall be left in place for a period of time sufficient for stabilized conditions to develop on the filled zone;
  - (j) Restrictive or conservation easements to preserve the wetland shall be required as a condition to permitting alteration or development of any identified wetland;
  - (k) Maximum residential density within wetland areas shall be one unit per five acres without a centralized sewage system and one unit per three acres provided centralized sewage service is required and available; and
  - (l) Vegetated buffer zones or strips shall be maintained or created between all developed areas and wetlands, measured from the upland/wetland interface, as determined by vegetative dominance or from the new high water line (as determined in accordance with Sec. 174.022, Florida Administrative Code), whichever is greater. The width of this

buffer shall be sufficient to prevent erosion and trap the sediments in overland runoff but shall be at least the following minimum distances:

- (i) For natural creeks, rivers, and water bodies connected to waters of the state, a minimum 25-foot wide buffer zone of native upland and transitional vegetation shall be preserved and maintained;
- (ii) Where natural bluffs with slopes exceeding one foot vertical to three feet horizontal occur, required buffers shall start at the top of the bank or bluff;
- (iii) For isolated wetland areas, a minimum 25-foot buffer zone of appropriate native vegetation shall

be provided and maintained from the landward extent of wetlands vegetation;

- (iv) The buffer zone must consist of preserved native vegetation. Areas of the buffer void of existing natural vegetation shall be supplemented with appropriate native vegetation. The City shall develop a list of approved vegetation types with the assistance of the Planning and Zoning Board (LPA) and the Turkey Creek Sanctuary Advisory Committee; and
- (v) A buffer study shall be prepared to determine the size of wetland buffer needed to maintain wetland dependent wildlife and vegetation.

## Objective FLU-2.2

Continue to identify and preserve Palm Bay’s historical, archaeological, and architectural heritage.

**Policy FLU-2.2A.** Continue to identify and analyze the location and condition of cultural resources with the assistance of historians, archaeologists, and local partners.

**Policy FLU-2.2B.** Incorporate provisions into the LDC which protect culturally significant structures.

**Policy FLU-2.2C.** Work with the community to draft and adopt a comprehensive cultural preservation ordinance to safeguard the City’s historical, archaeological, and architectural heritage.

**Policy FLU-2.2D.** Explore the creation of a local register of cultural resources.

**Policy FLU-2.2E.** Seek to educate the public on the importance, value, process, and benefits of preserving local cultural resources.

**Policy FLU-2.2F.** Consider applying to become a Certified Local Government (CLG), which grants the City access to technical assistance, training, and federally funded CLG subgrants to use for preservation purposes.

## GOAL FLU-3

Continue to recognize and advance past planning agreements which result in a more cohesive and harmonious community..

### Objective FLU-3.1

Continue to enforce the following previously adopted policies applicable to the Bayside Lakes community.

**Policy FLU-3.1A.** Provide an adequate circulation pattern by ensuring the continuation of all collector and higher classification roadways into and through the Town Centre.

**Policy FLU-3.1B.** Specific provisions shall be made to continue the St. Johns Heritage Parkway connector from Bombardier Boulevard SW east to Babcock Street.

**Policy FLU-3.1C.** Mass transit stops shall be provided at all major traffic generators proposed for the Town Centre.

**Policy FLU-3.1D.** Specific plans shall be incorporated for pedestrian and bicycle circulation.

**Policy FLU-3.1E.** City water and sewer services must be provided throughout all development proposed in the Town Centre.

**Policy FLU-3.1F.** Provisions shall be made to provide for a mixed-use development including sites for parks, public safety sites (fire and police), employment centers, public and semi-public sites, and similar needs.

**Policy FLU-3.1G.** LOS standards for parks, roads, water, sewer, drainage and solid waste must be maintained within the development and on impacted areas outside of the Town Centre.

### Objective FLU-3.2

Continue to recognize and enforce the specific conditions applied to previously approved land development map amendment cases.

**Policy FLU-3.2A.** Continue to recognize and enforce the special conditions applied to each of the cases identified in Table FLU-2.

**Table FLU-2.** General Ordinance Conditions

Case #	Ordinance #	General Ordinance Conditions
CP-6-99	2001-65	Habitat Conservation Plan, buffers, potable water, sanitary sewer
CP-5-2000	2001-67	Wetlands, setbacks, buffers, access, potable water, sanitary sewer
CP-22-2000	2001-79	Prohibited uses, day care centers, buffers
CP-13-2002	2004-45	Density
CP-9-2003	2004-49	Location, conservation easements, density
CP-11-2003	2004-51	Density
CP-12-2003	2004-52	Density, schools, future land use
CP-13-2003	2004-53	Density
CP-14-2003	2004-54	Density, traffic study, schools
CP-16A-2003	2004-55	Density, future land use
CP-16B-2003	2004-56	Density, traffic study, future land use
CP-7-2004	2005-48	Traffic study, intensity
CP-8-2004	2005-49	Traffic study, density
CP-9-2004	2005-50	Location, conservation easements, transfer of development rights
CP-11-2004	2005-51	Traffic study, density
CP-12-2004	2005-52	Traffic study, density
CP-13-2004	2005-53	Traffic study, density
CP-1-2005	2005-92	Density, connectivity, traffic study, future land use, Palm Bay Parkway
CP-2-2005	2006-93	Density, right of way, Northwest Assessment Improvement District (NAID), Palm Bay Parkway, Malabar Road
CP-3-2005	2006-94	Density, Garvey Road, Bombardier Boulevard, traffic study, future land use
CP-4-2005	2006-95	Density; future land use, traffic study, NAID
CP-5-2005	2006-96	Traffic study, connectivity
CP-14-2005	2006-98	Density, wetlands, traffic studies, NAID
CP-15-2005	2006-99	Density, wetlands, traffic studies, NAID, Palm Bay Parkway
CP-16-2005	2006-100	Density, traffic study, NAID
CP-17-2005	2006-101	Density, traffic study, NAID
CP-02-2019	2019-22	Traffic study, access, buffering
CP-10-2019	2019-43	Driveways, traffic study, environmental study, building location
CP-2-2020	2020-18	Use limitations, agricultural activities, fencing, buffering, conditional uses, zoning
CP-6-2009	2010-22	None
CP-5-2009	2010-26	Garvey Road, right-of-way dedications, utility extensions, wetlands, traffic demand management, uses, PD approvals, buffers, design,
CP-7-2009	2010-27	Density, utility extensions, multi-family residential, LOS
CP-8-2009	2010-28	Intensity, transportation improvements, utility extensions, PD approvals, LOS
CP-25-2016	2016-79	None



<b>Objective FLU-3.3</b>	<p>Ensure that the plans and conditions of previously approved, large-scale development projects continue to be enforced by establishing the Special Planning Area (SPA) FLUC.</p>
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**Policy FLU-3.3A.** The City of Palm Bay shall recognize the following SPAs:

- (a) Centerlane;
- (b) Calumet Farms;
- (c) Emerald Lakes; and

(d) Micco Park Village.

**Policy FLU-3.3B.** The boundaries of each SPA shall be identified on the SPA Map included within the Comprehensive Plan FLUM Series.

**Policy FLU-3.3C.** No new SPAs shall be considered by the City.

<b>Objective FLU-3.4</b>	<p>Promote innovative approaches to development on the property located at the west end of Centerlane Road and owned by Centerlane Holdings, LLC, which was designated for solely agricultural or rural residential single purpose prior to annexation into the city.</p>
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**Policy FLU-3.4A.** The Centerlane SPA has been established in an area of Palm Bay which is suitable and appropriate for a range of industrial uses without impacting existing residential developments.

**Policy FLU-3.4B.** Development within the Centerlane SPA shall:

- (a) include a mix of industrial uses;
- (b) protect and enhance the natural environment;
- (c) promote the reduction of automobile trips and greenhouse gases by offering jobs and internal capture from nearby residential areas;
- (d) promotes energy efficiency through innovative planning, onsite job creation, alternative energy, and green business practices; and
- (e) provide job creation activities.

**Policy FLU-3.4C.** Maintain the economic viability of the community, maintain compatibility with other urban or rural land uses or State-owned lands, and provide for cost efficient delivery of public facilities and services for the lands contained within the Palm Bay USA.

**Policy FLU-3.4D.** Developments within the Centerlane SPA shall be responsible for meeting concurrency requirements by providing, constructing, funding, or participating in fair share or cost recovery programs for capital projects necessitated from the development.

**Policy FLU-3.4E.** Necessary infrastructure improvements shall include facilities to assure adequate provision of water, sanitary sewer, solid waste, drainage or reuse, and roadways to serve the development and shall meet the regulatory requirements for any off-site impacts caused by the project.

**Policy FLU-3.4F.** Development within the Centerlane SPA shall be approved through the

City's PD zoning approval process, which shall, at a minimum, require a Master Development Plan (MDP) and Design Guidelines which address and describe the following items:

- (a) Principles of the Development Plan;
- (b) Development standards as applicable for the approved uses, including buffering, access, lot dimensions, parking, storm water management, utility types and locations, setbacks, open space, amenities, building materials and placement, use of energy efficient materials and suppliers, and other standards as currently adopted in the City's Comprehensive Plan for industrial uses;
- (c) Infrastructure and engineering development standards, when applicable;
- (d) General landscaping standards;
- (e) Lighting standards;
- (f) Signage standards; and
- (g) Buffering standards for nearby residential areas, conservation areas, or recreation areas if any or as applicable.

**Policy FLU-3.4G.** The following uses are allowed within the Centerlane SPA:

- (a) master planned industrial developments;
- (b) alternative energy industrial developments;
- (c) public or private industrial development;
- (d) industrial uses consistent-with the City's IND FLUC;
- (e) recreation;
- (f) agricultural research and development;
- (g) farming, production, harvesting, manufacturing, processing, assembly, and

storage of products associated with alternative energy sources and development, including biomass products, farm products, solar, wind, and other green technologies;

- (h) testing or trial areas for machinery or equipment related to water based or water dependent uses or resource development;
- (i) public or private facilities or utilities;
- (j) Mining, excavation, and land reclamation with limited blasting using best management practices;
- (k) institutional and education uses including public or private schools, research facilities, vocational or technical; and
- (l) other similar uses.

**Policy FLU-3.4H.** Individual developments shall not exceed a 0.5 FAR. and in no case shall the amount of total nonresidential square footage in the Centerlane SPA exceed 500,000 square feet. Of this 500,000, a maximum of 125,000 square feet may be permitted to develop within the first five years.

**Policy FLU-3.4I.** The Centerlane SPA shall include an open space component which comprises a minimum of 20% of the project's gross acreage. This area may include storm water management facilities, setback areas, buffers, agricultural and crop growing areas, recreational/parks, and landscaped areas.

**Policy FLU-3.4J.** The developer/owners of the Centerlane SPA shall be required to work with the SJRWMD to assure public safety regarding the current levy system, and implement additional buffers, more extensive grading/ filling/ removal of materials, or other feasible actions.

## Objective FLU-3.5

Promote the development of the Calumet Farms property, which contains approximately 2,123 gross acres, into an “Aging in Place” walkable, pedestrian community using alternative energy, low impact design standards and an integrated system of active and resource based open space. The Calumet Farms SPA is intended to discourage urban sprawl, minimize the cost of community facilities, and encourage the use of creative land use planning techniques and innovative approaches to development.

**Policy FLU-3.5A.** The Calumet Farms SPA shall be developed as a master planned community, which will preserve conservation and environmentally sensitive areas, create compact residential development, require nonresidential uses to promote energy efficiency, provide Palm Bay with a new form of residential development, improve the economic viability of the community, maintain compatibility with other rural land uses and State-owned lands, and ensure the cost-efficient provision of public services to support this development.

**Policy FLU-3.5B.** Developers of the Calumet Farms SPA shall be responsible for meeting concurrency requirements by providing, funding, constructing or participating in fair share or cost recovery programs to assure all necessary infrastructure improvements, including water, wastewater, solid waste, and roadways are available to serve the development when needed. Developers shall also meet the regulatory requirements for any off-site impacts and participate in the City's fair share or cost recovery programs for the construction of improvements that are required because of impacts from the project. Such improvements necessitated by the project's impacts shall be shown on the 5-year CIP Schedule.

**Policy FLU-3.5C.** Development within the Calumet Farms SPA shall be consistent with the project's adopted conceptual land use plan (CLUP), which identifies the general location,

density, intensity, and composition of non-residential, residential, and institutional uses, public utilities and facilities, storm water management, wetland and upland conservation lands, wildlife corridors, parks, and roadways. The placement of various uses within the approved development may change due to regulatory issues, permitting agency requirements, infrastructure locations, or other factors. Therefore, upon approval of the City Council during the PD approval process, lines or locations of units, uses, square footages, or conservation areas may change as long as the maximum number of units, maximum square footage, and minimum amount of open space acreage of the development adopted as part of this land use amendment or within a master development agreement are not exceeded. Any density or intensity changes proposed which are in excess of those adopted, or changes which create additional land uses within the Calumet Farms SPA, shall require a land use amendment.

**Policy FLU-3.5D.** Development within the Calumet Farms SPA shall be approved through the City's PD zoning approval process, which shall require a MDP, Design Guidelines, and a CAMP.

**Policy FLU-3.5E.** The Design Guidelines shall address and describe in appropriate detail the following:

- (a) Principles of the Development Plan;

- (b) Development standards for the approved uses;
- (c) Resource-based and activity-based open space, protection of any floodplains and jurisdictional wetland areas, linkages between open space, pedestrian and wildlife corridors, and general use areas of the project;
- (d) Infrastructure and engineering development standards and required improvements necessary to meet concurrency requirements and to identify projects to be included in the annual Capital Improvement Plan update;
- (e) Mobility standards for streets, bicycle lanes, trails, and sidewalks;
- (f) General landscaping standards;
- (g) Lighting standards, compliant with "Dark Sky" criteria;
- (h) Signage standards;
- (i) Buffering standards to assure compatibility with surrounding developments; and
- (j) Interconnectivity with existing preserve or conservation areas and internal conservation sites through conservation easements, wildlife corridors, wetlands, or other natural features.

**Policy FLU-3.5F.** The CAMP shall provide for a set of site mitigation and management protocols for wetlands and environmentally sensitive areas designed to protect these areas and to ensure their long-term maintenance by the developer, its successors and assigns. As part of this requirement, the CAMP must also:

- (a) Identify jurisdictionally defined wetlands and environmentally sensitive areas;
- (b) Establish wildlife corridors along the northern portion of the site, along wetland boundaries, and other areas that may be derived through the site planning process;

- (c) Designate the areas to be placed in conservation easements;
- (d) Create interconnected linkage between existing conservation or jurisdictional areas, activity- or resource-based open space, and the proposed project; and
- (e) Maintain an average 25' of buffer around jurisdictional wetlands, unless otherwise proscribed by the permitting agencies, City, or other site-specific standards.

**Policy FLU-3.5G.** In the event of a conflict between the Design Guidelines, the CAMP, and the City's LDC, the more stringent guidelines found within either the Design Guidelines or the CAMP shall apply.

**Policy FLU-3.5H.** The development of the Calumet Farms SPA must demonstrate:

- (a) A mix of uses,
- (b) Protection and enhancement of the natural environment,
- (c) Minimum intrusions into natural or sensitive areas,
- (d) Reduction in automobile trips and greenhouse gases, and energy efficiency through a multi-modal transportation network, low impact design standards, and mixing uses
- (e) Clustering of units to eliminate sprawl development patterns required under the County's current land use system,
- (f) Appropriate infrastructure to meet concurrency and includes interconnected open space.

**Policy FLU-3.5I.** The Calumet Farms SPA shall provide a balanced mix of uses consisting of a minimum of three or more of the following components:

- (a) neighborhoods;
- (b) mixed use commercial centers;



- (c) civic spaces;
- (d) general commercial work places;
- (e) institutional uses;
- (f) educational uses;
- (g) public utilities, facilities, and services; and
- (h) open spaces.

**Policy FLU-3.5J.** Development within the Calumet Farms SPA shall be based upon the following density and intensity standards:

- (a) The maximum number of residential units is capped at 3,184 units;
- (b) The maximum amount of intensity permitted for commercial and office uses shall be limited to 180,000 square feet;
- (c) Maximum gross density shall not exceed 1.5 units per acre;
- (d) Net buildable area is defined as the gross acreage less the resource-based open space;
- (e) Neighborhoods shall not exceed 65% of the gross acreage; and
- (f) Open space shall be a minimum of 30% of the gross acreage.

**Policy FLU-3.5K.** Neighborhood living areas shall include a variety of housing types, styles, and price points. Development within these areas shall abide by the following standards:

- (a) Single family units shall be limited to 55% of the total living units.
- (b) Multi-family units shall be limited to 45% of the total living units.
- (c) Single family detached, single family attached, multi-family, and appropriate public, civic, public/semipublic, and recreation uses are permitted.
- (d) Neighborhoods shall be located within 1/4 mile of transit, a mixed-use commercial

center, a workplace, a recreational use, or a public/semipublic use.

- (e) Resource-based and activity-based open space areas shall be permitted within the neighborhoods.

**Policy FLU-3.5L.** A mixed-use Town Center and Babcock Street commercial center shall be the recognizable commercial and civic core of the community and shall be sized to serve the needs of residents.

**Policy FLU-3.5M.** Development within the mixed use commercial center shall meet the following standards:

- (a) Minimum Intensity: 12,000 square feet;
- (b) Maximum Intensity: 60,000 square feet;
- (c) May include a vertically integrated mix of higher density and intensity of development the sum of which shall not exceed the maximum unit and square footage cap;
- (d) Include more dense residential uses to promote walkability and reduce vehicle miles traveled;
- (e) Commercial, professional office, multi-family residential and public/semipublic uses/facilities/utilities/services are permitted;
- (f) Residential uses may be located above commercial or professional office uses;
- (g) Provide for on street parking where appropriate;
- (h) Be designed as a traditional Main Street; and
- (i) Be located internal to the overall development, within walking or bicycling distance to a majority of the neighborhoods.

**Policy FLU-3.5N.** A commercial workplace area shall be located with frontage along Babcock

Street and is intended to provide a variety of employment opportunities, including the provision of services to the City's residents.

**Policy FLU-3.5O.** Development within the commercial area of the Calumet Farms SPA shall abide by the following density, intensity, and use standards:

- (a) Minimum Intensity: 25,000 square feet;
- (b) Maximum Intensity: 120,000 square feet; and
- (c) Permitted uses: commercial, professional office, and public/semipublic uses, utilities, facilities, and services.

**Policy FLU-3.5P.** In order to protect and be compatible with natural resources including wetlands, floodplains, or adjacent lands, the Calumet Farms SPA shall preserve a minimum of 30% of the total lands as open space. In order to preserve significant amounts of functional open space, these areas shall be either activity-based or resource-based.

**Policy FLU-3.5Q.** Activity-based open space is defined as recreational opportunities which includes such areas as walkways, bike paths, trails, picnic areas, playgrounds, lakes, and parks. They shall be located within walking distance of residential neighborhoods and be accessible to the public. Activity-based open space areas shall be located outside of resource-based open space areas, except for bike trails, wildlife corridors, or water dependent/related activities.

**Policy FLU-3.5R.** Resource-based open space are defined as areas designated for conservation or wetlands or uplands preservation and are intended to protect and enhance environmental systems. Not all resource-based areas will be open to the public. Stormwater management areas shall also be included in resource-based open space areas. Resource-based open space shall consist of a minimum of 30% of the gross acres of the Calumet Farms SPA.

**Policy FLU-3.5S.** Upon final permitting and delineation, wetland or other jurisdictionally defined areas shall be placed in a conservation easement or provided as willing seller acquisitions.

**Policy FLU-3.5T.** A 200' non-buildable buffer area shall be reserved along the northern property line of the site as a resource-based open space area, which may only be used for wildlife corridors, recreational trails, or stormwater management. This buffer shall be for the Deer Run subdivision to the north.

**Policy FLU-3.5U.** A wildlife corridor is required to connect the Mary A. Mitigation Bank parcel to the west with proposed wildlife corridors to the east. Said corridor shall:

- (a) Be identified and designed as part of the Phase 1 development approval process;
- (b) Contain no less than 200 feet in width;
- (c) May be re-vegetated with native upland and/or wetland systems and include passive nature trails; and
- (d) Limit interior roadway crossings whenever possible.

**Policy FLU-3.5V.** Mining and land reclamation shall be conducted using best management practices for excavation with limited blasting.

**Policy FLU-3.5W.** The following standards shall be provided for in the Design Guidelines:

- (a) Streets shall be pedestrian and bicycle friendly, which includes bike lanes on all main roadways into the development;
- (b) Sidewalks shall be at least five feet wide;
- (c) Multi-purpose recreation trails, unimproved nature trails, and boardwalks shall connect residential areas with a mixed-use town center, a workplace, recreational uses, and/or public/semipublic uses;

- (d) Streets and pedestrian-way lighting shall be designed to enhance safety and be consistent with "dark sky" objectives to the maximum extent practicable;
- (e) Traffic calming techniques shall be employed to the maximum extent practicable;
- (f) Transit/bus/trolley locations shall be provided when such services become available;
- (g) Golf carts shall be an acceptable transportation form within the development;
- (h) Commercial areas may contain narrower streets than would be required in other developments within the City;
- (i) Parking shall be allowed on streets and there shall be maximum limits on paved parking areas; and
- (j) Low impact lighting and solar lighting shall be used where practical.

**Policy FLU-3.5X.** Development within the Calumet Farms SPA shall be based on the principles of Smart Growth, Traditional Neighborhood Design, New Urbanism, Transit Oriented Design, and the urban to rural transect theory as accepted by the Congress of New Urbanism and defined in the Smart Code. Therefore, future development within Calumet Farms SPA shall feature a compact, walkable environment with quality architecture and urban form, and a street system that fosters connectivity and alternative modes of travel.

**Policy FLU-3.5Y.** Site and building design within the Calumet Farms SPA shall meet either LEED standards or best management practices from the United States Green Building Council and Florida Green Building Council to the extent practical.

**Policy FLU-3.5Z.** The Calumet Farms SPA shall incorporate innovative planning techniques and

assure the provision of required infrastructure into the overall design and development

**Policy FLU-3.5AA.** In order to maximize use of existing and future public facilities and services and maintain LOS standards, the developer shall be responsible for making dedications and infrastructure improvements through such measures as impact fees, fair share agreements, utility agreements, letters of credit, bonds, special districts, or development agreements. Required improvements necessary to maintain LOS standards shall be included in the City's Capital Improvement schedule at the next annual update. Such improvements will include, but may not be limited to:

- (a) Extension of water, reuse, and wastewater lines;
- (b) Transportation improvements necessary to maintain LOS standards; and
- (c) Coordination of future road right of way needs during the development order approval process to aid implementation of future roadways, such as the Fellsmere Connector or others identified in the Brevard County TPO's or City's Long Range Transportation Plan.

**Policy FLU-3.5BB.** Landscaping shall be substantially designed and installed using the University of Florida Friendly Plant List and managed in accordance with the latest University of Florida Yards and Neighborhoods Recognition Checklist.

**Policy FLU-3.5CC.** To promote the creation of employment opportunities, the following residential/nonresidential thresholds shall be met:

- (a) Prior to the issuance of building permits for more than 500 dwelling units, a minimum of 12,000 square feet of nonresidential development shall be constructed;

- (b) Prior to the issuance of building permits for more than 2,000 dwelling units, a minimum of 75,000 square feet of nonresidential development shall be constructed;
- (c) Prior to the issuance of building permits for more than 3,000 dwelling units, a minimum of 160,000 square feet of nonresidential development shall be constructed; and

- (d) At build out a minimum of 0.3 jobs shall have been created for each residential unit constructed.

**Policy FLU-3.5DD.** The jobs/housing ratio shall be measured after the issuance of site plan approval for nonresidential development. If upon review, the jobs/housing ratio has not been reached, the City may require appropriate mitigation.



## Objective FLU-3.6

The following set of policies shall apply to the Emerald Lakes SPA, as detailed in CP-15-2018, which was adopted by City Council as Ordinance No. 2018-52.

**Policy FLU-3.6A.** EMERALD INVESTMENT HOLDINGS, LLC (successors to Sebastian Resources 400, LP and Brevard Landvest, LLC), its owners, and assigns shall maintain consistency with the Objective and policies associated with the RAC FLUC.

**Policy FLU-3.6B.** The EMERALD LAKES SPA total project acreage is 1,561 acres. The boundary lines or acreage shown on the adopted CMLUP may be adjusted based on the final permitting and dedication of lands to the City of Palm Bay and Brevard County for rights-of-way for the St. Johns Heritage Parkway, I-95 Interchange and the Sotille Canal, as long as the overall maximum densities and intensities of the total Emerald Lakes SPA do not change.

**Policy FLU-3.6C.** Development within the EMERALD LAKES SPA shall be limited to the following acreages:

- (a) 3,760 residential dwelling units, including single family and multi family; and
- (b) 2,820,000 square feet for nonresidential uses, including commercial, office, industrial, educational, hotel and hospital uses.

**Policy FLU-3.6D.** The location of uses, densities and intensities may be moved within project boundaries as long as they are consistent with the maximum and minimum densities and intensities of the RAC FLUC.

**Policy FLU-3.6E.** Prior to the issuance of building permits for more than 1,253 dwelling units, a minimum of 187,950 square feet nonresidential uses shall have Final Development Plan Approval for construction.

**Policy FLU-3.6F.** Prior to the issuance of building permits for more than 2,506 dwelling units, a minimum of 375,900 square feet nonresidential uses shall have Final Development Plan Approval for construction.

**Policy FLU-3.6G.** At buildout, a minimum of 0.6 jobs shall have been created for each residential unit constructed.

**Policy FLU-3.6H.** The required 200' right-of-way for the St. Johns Heritage Parkway within the EMERALD LAKES SPA boundaries has been dedicated to the City of Palm Bay in accordance with the provisions of the City of Palm Bay Chapter 171, Fair Share Impact Fees Ordinance.

**Policy FLU-3.6I.** The required right-of-way for the Interchange of I-95 and the St. Johns Heritage Parkway has been dedicated to the City of Palm Bay in accordance with the provisions of the City of Palm Bay Chapter 171, Fair Share Impact Fees Ordinance.

**Policy FLU-3.6J.** No building permits shall be issued until the lanes of St. Johns Heritage Parkway necessary to serve the project have been let for construction and/or funding has been provided in accordance with the provisions of the City of Palm Bay Chapter 171, Fair Share Impact Fees Ordinance;

**Policy FLU-3.6K.** No building permits shall be issued until the required extensions of water and sewer lines necessary to serve the project have been let for construction and/or funding has been provided in accordance with the provisions of the City of Palm Bay Chapter 171, Fair Share Impact Fees Ordinance, including:

- (a) a Water Main extension from Babcock Street to Project Entrance

(b) a Force Main extension from Babcock Street to Project Entrance

**Policy FLU-3.6L.** A minimum buffer of 20' shall be provided along the EMERALD LAKES SPA property boundary adjacent to commercial and industrial uses.

**Policy FLU-3.6M.** An average buffer of 25' (minimum 15' without mitigation) shall be maintained adjacent to all preserved wetlands consistent with SJRWMD permitting requirements. A 50' buffer from top of bank will be maintained along the Sotille Canal. A 100' buffer shall be

maintained adjacent to commercial and industrial uses adjacent to the lands owned/and or managed on the eastern boundary by the Brevard County Environmental Endangered Lands Program.

**Policy FLU-3.6N.** A minimum right-of-way of 85' for the Sotille Canal shall be dedicated to Brevard County.

**Policy FLU-3.6O.** One or more transit stops shall be provided, as determined at the Final Development Plan stage.

### Objective FLU-3.7

Continue to implement the following policies applicable to the Micco Park Village community to establish walkable communities in a traditional village design and allowing a variety of uses to serve each area.

**Policy FLU-3.7A.** Development within the Micco Park SPA must meet the criteria adopted by Ordinance 2010-62, Exhibit A.

(Ord. 2010-24, passed 07-08-10; Ord. 2010-25, passed 07-08-10; Ord. 2010-67, passed 10-21-10; Ord. 2010-69, passed 10-19-2010; Ord. 2015-56, passed 02-04-16; Ord. 2010-62, passed 10-19-10; Ord. 2010-67, passed 10-21-10; Ord. 2010-69, passed 10-19-2010; Ord. 2016-79, passed 06-01-17; Ord. 2016-84, passed 12-01-16; Ord. 2017-83, passed 05-03-18)



**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

[Landdevelopmentweb@palmbayflorida.org](mailto:Landdevelopmentweb@palmbayflorida.org)

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

This application must be deemed complete and legible, and the original application with original signature(s) must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. **Large Scale Amendments will require 60 days of review prior to a scheduled Planning and Zoning Board meeting.** The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 6:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**APPLICATION AMENDMENT TYPE:**

☐

**Small Scale** (50 acres or Less)

☒

**Text Amendment** (Comp. Plan)

☐

**Large Scale** (More than 50 acres)

**PARCEL ID(S):**

City Wide

**TAX ACCOUNT NUMBER(S):**

N/A

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION: (attach additional sheets if necessary):**

City Wide

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):**

City Wide



**CITY OF PALM BAY, FLORIDA  
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION  
PAGE 2 OF 3**

**LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):**

Future Land Use Element

**LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):**

See Exhibit A attached.

**PRESENT USE OF PROPERTY:**

**STRUCTURES LOCATED ON THE PROPERTY:** \_\_\_\_\_

**REZONING FILED IN CONJUNCTION WITH THIS APPLICATION:** \_\_\_\_\_

**JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):**

The last comprehensive update to the City's Future Land Use Element occurred with the 2002 Comprehensive Plan Adoption. While subsequent smaller amendments have taken place, a holistic and comprehensive review of the entire element has not occurred within the last twenty (20) years.

**SPECIFIC USE INTENDED FOR PROPERTY:**

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

☐

\*Application Fee. Make Check payable to "City of Palm Bay."

☐

**\$1,200.00 - Small Scale** (50 acres or Less)

☐

**\$2,000.00 - Large Scale** (More than 50 acres)

☐

**\$2,000.00 - Text Amendment** (Comp. Plan)

**CITY OF PALM BAY, FLORIDA**

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION**


**PAGE 3 OF 3**

- ☐ Legal description of the subject property with a sketch of the legal. **Also provide the site sketch on Memory Drive or Dropbox Link.**
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ Citizen Participation Plan. Refer to [Section 169.005](#) of the Land Development Code for guidelines.
- ☐ School Board of Brevard County School Impact Analysis Application (if applicable). The application is obtained from the Planning and Project Management Department of the School Board of Brevard County at (321) 633-1000, extension 11418.
- ☐ Sign(s) posted on the subject property. Refer to [Section 51.07\(C\)](#) of the Legislative Code for guideline. Staff will provide a sign template.
- ☐ **Where the property owner is not the representative for the request, a [LETTER](#) must be attached giving the notarized consent of the property owner(s) to a representative.**

**Name of Representative** \_\_\_\_\_

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY AND CERTIFY THAT ALL 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.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Owner Signature  Asst Director of GM Date 1/10/23  
Printed Name Jesse Anderson  
Full Address 120 Malabar RD  
Telephone 321-733-0422 x5316 Email jesse.anderson@palmbayflorida.org

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**