



**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
DONNY FELIX  
**Councilmembers**  
KENNY JOHNSON  
RANDY FOSTER  
VACANT

## **AGENDA**

### **Regular Council Meeting 2023-06 Thursday**

**March 2, 2023 - 6:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

#### **CALL TO ORDER:**

#### **INVOCATION:**

1. Pastor Tim Ritchey - Eastwind Pentecostal Church, Palm Bay.

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
2. One (1) vacancy on the Planning and Zoning Board (represents 'at-large' position).++
3. One (1) vacancy on the Palm Bay City Council (represents 'Seat 5' position).+

#### **AGENDA REVISIONS:**

1. Resolution 2023-07 (Case CU-6-2022), request to extend the commencement period of a conditional use granted for a self-storage facility has been added as Item 2, under New Business.
2. Consideration of submitting the design phase for widening of St. Johns Heritage Parkway for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding has been added as Item 3, under New Business.

#### **PROCLAMATIONS AND RECOGNITIONS:**

1. Proclamation: American Red Cross Month - March 2023. (Councilman Johnson)
2. Proclamation: Irish American Heritage Month - March 2023.
3. Proclamation: Procurement Month - March 2023.

#### **PRESENTATIONS:**

1. Kittelson & Associates, traffic engineering subconsultant to Consor Engineers – northwest and southeast traffic studies update.

## **PUBLIC COMMENTS/RESPONSES:**

**Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.**

## **PUBLIC HEARINGS:**

1. Ordinance 2023-07, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24 (Case VE-8-2022, Emily Flagge), final reading.
2. Ordinance 2023-08, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11 (Case VE-11-2022, Tami and David Lee), final reading.
3. Ordinance 2023-04, granting an Ad Valorem Tax (AVT) Abatement to Rogue Valley Microdevices, Inc., final reading.
4. Consideration of a Substantial Amendment to the City's approved Fiscal Years 2020-2021, 2021-2022, and 2022-2023 Annual Action Plans for Community Development Block Grant entitlement funds, only one reading required.
5. Ordinance 2023-11, updating the Comprehensive Plan Future Land Use (FLU) Element in its entirety (Case CP-3-2023, City of Palm Bay), first reading.
6. Ordinance 2023-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to accessory dwelling units (Case T-16-2023, City of Palm Bay), first reading.

## **CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda. They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.**

1. Contract: Hydrogeological services, one-year extension of the master consultant agreement – Utilities Department (Ardaman and Associates, Inc. – rates unchanged since contract award).
2. Contract: Firefighter physical exams, one (1) additional year contract extension and negotiated increases for contract years 4 (4.2%) and 5 (4.2%) – Human Resources Department (Life Extension Clinics – \$2,661 (year 4 contract increase)).
3. Miscellaneous: 'Piggyback Purchase', Vehicles (Volusia County Schools contract) – various City Departments (Step One Automotive - \$55,391).
4. Consideration of utilizing Stormwater Utility Fees to provide additional funding for Project 23SU05, Unit 50 Culvert Replacement (\$700,000).
5. Consideration of utilizing General Fund undesignated fund balance for Castaway Point Park (Task Order 23-COPB-Q01) and Stearns Point Park (Task Order 23-COPB-Q02) Improvements and Permitting Services (Construction Engineering Group - \$58,107).
6. Consideration of accepting the 2022 Annual Reports from L3Harris Technologies and Midwest Dental Arts for the City's Ad Valorem Tax Abatement Program.
7. Consideration of submitting an application to the Florida Local Government Cybersecurity



Grant Program for grant funds to provide software monitoring to identify and respond to internal and external network vulnerabilities.

8. Consideration of travel and training for specified City employees (Office of the City Manager).

#### **NEW BUSINESS:**

1. Consideration of a co-sponsorship request from Blazing Trails, Corp. for the Palm Bay Makers Faire to be held on April 29, 2023.
2. Resolution 2023-07, amending Resolution 2022-11, by extending the commencement period of the conditional use granted for a self-storage facility in CC (Community Commercial District) zoning (Case CU-6-2022, Willard Palmer). (AGENDA REVISION)
3. Consideration of submitting the design phase for widening of St. Johns Heritage Parkway, from Malabar Road to the northern city limit, for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding. (AGENDA REVISION)

#### **COUNCIL REPORTS:**

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

**PUBLIC COMMENTS/RESPONSES:** Speakers are limited to 3 minutes.

#### **ADJOURNMENT:**

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council 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.

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 Office of the City Clerk at (321) 952-3414 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.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

**THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.**



## **LEGISLATIVE MEMORANDUM**

**DATE:** 3/2/2023

**RE:** Kittelson & Associates, traffic engineering subconsultant to Consor Engineers – northwest and southeast traffic studies update.

**ATTACHMENTS:**

**Description**

NW and SE Quadrant Traffic Study

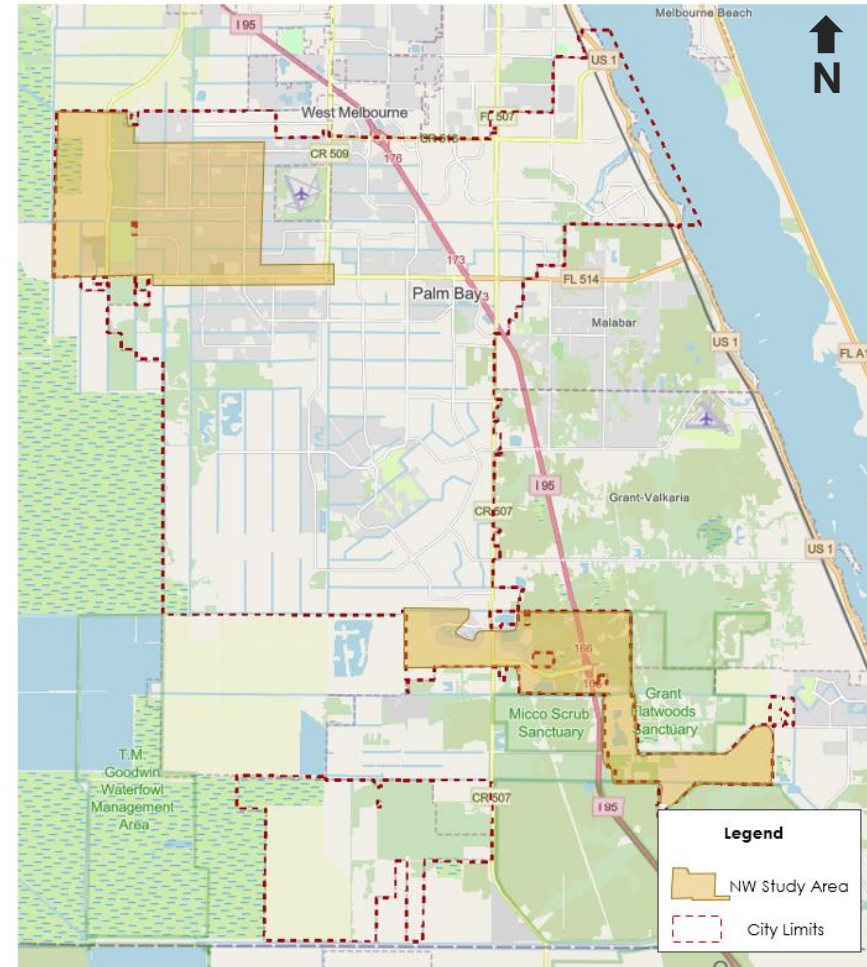


# **NORTHWEST AND SOUTHEAST QUADRANT TRAFFIC STUDIES**

CITY OF PALM BAY  
CITY COUNCIL MEETING  
FEBRUARY 16, 2023

# Project Background

- City is anticipating large amounts of growth in the next 5 to 20 years
  - Multiple commercial and residential developments planned
  - Trips on roadway network expected to increase
- Prior transportation impact studies did not consider the cumulative impact the developments would have
- Kittelson was retained to provide an independent analysis of traffic conditions



[Source: City of Palm Bay GIS]

# Analysis Approach

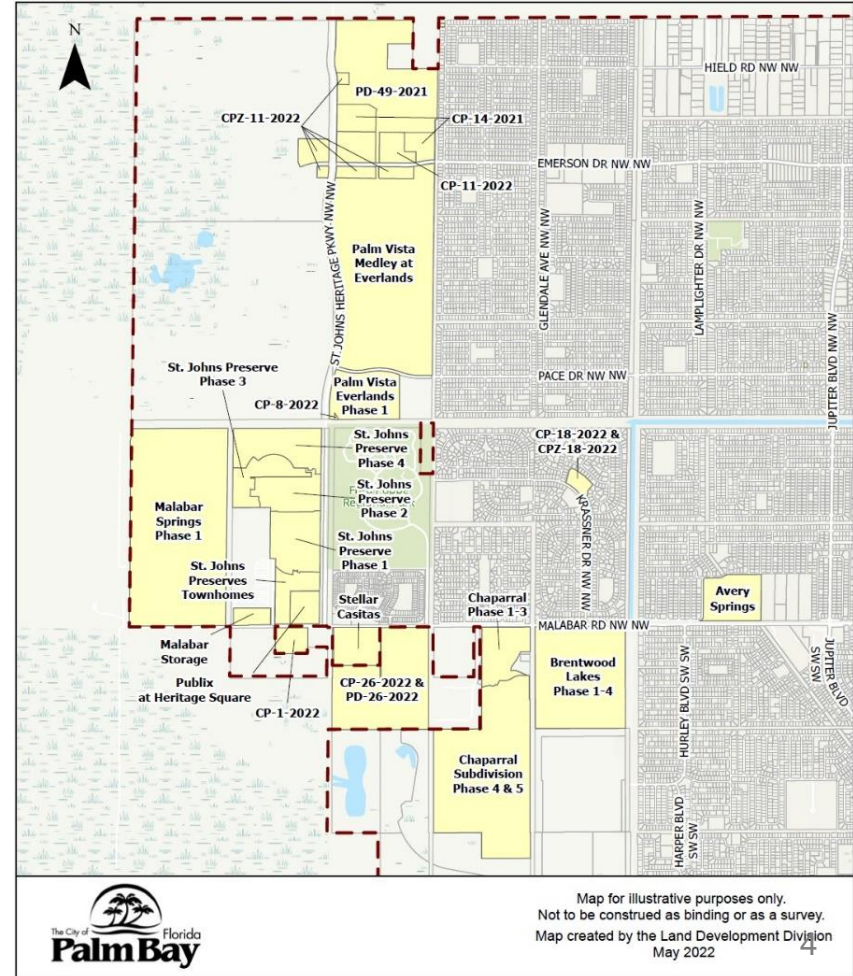
- Prepare a comprehensive travel demand model with all planned development in the quadrant
- Evaluate operating conditions
- Scenarios Evaluated:
  - Short-Term Horizon (2027)
  - Long-Term Horizon (2042)





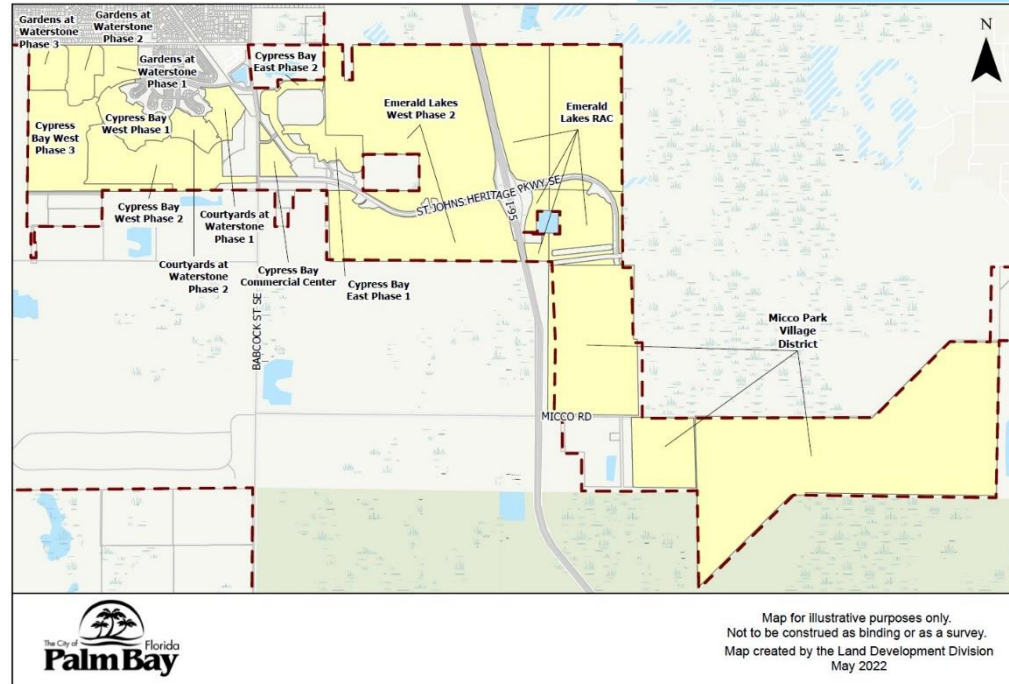
# Northwest Quadrant Upcoming Developments

- Developments with Approved Traffic Impact Study (TIS)
  - St. Johns Preserve (Phases 1 & 2)
  - Palm Vista Everlands (Phase 1)
  - Chaparral (Phases 1-3)
  - Brentwood Lakes (Phases 3 & 4)
  - Avery Springs
  - Heritage Square Commercial
  - Stellar Casitas
- Developments with Ongoing TIS
  - Malabar Springs (Phase 1)
  - Three Forks Development
  - Palm Vista Everlands (Phase 2)
  - Everlands West



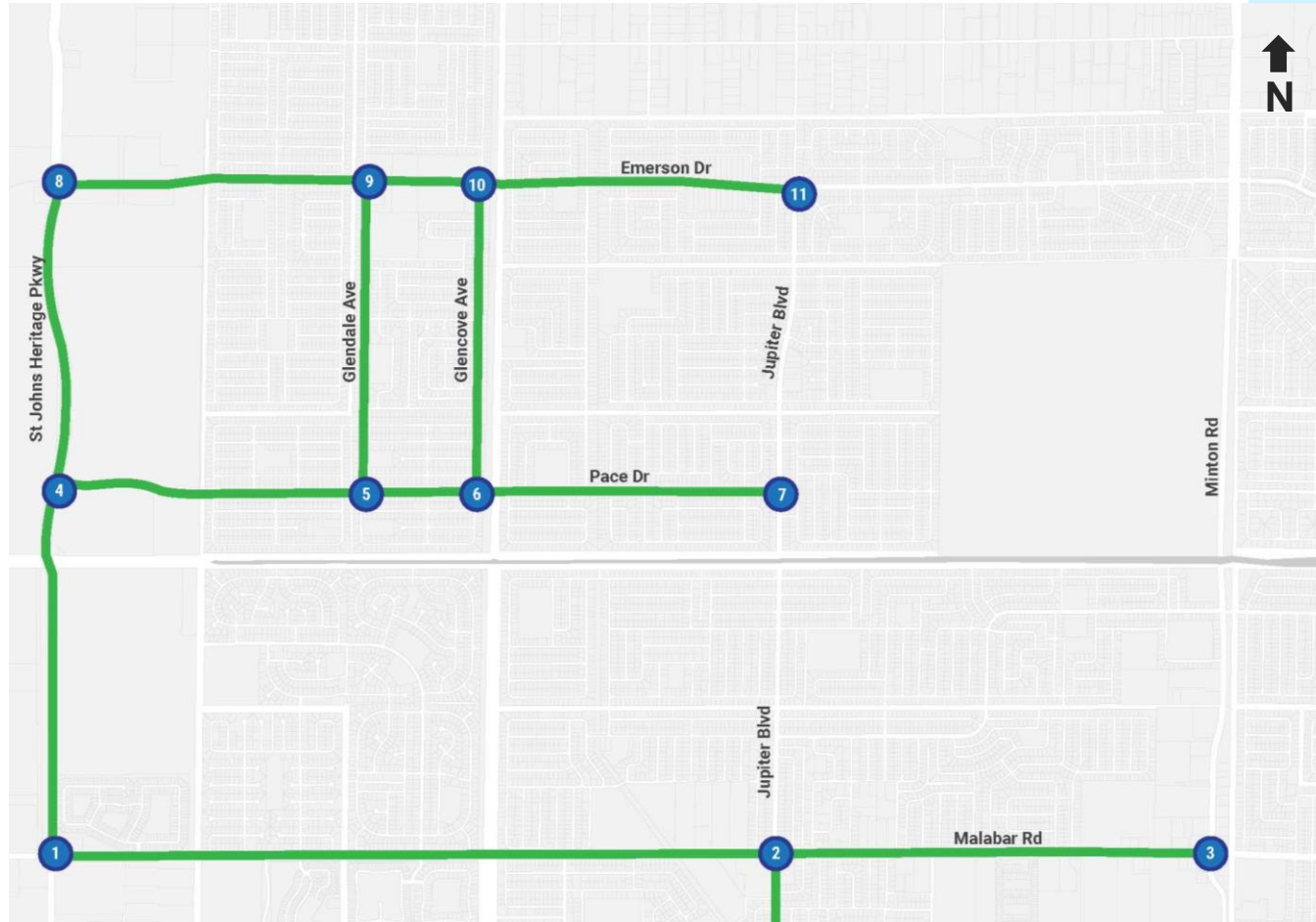
# Southeast Quadrant Upcoming Developments

- Developments with Approved TIS
  - Cypress Bay West (Phases 1 – 3)
  - The Gardens (Phases 1 – 3)
  - Cypress Pay Commercial
  - Waterstone Commercial (West of Babcock)
  - Emerald Lakes West
- Developments with Ongoing TIS
  - Cypress Bay East (Phases 1 - 2)
  - Courtyards (Phases 1 - 2)
  - Emerald Lakes East
  - Ashton Park

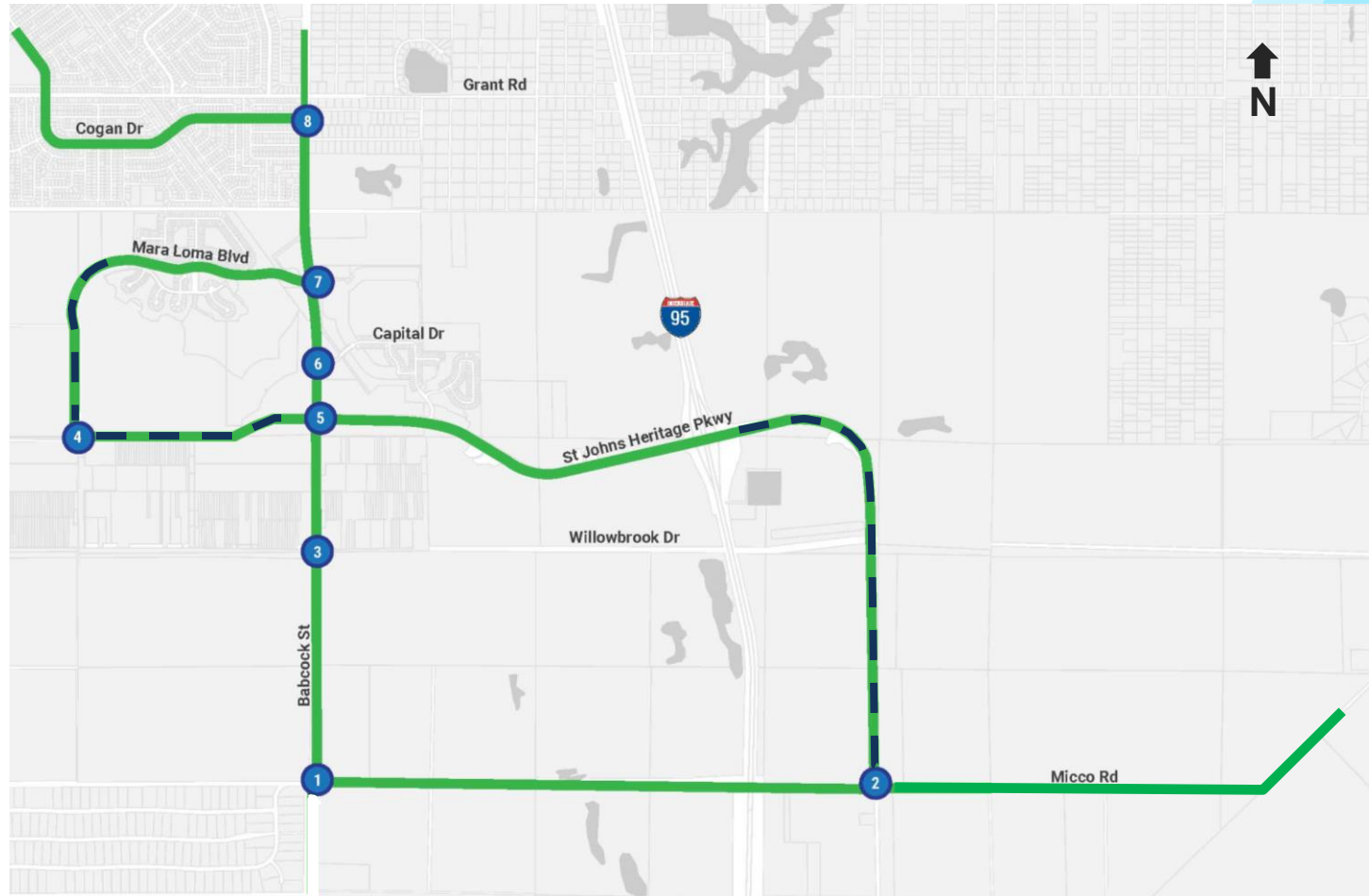




# Northwest Quadrant Study Segments and Intersections



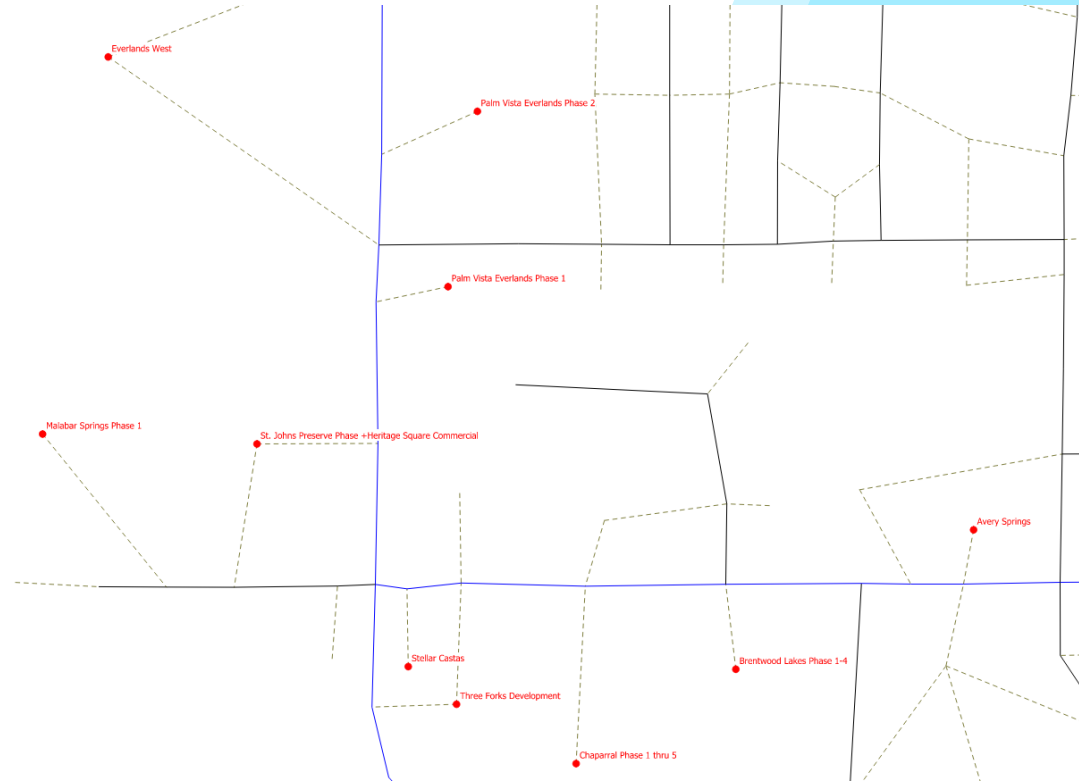
# Southeast Quadrant Study Segments and Intersections



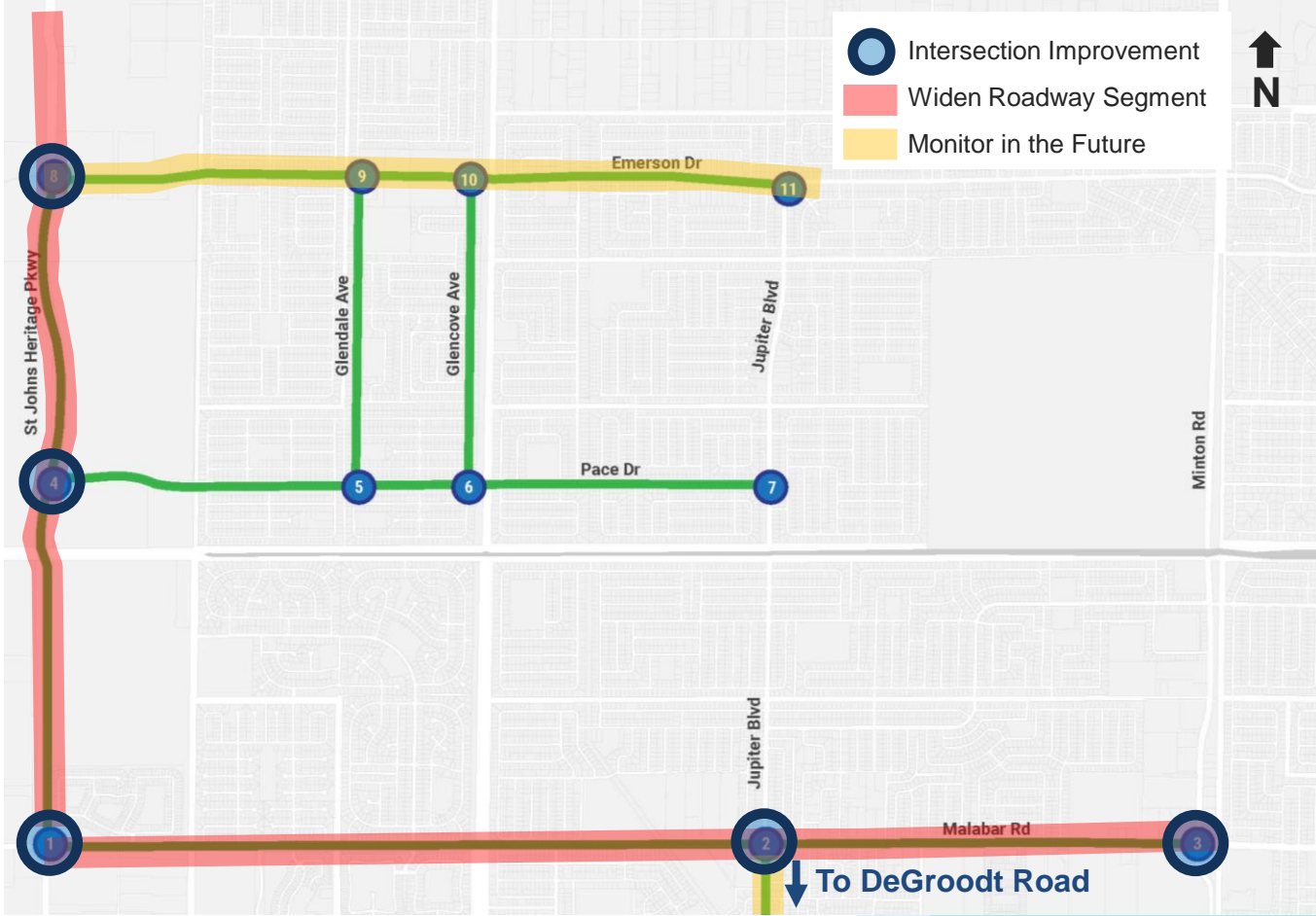
# Transportation Network Analysis

- Latest development land uses were input to the model to evaluate distribution of future trips
- Intersections and roadway segments were evaluated for Level of Service and capacity standards using standard industry practices
- Improvements recommended in prior studies were verified and additional improvements were identified if needed

## Travel Demand Model



# Northwest Quadrant Analysis Results



# Northwest Quadrant Improvements

Location	Prior Identified Improvements	Additional Improvements Needed
St Johns Heritage Parkway from Malabar Road to City Limits (north of Emerson Drive)	Widen from two to four lanes	None
Malabar Road from St Johns Heritage Parkway to Minton Road	Widen from two to four lanes	None
St Johns Heritage Parkway & Malabar Road	Signalize with intersection modifications	New additional southbound left-turn lane New additional westbound right-turn lane
Jupiter Boulevard & Malabar Road	Intersection modifications and optimize timings	New northbound left-turn lane (2042)
Minton Road & Malabar Road	Optimize timings	Convert northbound right-turn lane to shared through/right turn lane New southbound through lane New eastbound right-turn lane (2042) New northbound right-turn lane (2042)
St Johns Heritage Parkway & Pace Drive	Intersection modifications	Signalize intersection
St Johns Heritage Parkway & Emerson Drive	Signalize	New dedicated westbound through lane New additional southbound left-turn lane (2042) New additional westbound right-turn lane (2042)



# Southeast Quadrant Analysis Results



# Southeast Quadrant Improvements

Location	Prior Identified Improvements	Additional Improvements Needed
Babcock Street from Mara Loma Boulevard to Cogan Drive	None	Widen from two to four lanes
Babcock Street & Micco Road	None	Signalize intersection
Babcock Street & St Johns Heritage Parkway	New eastbound approach with exclusive turn lanes New westbound through lane New dual westbound right-turn lanes New dual southbound left turn-lanes	New northbound through lane
Babcock Street & Capital Drive	Signalize intersection	New eastbound right-turn lane New westbound right-turn lane New southbound right-turn lane
Babcock Street & Mara Loma Boulevard	Signalize intersection	Convert eastbound right turn lane into a shared right/left turn-lane
Babcock Street & Cogan Drive	New additional southbound right-turn lane New additional northbound left-turn lane	New eastbound right-turn lane



# Additional Improvements Preliminary Cost Estimates

- Northwest Quadrant:
  - Short-Term Horizon (2027): \$1.05 million
  - Long-Term Horizon (2042): \$920,000
- Southeast Quadrant:
  - Short-Term Horizon (2027): \$5.3 million
  - Improvements recommended for 2027 are anticipated to operate acceptable in 2042





# Next Steps

- Final reports for Northwest and Southeast Quadrant Studies are submitted
- Pre-development and post-development analysis underway
  - Intended to identify individual development impacts and associated contributions to improvements
  - Findings to be shared in April 2023





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 3/2/2023

**RE:** Ordinance 2023-07, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24 (Case VE-8-2022, Emily Flagge), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Emily Flagge has submitted an application to vacate a portion of a public utility and drainage easement for a family pool in the back yard, specifically:

Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6-foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres, more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida.

### REQUESTING DEPARTMENT:

Public Works

### FISCAL IMPACT:

There is no fiscal impact.

### RECOMMENDATION:

Motion to consider and approve per the recommendation section of the staff report.

### ATTACHMENTS:

#### Description

Staff Report- VE-8-2022

Ordinance 2023-07

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida. For a family pool in the back yard.

**LOCATION:** 2920 Tishman Rd SE  
(Lot 4, Block 1186, Port Malabar Unit 24)

**APPLICANT:** Emily Flagge

### **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 544 square feet, more or less

<b>ADJACENT ZONING</b>	<b>N</b>	RS-2 – Single-Family Residential.
<b>&amp; LAND USE:</b>	<b>E</b>	RS-2 – Single-Family Residential
	<b>S</b>	RS-2 – Single-Family Residential
	<b>W</b>	50ft City Drainage right of way

**STAFF ANALYSIS:**

Vacation of Easement is requested to vacate the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and the Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida, for a family pool in the back yard.

Public Works, AT&T, Florida Power and Light, and Spectrum have no objections to the vacating request.

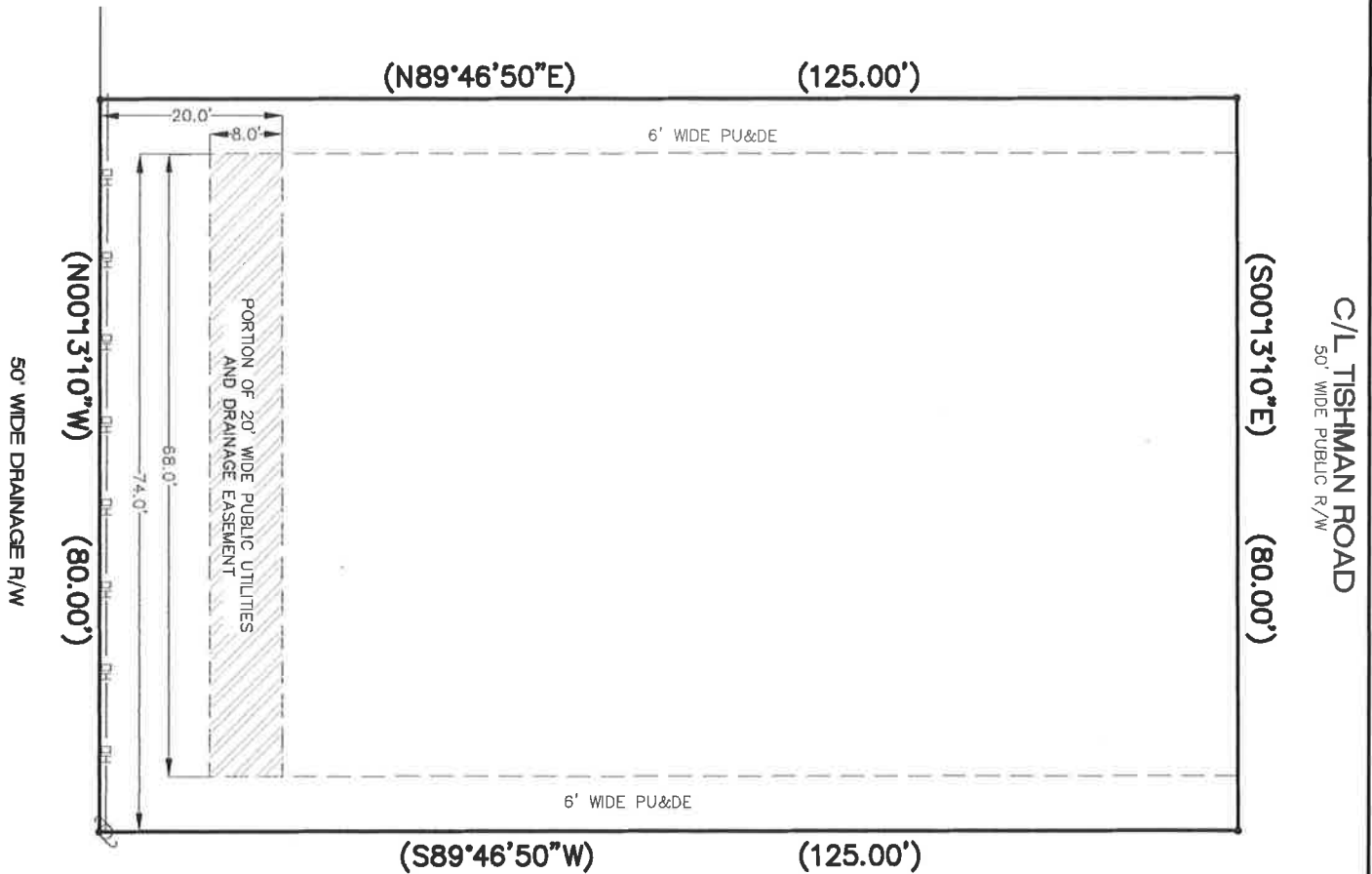
The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 10 feet, along MTWCD owned canal, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Easterly 8 feet of the Westerly 20-foot Public Utility & Drainage Easement, less the Northerly and Southerly 6 foot Public Utility & Drainage Easement, thereof containing 544 square feet or 0.01 acres , more or less, of Lot 4, Block 1186, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29 - 41, of the Public Records of Brevard County, Florida. For a family pool in the back yard.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

# SKETCH OF VACATED EASEMENT



## DESCRIPTION TO BE VACATED

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20.00 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT TWENTY FOUR, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



**Jon Brunner**  
Digitally signed by Jon Brunner  
Date: 2022.10.11 12:20:43 -04'00'

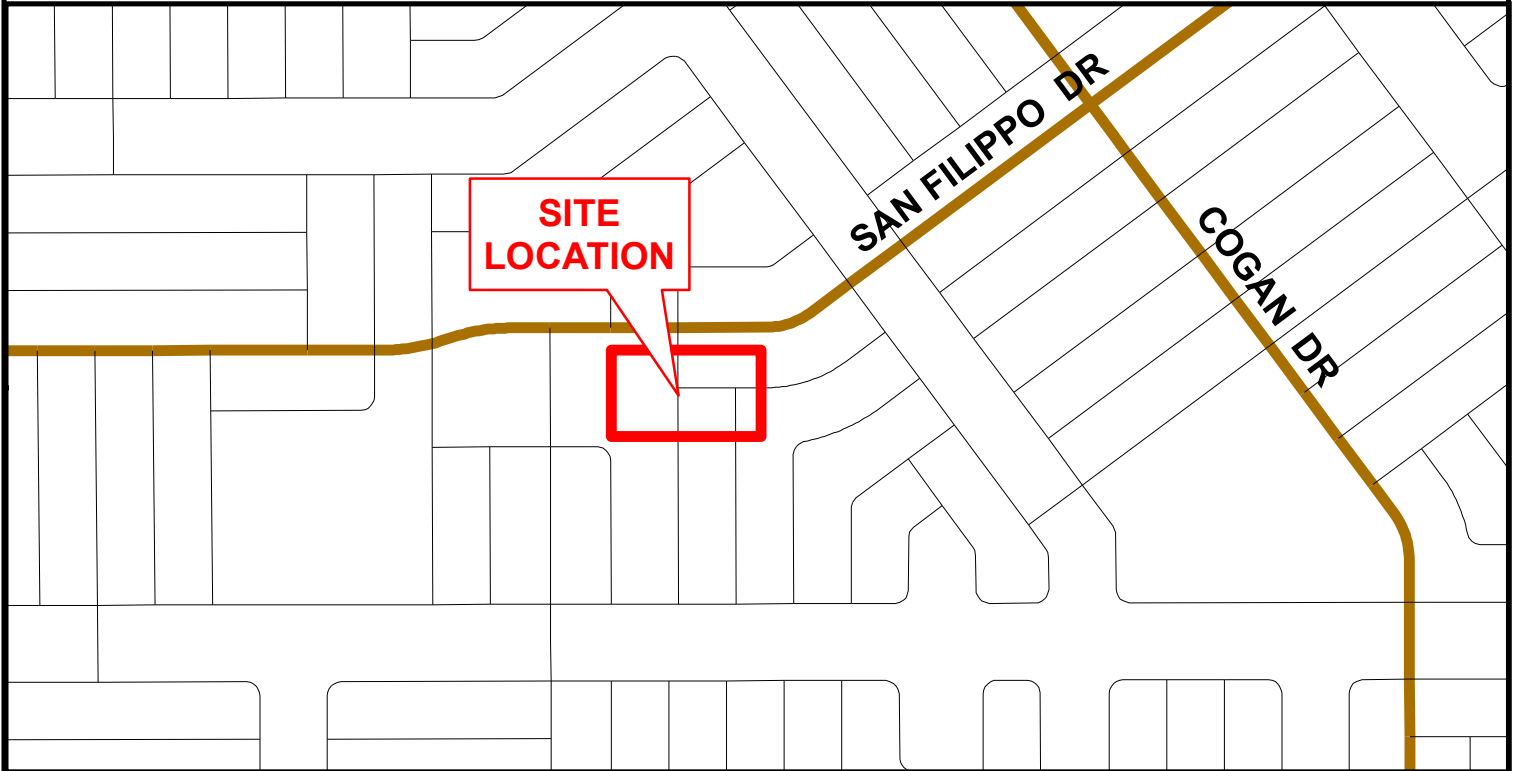
JON E. BRUNNER, FLORIDA PSM 6431  
STATE OF FLORIDA

DATE: 6/14/22	SECTION: 32	PAGE:	<b>BRUNNER-HAGEN, INC.</b> ENGINEERS AND LAND SURVEYORS 801 CAROLIN STREET, MELBOURNE, FL., 32901 PH (321) 728-1961 info@brunner-hagen.com
PROJECT: 636-21	TOWNSHIP: 29 S.	REVISION:	
SCALE: 1"=20'	RANGE: 37 E.	REVISION:	

DESCRIPTION  
TO BE VACATED

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT TWENTY FOUR, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

# LOCATION MAP

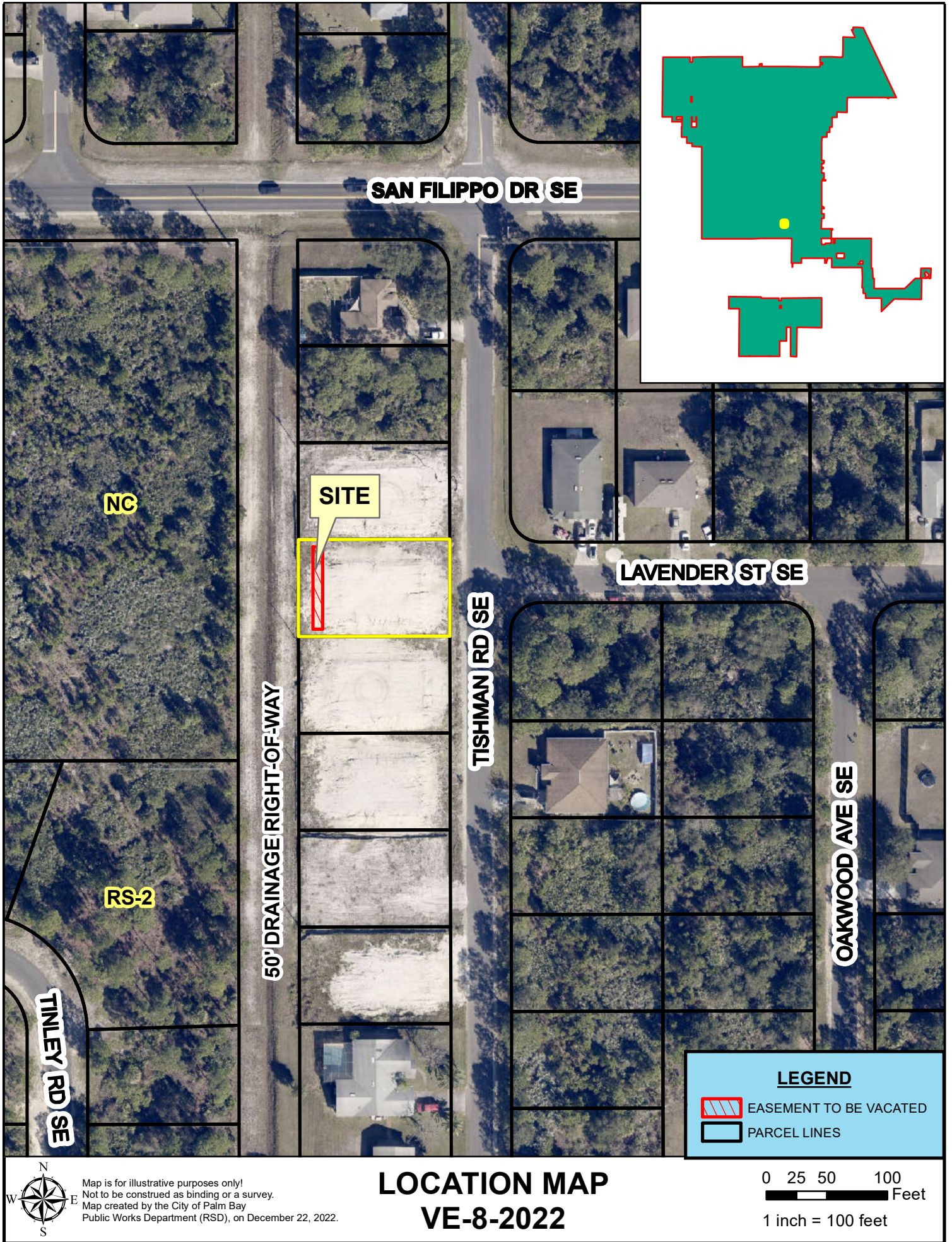


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 22, 2022.

**VE-8-2022**

0 25 50 100  
Feet  
1 inch = 100 feet









**PUBLIC WORKS DEPARTMENT**  
1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907  
PHONE: (321) 952-3403  
EMAIL: [pwpermitting@palmbayflorida.org](mailto:pwpermitting@palmbayflorida.org)

## REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): Emily Flagge  
Address: 2920 Tishman Rd SE  
City: Palm Bay Zip Code: 32909  
Phone Number: 262-483-8993 Business Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email: emily.flagge.29@gmail.com

**LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:**

See supplied survey

Section: 32 Township: 29 S. Range: 37 E.

Size of area covered by this application (calculate acreage): .0124

Zoning classification at present: \_\_\_\_\_

Which action applying for (easement, drainage): easement

Reason for requesting vacation and intended use: install family pool

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

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The following enclosures are needed to complete this application:

1. \$182.00 Application Fee. Make check payable to "City of Palm Bay".
2. List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
3. Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
4. Original notarized letters from the following utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
5. See contacts listed below:

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☒ Not Required

Land Development Division Sue Chandler Date 10/11/2022

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant Emily Flagg Date 10/18/22

Printed Name of Applicant Emily Flagg

## **ORDINANCE 2023-07**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 4, BLOCK 1186, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Emily Flagge, has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 33, of the Public Records of Brevard County, Florida, Section 32, Township 29S, Range 37E, being more particularly described as follows:

BEING THE SOUTH 68.00 FEET OF THE NORTH 74.00 FEET OF THE EAST 8.00 FEET OF THE WEST 20.00 FEET OF LOT 4, BLOCK 1186, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 29 THROUGH 41, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; CONTAINING 544 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

**SECTION 2.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Emily Flagge  
Case: VE-8-2022

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 3/2/2023

**RE:** Ordinance 2023-08, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11 (Case VE-11-2022, Tami and David Lee), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Tami Lee has submitted an application to vacate the South 10 feet of the rear 20 foot Public Utility and Drainage Easement, less and except the West and East platted 6 foot Public Utility and Drainage Easements, thereof containing 590 square feet, more or less of lot 6, Block 470, Port Malabar Unit 11, according to the Plat thereof, as Recorded in Plat Book 15, Pages 34-42, of the Public Records of Brevard County, Florida for a swimming pool in the back yard.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve the request for vacating easement, VE-11-2022.

**ATTACHMENTS:**

**Description**

Staff Report- VE-11-2022

Ordinance 2023-08



DATE: January 23, 2023

CASE #: VE-11-2022

# **PUBLIC WORKS DEPARTMENT STAFF REPORT**

## **REQUEST TO VACATE EASEMENT**

**PROPOSAL:** Vacation of Easement is requested to vacate a portion of the 20.00 foot wide public utility and drainage easement lying within lot 6, block 470, Port Malabar Unit eleven as recorded in plat book 15, pages 34-42, public records of Brevard County, Florida, being more particularly described as follows: the south 10.00 feet of the north 20.00 foot wide public utility and drainage easement, less and except the east 6 foot and west 20 foot side easements thereof, lying within said lot 6, block 470. containing 590 square feet (0.01 Acres), more or less. For a swimming pool in the back yard.

**LOCATION:** 901 Vantage Street SE  
(Lot 6, Block 470, Port Malabar Unit 11)

**APPLICANT:** Tami and David Lee

### **SITE DATA**

**PRESENT ZONING:** RS-2 – Single-Family Residential

**AREA OF VACATING:** 590 square feet, more or less

<b>ADJACENT ZONING &amp; LAND USE:</b>	<b>N</b> 100ft MTWCD Drainage right of way.
	<b>E</b> RS-2 – Single-Family Residential
	<b>S</b> RS-2 – Single-Family Residential
	<b>W</b> 50ft City Drainage right of way

**STAFF ANALYSIS:**

Vacation of Easement is requested to vacate a portion of the 20.00 foot wide public utility and drainage easement lying within lot 6, block 470, Port Malabar Unit eleven as recorded in plat book 15, pages 34-42, public records of Brevard County, Florida, being more particularly described as follows: the south 10.00 feet of the north 20.00 foot wide public utility and drainage easement, less and except the east 6 foot and west 20 foot side easements thereof, lying within said lot 6, block 470. containing 590 square feet (0.01 Acres), more or less. For a swimming pool in the back yard.

Public Works, Melbourne-Tillman Water Control District, AT&T, Florida Power and Light, and Spectrum have no objections to the vacating request.

The City of Palm Bay's Departments have the enclosed comments relating to the vacating request. It should be noted that city policy allows for the approval of a vacation request for the first 10 feet, along MTWCD owned canal, if there are no obvious issues of conflict.

Staff has no adverse comments regarding removal of the Southerly 10 feet of the Northerly 20-foot Public Utility & Drainage Easement, less the Easterly 6 foot and Westerly 20 foot Public Utility & Drainage Easement, thereof containing 590 square feet or 0.01 acres , more or less, of Lot 6, Block 470, Port Malabar Unit 11, according to the Plat thereof, as Recorded in Plat Book 15, Pages 34-42, of the Public Records of Brevard County, Florida. For a swimming pool in the back yard.

**STAFF RECOMMENDATION:**

Staff recommends approval of the vacating of easement with conditions per the analysis section of this staff report.

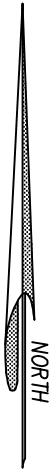
# LEGAL DESCRIPTION

PARENT PARCEL ID# 29-37-08-GL-470-6  
PURPOSE: PARTIAL VACATION OF EASEMENT

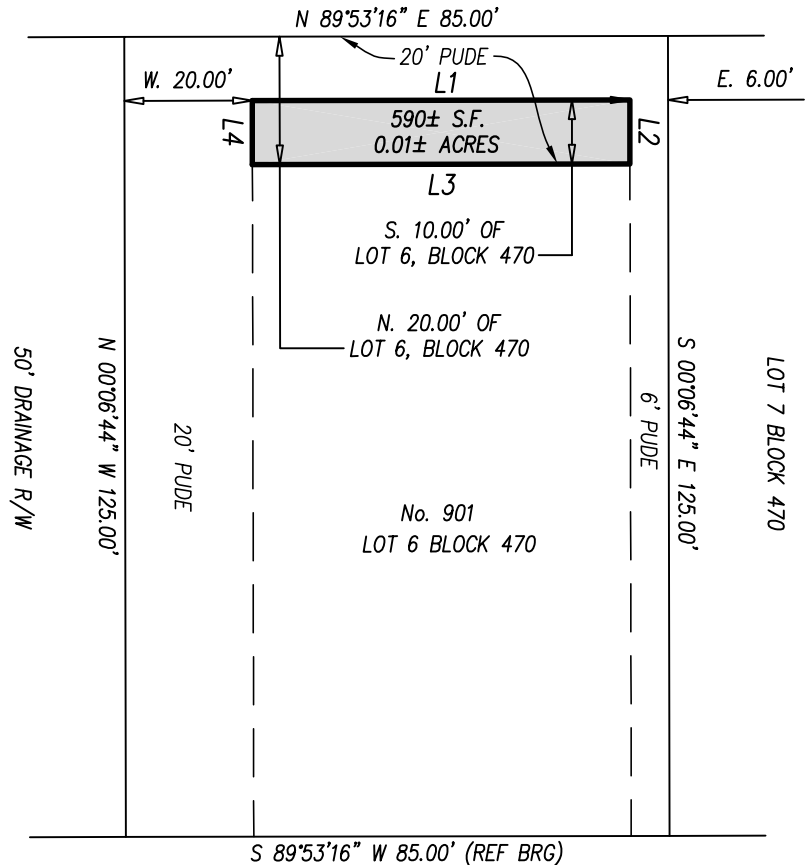
## EXHIBIT "A"

## NOT A SURVEY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°53'16"E	59.00'
L2	S00°06'44"E	10.00'
L3	S89°53'16"W	59.00'
L4	N00°06'44"W	10.00'



MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL No. 47



**VANTAGE STREET S.E. (POSTED)**  
COLLINGS STREET - (PLATTED)  
50' PUBLIC R/W

### LEGAL DESCRIPTION:

(PREPARED BY SURVEYOR)

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT ELEVEN, AS RECORDED IN PLAT BOOK 15, PAGES 34-42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470. CONTAINING 590 SQUARE FEET (0.01 ACRES), MORE OR LESS.

### SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE N. R/W LINE BEING S 89°53'16" W AS PER PLAT (SEE SKETCH).

### LEGEND:

BRG = BEARING  
P.B. = PLAT BOOK  
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT  
REF = REFERENCE  
R/W = RIGHT-OF-WAY  
S.F. = SQUARE FEET



PREPARED FOR AND CERTIFIED TO:  
TAMI LEE

12/20/2022 | 6:46 AM PST

PREPARED BY: **Kane Surveying, Inc.**  
FLORIDA LICENSED BUSINESS No. LB 7838  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427 FAX (321) 984-1448

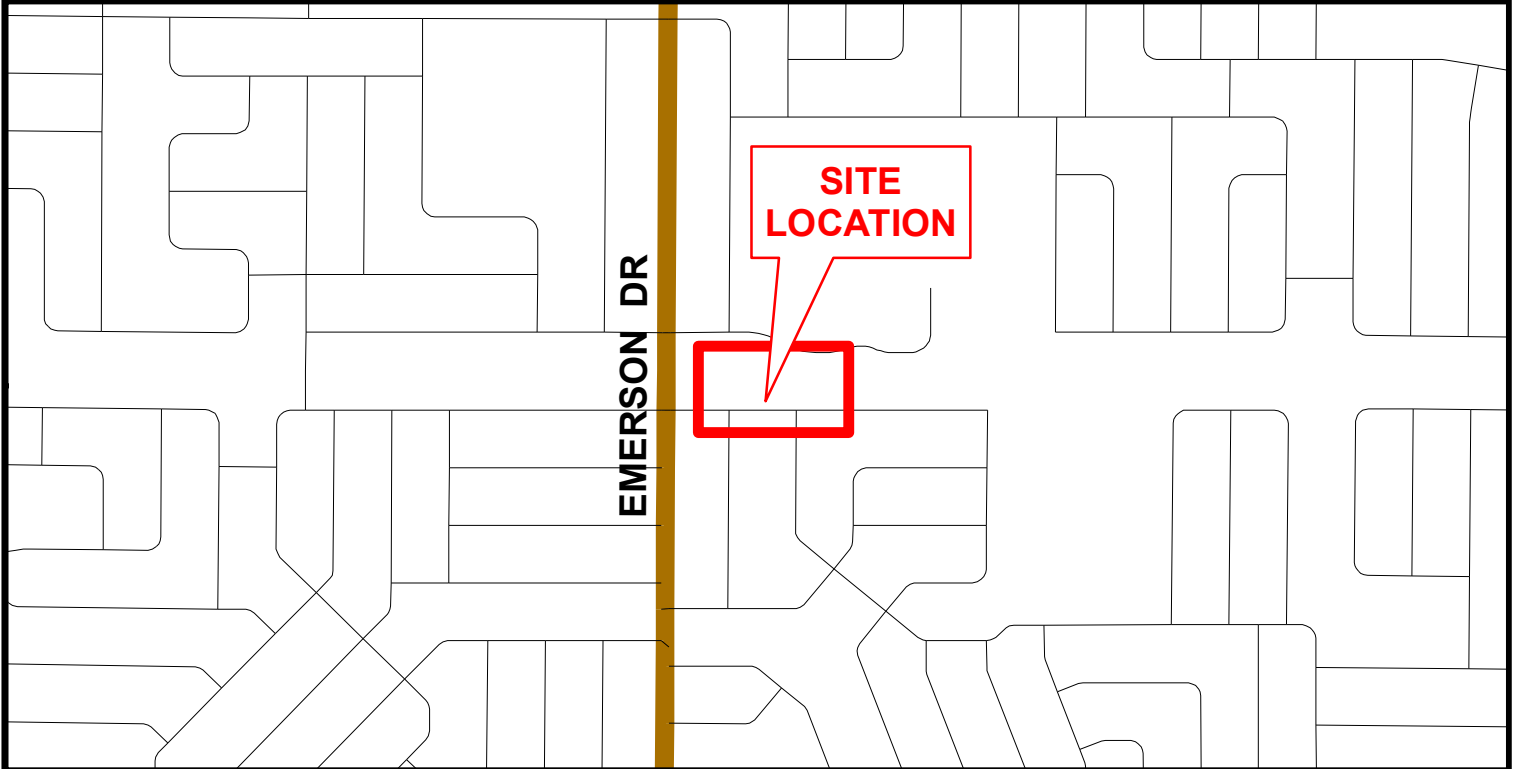
*Joel Seymour*

JOEL A. SEYMOUR, LS 6133  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

DRAWN BY: JED	PROJECT NO. 42455	REVISIONS:	DATE:	SECTION 8
DATE: 12/20/22	DRAWING: PM11/L6B470	CITY COMMENTS	DATE: 12/20/22	TOWNSHIP 29 SOUTH
				RANGE 37 EAST



# LOCATION MAP

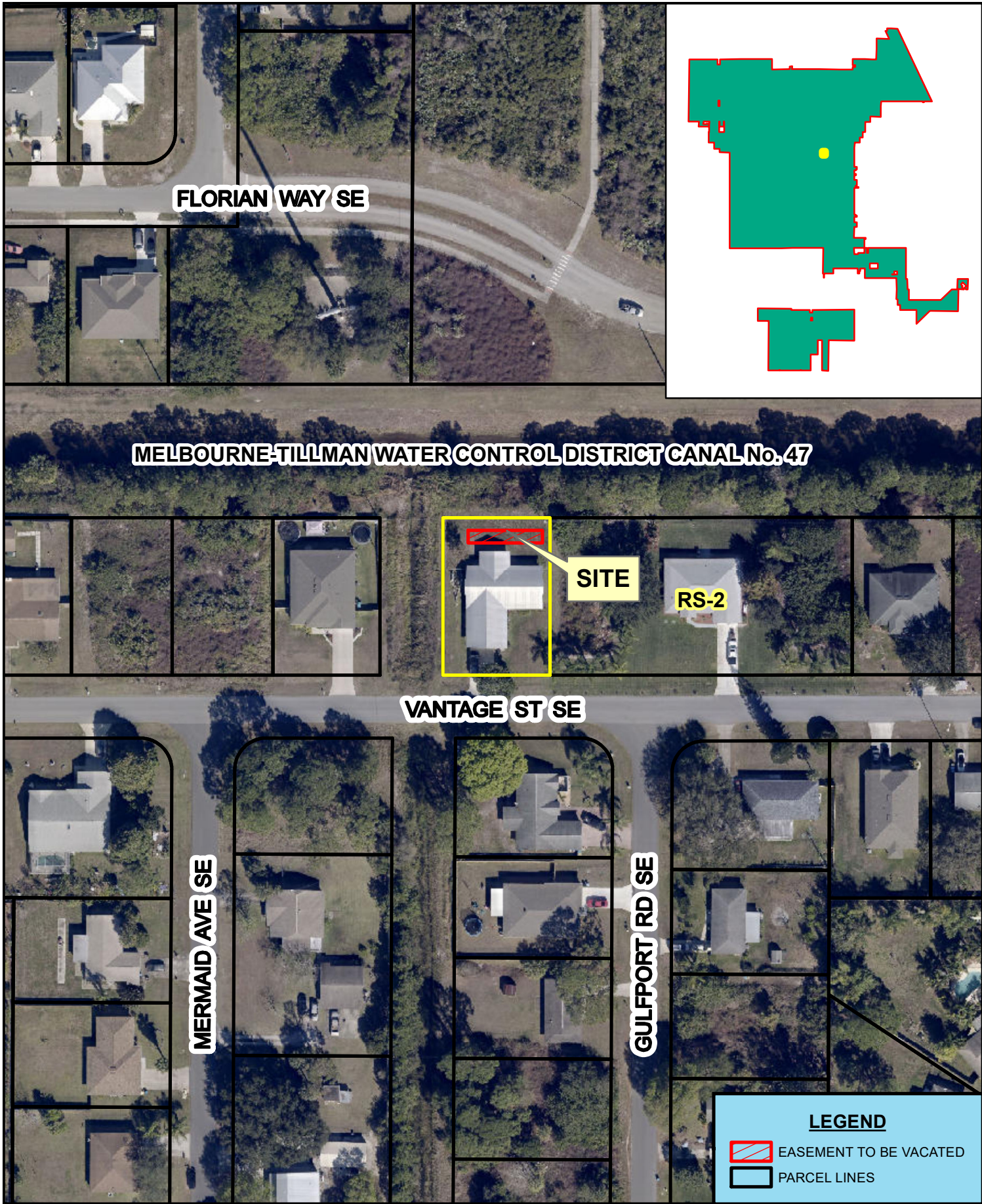


Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2022.

## VE-11-2022

0 25 50 100  
Feet  
1 inch = 100 feet





Map is for illustrative purposes only!  
Not to be construed as binding or a survey.  
Map created by the City of Palm Bay  
Public Works Department (RSD), on December 21, 2022.

**LOCATION MAP**  
**VE-11-2022**

0 25 50 100 Feet  
1 inch = 100 feet





**PUBLIC WORKS DEPARTMENT**  
1050 MALABAR ROAD SW PALM BAY, FLORIDA 32907  
PHONE: (321) 952-3403  
EMAIL: [pwpermitting@palmbayflorida.org](mailto:pwpermitting@palmbayflorida.org)

## REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY

This application must be completed, legible, and returned, with all attachments referred to herein, to the Public Works Department, Palm Bay, Florida. The request will then be reviewed by City staff and scheduled before the City Council. A minimum of eight (8) weeks is required to process the application. You or your representative are required to attend the hearing and will be notified by mail of the date and time of the meeting. The meeting will be held at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida, unless otherwise stated.

Name of Applicant (Please print): Tami and David Lee

Address: 901 Vantage St SE

City: Palm Bay Zip Code: 32909

Phone Number: 321-432-9810 Business Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Email: ttlee17@yahoo.com

### LEGAL DESCRIPTION, PREPARED BY A CERTIFIED SURVEYOR, OF THAT PORTION OF THE EASEMENT REQUESTING TO BE VACATED UPON WHICH THE ENCROACHMENT IS PROPOSED OR CURRENTLY EXISTS:

A PORTION OF A 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT ELEVEN,

AS RECORDED IN PLAT BOOK 15, PAGES 34-42, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: : THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470. CONTAINING 590 SQUARE FEET (0.01 ACRES), MORE OR LESS.

Section: 8 Township: 29S Range: 37E

Size of area covered by this application (calculate acreage): 590+/- S.F., 0.01 acre

Zoning classification at present: Single Family Residential

Which action applying for (easement, drainage): Easement

Reason for requesting vacation and intended use: Swimming pool

If the encroachment currently exists, provide the date that a permit was issued by the Building Division.

The following enclosures are needed to complete this application:

- ☒ \$182.00 Application Fee. Make check payable to "City of Palm Bay".
- ☒ List of names and addresses of property owners abutting the lot or parcel within which the easement or drainage right-of-way is located;
- ☒ Copy of plat, map, etc. depicting area location of easement or drainage right-of-way to be vacated.
- ☒ Original notarized letters from the utility and service companies are required stating whether or not they object to or if there is no interest in the vacating of the easement or drainage right-of-way. If equipment lies within the easement or drainage right-of-way requested for vacation, the applicant shall be responsible for any expenses incurred for relocating same, unless other arrangements have been made with the company.
  - a) Florida Power & Light Company;
  - b) AT&T Telecommunications;
  - c) Spectrum Cable;
  - d) Melbourne-Tillman Water Control District (if applicable);
  - e) Florida City Gas (if applicable);
  - f) Holiday Park, Board of Directors (if applicable).

Are you the property owner of record? ☒ Yes ☐ No

If no, a notarized letter from the property owner must be attached giving consent to the applicant to request the vacating.

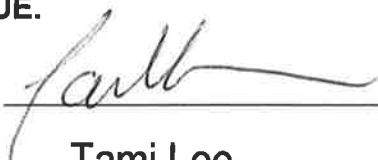
Contact the Land Development Division (321-733-3042) as to whether a variance is required. If Required, YOU MUST OBTAIN APPROVAL FOR THE VARIANCE PRIOR TO PROCEEDING WITH THE VACATING REQUEST.

☐ Required ☒ Not Required

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION AND ALL DATA ATTACHED MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE CITY COUNCIL.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING REQUEST TO VACATE EASEMENT/DRAINAGE RIGHTS-OF-WAY APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Applicant



Date 11/12/2022

Printed Name of Applicant Tami Lee

FOR OFFICE USE ONLY

Land Development Division \_\_\_\_\_ Date \_\_\_\_\_

## **ORDINANCE 2023-08**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 6, BLOCK 470, PORT MALABAR UNIT 11, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 39, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Tami and David Lee, have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

**WHEREAS**, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11, according to the plat thereof as recorded in Plat Book 15, Page 39, of the Public Records of Brevard County, Florida, Section 08, Township 29S, Range 37E, being more particularly described as follows:

BEING THE SOUTH 10.00 FEET OF THE NORTH 20.00 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LESS AND EXCEPT THE EAST 6.00 FOOT AND WEST 20.00 FOOT SIDE EASEMENTS THEREOF, LYING WITHIN SAID LOT 6, BLOCK 470, PORT MALABAR UNIT 11, RECORDED IN PLAT BOOK 15, PAGES 34 THROUGH 42, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; CONTAINING 590 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

**SECTION 2.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

---

Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Tami and David Lee  
Case: VE-11-2022

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 3/2/2023

**RE:** Ordinance 2023-04, granting an Ad Valorem Tax (AVT) Abatement to Rogue Valley Microdevices, Inc., final reading.

The City received an application for an Ad Valorem Tax (AVT) Abatement from Rogue Valley Microdevices, Inc on December 5, 2022. Rogue Valley Microdevices, Inc. is a semiconductor and related devices manufacturing company based in Oregon. The company is interested in acquiring and refurbishing an existing 50,000 SF facility located at 2301 Commerce Park Drive NE, Palm Bay, FL 32905. The company anticipates investing approximately \$25,000,000 in new capital expenditures. The company indicates its plans to create 30 new jobs over three (3) years with an average wage of \$59,900. The company anticipates investing approximately \$25,000,000 in new capital expenditures. The estimated job creation timeline for the project is as follows:

# of New Jobs	Date jobs will be created
10	Year 1
10	Year 2
10	Year 3

**Total: 30**

Based on the three-year projections, Rogue Valley is eligible for a six-year abatement, starting at 60 percent and gradually decreasing over the term.

At the January 19, 2023 Regular Council Meeting, the applicant presented its plans for job creation, average wages over a five-year period and requested Council's consideration of an increase abatement. City Council approved an ordinance, first reading, providing an Ad Valorem Tax Abatement for Rogue Valley Microdevices, Inc. for seven years, starting at 70% and gradually decreasing over the 7-year period as follows:

Years 1 - 4: 70%  
Year 5: 60%  
Year 6: 50%  
Year 7: 40%

On January 26, 2023, the City received a revised Jobs Worksheet from the applicant which included a new

job commitment of 75 jobs over a five-year period with an average annual wage of \$65,267. On January 30, 2023, the City received a revised Economic Impact Analysis (EIA) conducted by the Economic Development Commission of Florida's Space Coast (EDC), providing the total impact of this project, to include the direct, indirect, and induced jobs, wages and gross domestic product. Based on the revised EIA, the company is eligible for additional points on the AVT Program scoring sheet.

The revised estimated job creation timeline for the project is as follows:

# of New Jobs	Date jobs will be created
10	Year 1
10	Year 2
10	Year 3
22	Year 4
23	Year 5

**Total: 75**

The Brevard County Property Appraiser conducted the required analysis as required by Chapter 196.1995(9), Florida Statutes, to include the estimated total revenue available to the City for the current fiscal year and the estimated revenue which would be lost to the City during the current fiscal year if the exemption applied for were granted.

The ad valorem tax abatement program is an economic-development tool that provides performance-based incentives to encourage new construction, capital investment, and job creation. If the company does not perform, they would not be eligible to receive an abatement of their ad valorem property taxes.

#### **REQUESTING DEPARTMENT:**

Community & Economic Development

#### **FISCAL IMPACT:**

There will be no fiscal impact until company relocates into the facility and files the required annual report, approximately one year following when the new construction and equipment hits the tax rolls. Staff estimates the future fiscal impact to General Fund revenues from ad valorem taxes abated for this project, based on estimates from the Brevard County Property Appraiser's Office, will be as follows:

Years 1-4 @ 70% abatement:	\$520,737.72 (\$130,184.43 per year)
Year 5 @ 60% abatement:	\$111,586.66
Year 6 @ 50% abatement:	\$92,988.88
Year 7 @ 40% abatement:	\$74,391.10
<b>TOTAL</b>	<b>\$799,704.36</b>

#### **RECOMMENDATION:**

Motion to approve Ordinance 2023-04 granting Ad Valorem Tax Abatement to Rogue Valley Microdevices, Inc.



## **ATTACHMENTS:**

### **Description**

**Attachment 1 -AVT Application**

**Attachment 2 - Jobs Worksheet (Revised)**

**Attachment 3 - Economic Impact Analysis (Revised)**

**Attachment 4 - Tax Revenue Comparison**

**Ordinance 2023-04 (REVISED)**

To be filed with the Board of County Commissioners, the governing boards of the municipality, or both, no later than March 1 of the year the exemption is desired to take effect.

1	Business name <b>Rogue Valley Microdevices, Inc.</b>	Mailing address 943 Automation way, Suite F
2	Please give name and telephone number of owner or person in charge of this business. Name <b>Jessica Gomez</b>	Telephone number <b>5419518026</b>
3	Exact Location (Legal Description and Street Address) of Property for which this return is filed <b>2301 Commerce Park Drive, Palm Bay, FL32905 (See legal description attachment)</b>	4 Date you began, or will begin, business at this facility <b>TBD-Q1 23</b>
5	Description of the improvements to real property for which this exemption is requested <b>HVAC, Power upgrades, Cleanroom installation, wiring and plumbing</b>	Date of commencement of construction of improvements <b>TBD, estimate</b>
6	Description of the tangible personal property for which this exemption is requested and date when property was, or is to be purchased	APPRaiser's USE ONLY
	Class or Item                      Age                      Date of Purchase                      Taxpayer's Estimate of Original Cost                      Cond*                      Fair Market Rent                      Cond*	
	New Construction Value                      0                      TBD-Q22                      \$ 3,500,000.00                                           \$ 3,500,000.00                                           \$	
	Process Equipment                      0                      TBD-Q23                      \$ 21,400,000.00                                           \$ 21,400,000.00                                           \$	
	Servers, Computer Equipment                      0                      TBD-Q24                      \$ 100,00.00                                           \$ 100,000.00                                           \$	
		\$                      \$                      \$
		\$                      \$                      \$
		\$                      \$                      \$
		\$                      \$                      \$
		\$                      \$                      \$
		\$                      \$                      \$
		\$                      \$                      \$
Average value of inventory on hand:                      *Condition: good, avg (average), or poor		
Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.		
7	Do you desire exemption as a <input checked="" type="checkbox"/> new business or <input type="checkbox"/> expansion of an existing business	9 Trade levels (check as many as apply) <input type="checkbox"/> Retail <input checked="" type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Manufacturing <input type="checkbox"/> Professional <input type="checkbox"/> Service <input checked="" type="checkbox"/> Office <input checked="" type="checkbox"/> Other, specify:
8	Describe type or nature of your business Micro-Electromechanical systems/Semiconductor device fabrication and production	
10	Number of full-time employees to be employed in Florida	
	If an expansion of an existing business: Net increase in employment                      %                      Increase in productive output resulting from this expansion                      %	
11	Sales factor for the facility requesting exemption: Total sales in Florida from this facility-one (1) location only    300,000.00    divided by    Total sales everywhere from this facility-one (1) location only    15,000,000.00    =    2    %	
12	For office space owned and used by a corporation newly domiciled in Florida                      Date of incorporation in Florida                      TBD-Q123                      Number of full-time employees at this location                      0	
I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)		
Date    12-05-2022		Signature, preparer
Signature, taxpayer <i>Jessica Gomez</i>		Preparer's address    943 Automation Way, Suite F. Medford OR. 97504
Title    Founder & CEO		Preparer's telephone number                      5417741900

**Property Appraiser's Use Only**

I	Total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources	\$40,722,802.08
II	Revenue lost to the county or municipality for the current fiscal year by virtue of exemptions previously granted under this section	\$569,669.39
III	Estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted and the property for which the exemption is requested would otherwise have been subject to taxation	\$185,997.76
IV	Estimate of the taxable value lost to the county or municipality if the exemption applied for was granted Improvements to real property \$2,975,000 Personal property \$21,500,000	
V	I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a <input checked="" type="checkbox"/> new business <input type="checkbox"/> expansion of an existing business <input type="checkbox"/> neither	
VI	Last year for which exemption may be applied <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> dependent upon the number of years granted by City Council.	

Application to be filed not later than March 1

Date 1/17/23

Signature, Property Appraiser [Signature]

Emp./yr	Alternate Version			Total Annual Payroll	
10	Operations Manager	1	120,000	year 1	120000
	Site Manager	1	100,000	year 1	100000
	Process Engineer	1	80,000	year 1	80000
	Equipment Engineer	1	80,000	year 1	80000
	CTO	1	100,000	year 1	100000
	Process Technician	2	50,000	year 1	100000
	Schedule Manager	1	50,000	year 1	50000
	Shipping / Receiving	1	45,000	year 1	45000
	Purchasing Assistant	1	45,000	year 1	45000
10	Equipment Engineer	1	75,000	year 2	75000
	Process Engineer	1	75,000	year 2	75000
	Accounting Associate	2	45,000	year 2	90000
	Purchasing Manager	1	60,000	year 2	60000
	Lab Technician	4	50,000	year 2	200000
	Safety Manager	1	65,000	year 2	65000
10	Process Technician	4	50,000	year 3	200000
	Outside Sales	1	75,000	year 3	75000
	IT / Systems	1	90,000	year 3	90000
	Engineer	2	75,000	year 3	150000
	CFO	1	100,000	year 3	100000
	Bookkeeper	1	45,000	year 3	45000
22	Equipment Engineer	2	90,000	Year 4	180000
	Equipment Technicians	4	65,000	Year 4	260000
	Process Engineer	3	90,000	Year 4	270000
	Process Technicians	8	50,000	Year 4	400000
	Design Engineer	1	90,000	Year 4	90000
	Shipping / Receiving	2	45,000	Year 4	90000
	EHS Technician	1	75,000	Year 4	75000
	Outside Sales	1	90,000	Year 4	90000
22	Equipment Engineer	1	90,000	Year 5	90000
	Equipment Technicians	4	70,000	Year 5	280000
	Process Engineer	3	90,000	Year 5	270000
	Process Technician	12	55,000	Year 5	660000
	Qualitiy Technician	2	55,000	Year 5	110000
	Quality engineer	1	85,000	Year 5	85000
	<b>Total:</b>	<b>75</b>	<b>65267</b>	<b>4895000</b>	

Avg. wage

Additional Information:

All employees receive medical, dental, vision coverage.

The company pays 100% of all monthly premiums for employees & their families.

All employees recieve 10 paid personal days, and 10 paid holidays.

For each year an employee is retained they receive an addition paid personal day.

All employees receive a 3% contibution (based on their annual salary) into their 401k retirement plan.

All employees have the option to volunteer in their community during working hours while still being paid.

All employees are eligible to receive tuition reimbursment.

All employees are encouraged to learn and grow in their careers and are individually coached by their managers to take advantage of the internal career tracks.

**Rogue Valley Microdevices, Inc.**

**City of Palm Bay**

**01/30/23**

**Overview:**

New Job Commitment:	75	Capital Investment:	\$25,000,000
Average Annual Wage:	\$65,267		

**Economic impact from job creation:**

<b>Jobs</b>	<b>Net New Wage</b>	<b>Contribution to GDP</b>
75 (Direct)	\$4,895,025 (Direct)	\$7,613,022 (Direct)
29 (Indirect)	\$2,054,018 (Indirect)	\$2,916,039 (Indirect)
25 (Induced)	\$1,183,405 (Induced)	\$2,314,724 (Induced)
<b>129 TOTAL</b>	<b>\$8,132,448 TOTAL</b>	<b>\$12,843,785 TOTAL</b>

- For every employment position created by ROGUE VALLEY MICRODEVICES, INC. approximately 0.72 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to ROGUE VALLEY MICRODEVICES, INC. approximately \$0.66 will be generated for consumer spending.

**City Tax Impact**

**Years 1-10**

	<b>Annual Taxes on Construction</b>	
Projected Tax Assessed	\$	24,339.28
Potential Abatement (at 100%)	\$	24,339.28
	<b>Annual Taxes on Personal Property</b>	
Projected Tax Assessed	\$	149,512.72
Potential Abatement (at 100%)	\$	149,512.72

**Years 11+ :** Company will be assessed for 100% of tax liability

**Tax Millage Code – 34U0**

**NAICS – 334413**

**IMPLAN Sector – 307**

*Analysis based on information supplied by Rogue Valley Microdevices, Inc. - January 2023*

*Economic impact calculations furnished by EDC Research Office, using IMPLAN version 7.0 (www.IMPLAN.com).*

*Abatement & millage numbers are estimates; all final numbers determined solely by the Brevard County Property Appraiser's Office and the City of Palm Bay.*

*\*Subject to City of Palm Bay's Ad Valorem Tax Abatement Program Guidelines.*

**Rogue Valley Microdevices, Inc.****2301 Commerce Park Drive NE**

	<b>Abatement</b>	<b>Taxes Paid to the City</b>	<b>% Paid</b>
Year 1 @ 70% abatement:	\$ 130,184.43	\$ 55,793.33	30%
Year 2 @ 70% abatement:	\$ 130,184.43	\$ 55,793.33	30%
Year 3 @ 70% abatement:	\$ 130,184.43	\$ 55,793.33	30%
Year 4 @ 70% abatement:	\$ 130,184.43	\$ 55,793.33	30%
Year 5 @ 60% abatement:	\$ 111,586.66	\$ 74,391.10	40%
Year 6 @ 50% abatement:	\$ 92,988.88	\$ 92,988.88	50%
Year 7 @ 40% abatement:	\$ 74,391.10	\$ 111,586.66	60%
<b>TOTAL</b>	<b>\$799,704.36</b>	<b>\$ 502,139.96</b>	

Estimated Tax Revenue in during  
the 7 year abatement period\*:

**\$1,301,844.32**

*\*The additional taxable value is based on the BCPAO estimate of the increased value of  
the property after the \$25 million capital investment and current 7.5995 millage rate.*

Taxes Paid in the previous 7 years  
on the existing building:

**Taxes Paid to the City**

2022 \$	-	\$ 20,742.15	100%
2021 \$	-	\$ 18,856.56	100%
2020 \$	-	\$ 19,308.03	100%
2019 \$	-	\$ 18,591.03	100%
2018 \$	-	\$ 18,306.16	100%
2017 \$	-	\$ 16,900.00	100%
2016 \$	-	\$ 15,505.75	100%

**Taxes Paid in the past 7 years \$ 128,209.68**

**Estimated amount of City Taxes paid over the next 7 years with  
the abatement as compared to the previous 7 years:**

**\$ 373,930.28**

## **ORDINANCE 2023-04**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ROGUE VALLEY MICRODEVICES, INC. TO BE LOCATED AT 2301 COMMERCE PARK DRIVE NE, PALM BAY FLORIDA 32905; SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF SECTION 196.1995(8), FLORIDA STATUTES; PROVIDING FOR AN ANNUAL REPORT BY ROGUE VALLEY MICRODEVICES, INC.; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, economic development and the creation and retention of value added jobs is a priority of the City Council of the City of Palm Bay, and

**WHEREAS**, the citizens of Palm Bay voted to provide economic incentives to qualified new and expanding businesses in the November 2018 general election, and

**WHEREAS**, Rogue Valley Microdevices, Inc. has requested that the City Council of the City of Palm Bay exempt ad valorem taxes for an existing building and tangible personal property at 2301 Commerce Park Drive NE, Palm Bay, Florida 32905, and

**WHEREAS**, Rogue Valley Microdevices, Inc. meets the requirements of Section 196 1995(8), Florida Statutes, as a business planning to expand in Palm Bay Florida, and

**WHEREAS**, the Property Appraiser has provided the Palm Bay City Council with its report as required by Section 196.1995(8), Florida Statutes, and

**WHEREAS**, it has been determined that Rogue Valley Microdevices, Inc. meets the requirements of Section 196.012, Florida Statutes, as an expanding business in Palm Bay, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA,** as follows:

**SECTION 1.** The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this ordinance.

**SECTION 2.** An Economic Development Ad Valorem Tax Exemption is hereby granted to Rogue Valley Microdevices, Inc., for its new construction value and tangible personal property.

**SECTION 3.** The total amount of revenue available to the City from ad valorem tax sources for the current fiscal year is \$40,722,802.08.

**SECTION 4.** \$569,669.39 is lost to the City for the current fiscal year by exemptions currently in effect from previous years.

**SECTION 5.** The tax exemption hereby granted shall be for a term of seven (7) years commencing with the first year the facility and tangible personal property are added to the assessment roll, and lasting seven (7) years thereafter on the following sliding scale of City ad valorem taxes:

Years 1-4:	70%
Year 5:	60%
Year 6:	50%
Year 7:	40%

**SECTION 6.** In accordance with the findings of the City Council of the City of Palm Bay and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of an expansion of an existing business, as defined by Section 196.012, Florida Statutes.

**SECTION 7.** Rogue Valley Microdevices, Inc. shall submit to the City Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of an expansion of an existing business for each of the seven (7) years during which Rogue Valley Microdevices, Inc. is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates Rogue Valley Microdevices, Inc., no longer meets the criteria of Section 196.012 Florida Statutes the City Manager shall make a report to the City Council of the City of Palm Bay for consideration of revocation of this Ordinance granting the tax exemption.

**SECTION 8.** If the City Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business activity or expansion of an existing business activity including construction or equipment purchases giving rise to an ad valorem tax exemption granted under this section, the exemption granted shall be void shall not take effect and shall not be implemented If such a notice is received the foregoing provision shall be self-executing and no further action of the City Council of the City of Palm Bay will be required to void the granted exemption Upon the City's receipt of any such notice the City Manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.

**SECTION 9.** If the City Council of the City of Palm Bay revokes this Ordinance it shall be a requirement of the company to reimburse those County ad valorem taxes abated in favor of Rogue Valley Microdevices, Inc. for that period of time that



it was determined that Rogue Valley Microdevices, Inc. no longer met the criteria of Section 196.012, Florida Statutes.

**SECTION 10.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance the City Council would have enacted the valid constitutional portions thereof.

**SECTION 11.** The City Clerk shall file a certified copy of this ordinance with the State of Florida Office of the Secretary of State within ten (10) days of its enactment.

**SECTION 12.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read In title only at Meeting 2023-03, held on February 2, 2023, and read in title only and duly enacted at Meeting 2023- , held on , 2023.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 3/2/2023

**RE:** Consideration of a Substantial Amendment to the City's approved Fiscal Years 2020-2021, 2021-2022, and 2022-2023 Annual Action Plans for Community Development Block Grant entitlement funds, only one reading required.

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Action Plans, which provides a concise summary of the actions and activities that will be undertaken during each fiscal year to address the priority needs and specific goals identified in the Five-Year Consolidated Plan.

In accordance with 24 CFR Part 91.105, Section (a)(3), the City is required to follow the Citizen Participation Plan (CPP), which was adopted by City Council on October 6, 2022. The City of Palm Bay notified the public that substantial amendments are being made to the Annual Action Plans for Fiscal Years (FY) 2020-2021, 2021-2022, and 2022-2023 (attached). The amendments represented herein apply only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and do not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

### **SUBSTANTIAL AMENDMENT #1 – FUNDING INCREASE**

Activity Name: FY 2022-2023 Veteran's Park Improvements

Original Budget: \$142,904 (FY 2022-2023)

Increase in funding from available reallocated funds: \$8,021 (FY 2020-2021)

**TOTAL AMENDED BUDGET: \$150,925**

The reason for the increase is due to the increase in cost of materials. Veterans Park serves an area of the City for which more than 51 percent of residents are low- and moderate- income persons. This is an eligible use of CDBG funds under 24 CFR 570.201(c) and 570.208(a)(1) and meets U.S. Department of Housing & Urban Development (HUD) regulations under Local Area Benefit.

### **SUBSTANTIAL AMENDMENT #2 – FUNDING INCREASE**

Activity Name: FY 2022-2023 Liberty Park Improvements

Original Budget: \$158,350 (FY 2022-2023)

Increase in funding available reallocated funds: \$63,823 (FYs 2020-2021, 2021-2022, and 2022-2023)

**TOTAL AMENDED BUDGET: \$222,173**

The reason for the increase is due to the increase in cost of materials. Liberty Park serves an area of the City for which more than 51 percent of residents are low- and moderate- income persons. This is an eligible use of CDBG funds under 24 CFR 570.201(c) and 570.208(a)(1) and meets HUD regulations under Local Area Benefit.

Both items were publicly noticed in Florida Today on January 20, 2023 for the required 30-day public comment

period. No comments were received. Comments were accepted through February 20, 2023.

**REQUESTING DEPARTMENT:**

Community & Economic Development

**FISCAL IMPACT:**

If approved, the Substantial Amendments related to funding increases will appear on Budget Amendment No. 2.

**RECOMMENDATION:**

Motion to approve a Substantial Amendment to the City’s approved Fiscal Years 2020-2021, 2021-2022, and 2022-2023 Annual Action Plans for Community Development Block Grant entitlement funds as provided.

**ATTACHMENTS:**

**Description**

Florida Today Ad for Substantial Amendment



**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF PALM BAY

**Ad No.:** 0005563071

**Address:** SUITE 201  
PALM BAY FL 32907  
USA

**Pymt Method** Invoice

**Net Amount** 296.38

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 01/20/23

**Text of Ad:**

Ad#5563071

01/20/2023

**CITY OF PALM BAY  
PUBLIC NOTICE**

**SUBSTANTIAL AMENDMENT TO PRIOR YEAR COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG) FY2020/2021, FY2021/2022 and FY2022/2023 ACTION PLAN**

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Actions Plans that provide concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidated Plan. The City of Palm Bay is hereby notifying the public that two substantial amendments are being made to the FY2021, 21/22, and 22/23 Action Plan. The amendments represented herein apply only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and do not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

**SUBSTANTIAL AMENDMENT #1 - FUNDING INCREASE**

Activity Name: FY2022/2023 Veteran's Park Improvements

Reason: material cost increases

Original Budget: \$142,904

Increase from FY 2020/2021 Funding: \$ 8,021

Total amended budget \$150,925

**SUBSTANTIAL AMENDMENT #2 - FUNDING INCREASE**

Activity Name: FY2022/2023 Liberty Park Improvements

Reason: material cost increases

Original Budget: \$158,350

Increase from FY 2020/2021, FY2021/2022, & FY 2022/2023 Funding: \$ 63,823

Total amended budget \$222,173

All comments received by February 20, 2023 will be considered. The City will hold a Public Hearing to review these changes and to receive public comment at the regularly scheduled Palm Bay City Council meeting on Thursday, March 2, 2023 at 6:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL, 32907. Persons with disabilities requiring special accommodations to participate in the Public Hearing or persons requiring information in a language other than English should call Siphil Chinyanganya, Housing Administrator, at (321) 952-3408 or use 7-1-1 (Florida Relay Services) at least forty-eight (48) hours prior to the Public Hearing.

Interested persons are encouraged to provide written comment to:

City of Palm Bay

Housing & Community Development Division

120 Malabar Road SE, Palm Bay, FL 32907

Siphikelelo.Chinyanganya@palmbayflorida.org



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Alexandra Bernard, Growth Management Director

**DATE:** 3/2/2023

**RE:** Ordinance 2023-11, updating the Comprehensive Plan Future Land Use (FLU) Element in its entirety (Case CP-3-2023, City of Palm Bay), first reading.

As part of the City's update to its Comprehensive (Comp) Plan, the City competitively solicited services under RFP #64-0-2020/JG and contracted Inspire Placemaking Collective (formerly S&ME, Inc.). The RFP included services for preparing and submitting on behalf of the City's an updated Evaluation & Appraisal Report (EAR), visioning study, and Comp Plan Update. To date, the EAR and visioning study are complete. As part of the Comp Plan Update process, Inspire Placemaking Collective has prepared, and staff has reviewed, an amendment to the Future Land Use (FLU) Element of City's Comprehensive Plan. As the Comp Plan has not been updated since 2002, the City and consultant agreed that it was cleaner to rescind and replace the FLU in its entirety.

It is important to note that this amendment is for the Future Land Use Element only. The remaining elements of the Comp Plan will be presented to Planning & Zoning Board at the regular meeting on March 1, 2023, followed by City Council on March 16, 2023.

This amendment shall be adopted by City Council by Ordinance. Second reading of the ordinance will not occur until the City receives transmittal from the State of satisfactory review. Staff will schedule the second and final reading of the ordinance for a future Council meeting, based upon receipt from the State.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve the proposed CP-3-2023 Future Land Use Element.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the proposed Future Land Use Element.

**ATTACHMENTS:**

**Description**

Case CP-3-2023 - Staff Report

Case CP-3-2023 - Future Land Use Element Data Analysis

Case CP-3-2023 - Application

Case CP-3-2023 - Legal Ad

Case CP-3-2023 - Consultant Presentation

Case CP-3-2023 -- Board Minutes

Ordinance 2023-11

Ordinance 2023-11 - EXHBIT A





# 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.

01



# 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.



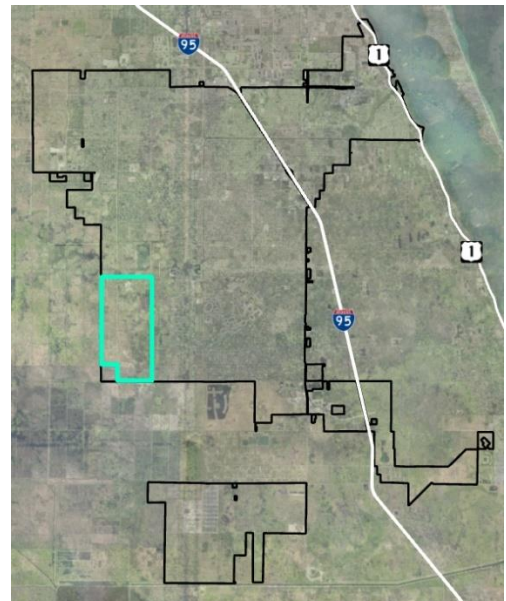
The designation is scattered throughout the City with heavier concentrations in the northeast and along Malabar Road.

### *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									
<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 <b>Table FLUE-1</b> )										

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

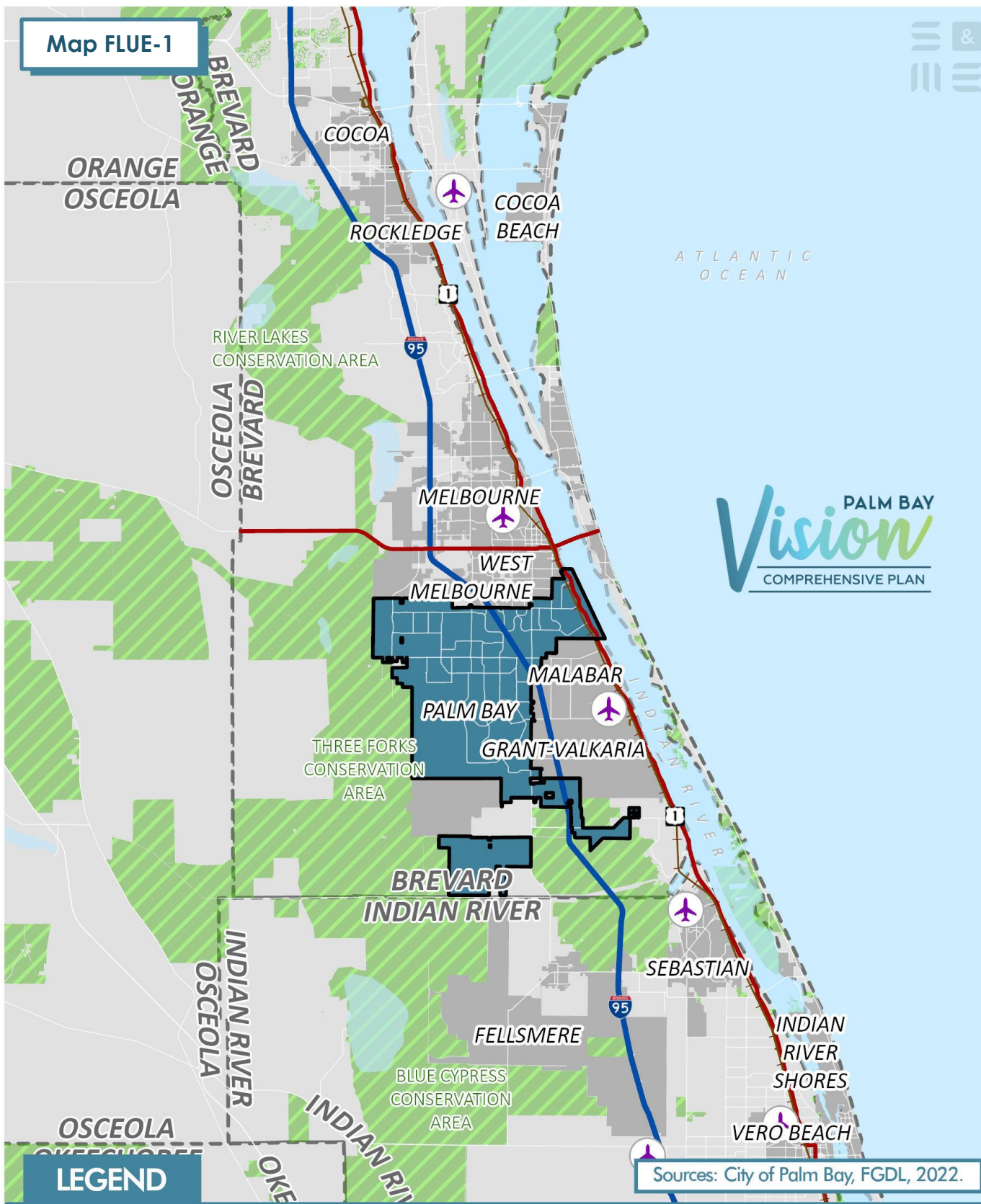
Development Code, complies with State statutes, and requires that all Local Planning Agency and City Council meetings are public and advertised prior to commencement. The plan also states that every application for development that requires a preliminary subdivision approval, preliminary planned unit 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 |                 |

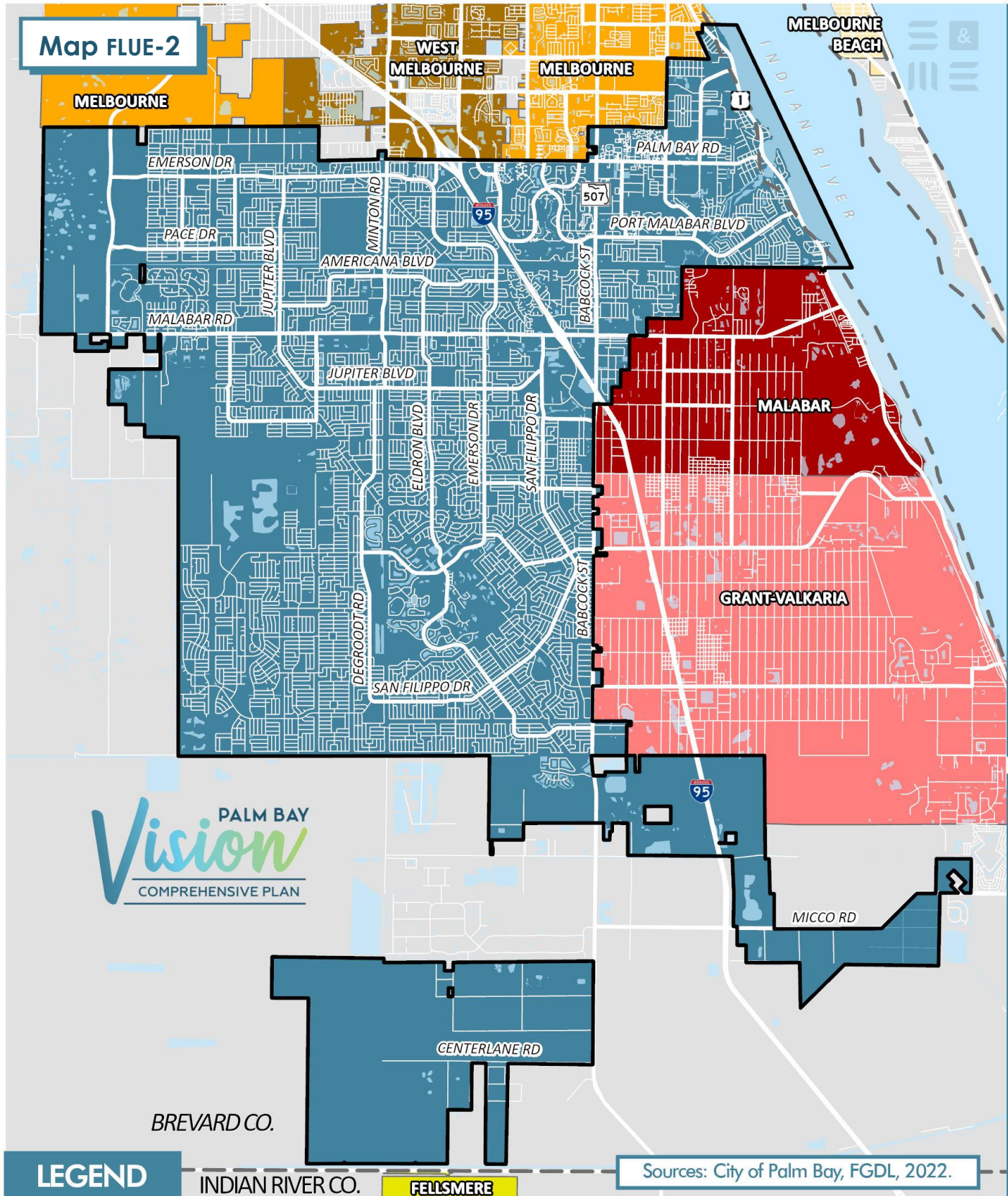
Sources: City of Palm Bay, FGDL, 2022.

REGIONAL CONTEXT





# Map FLUE-2

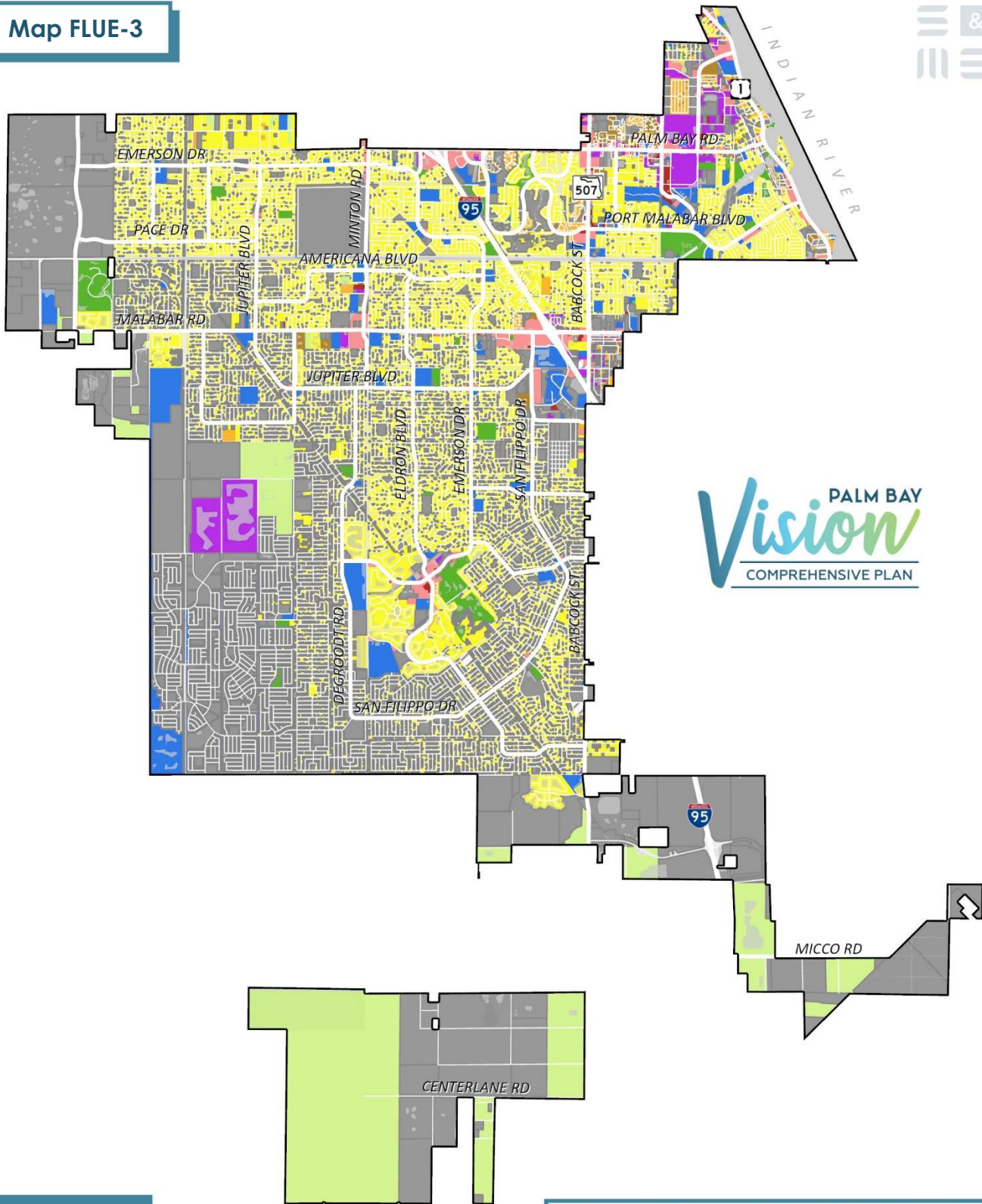


## MUNICIPAL BOUNDARY





Map FLUE-3



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN

## 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                       |                          |

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

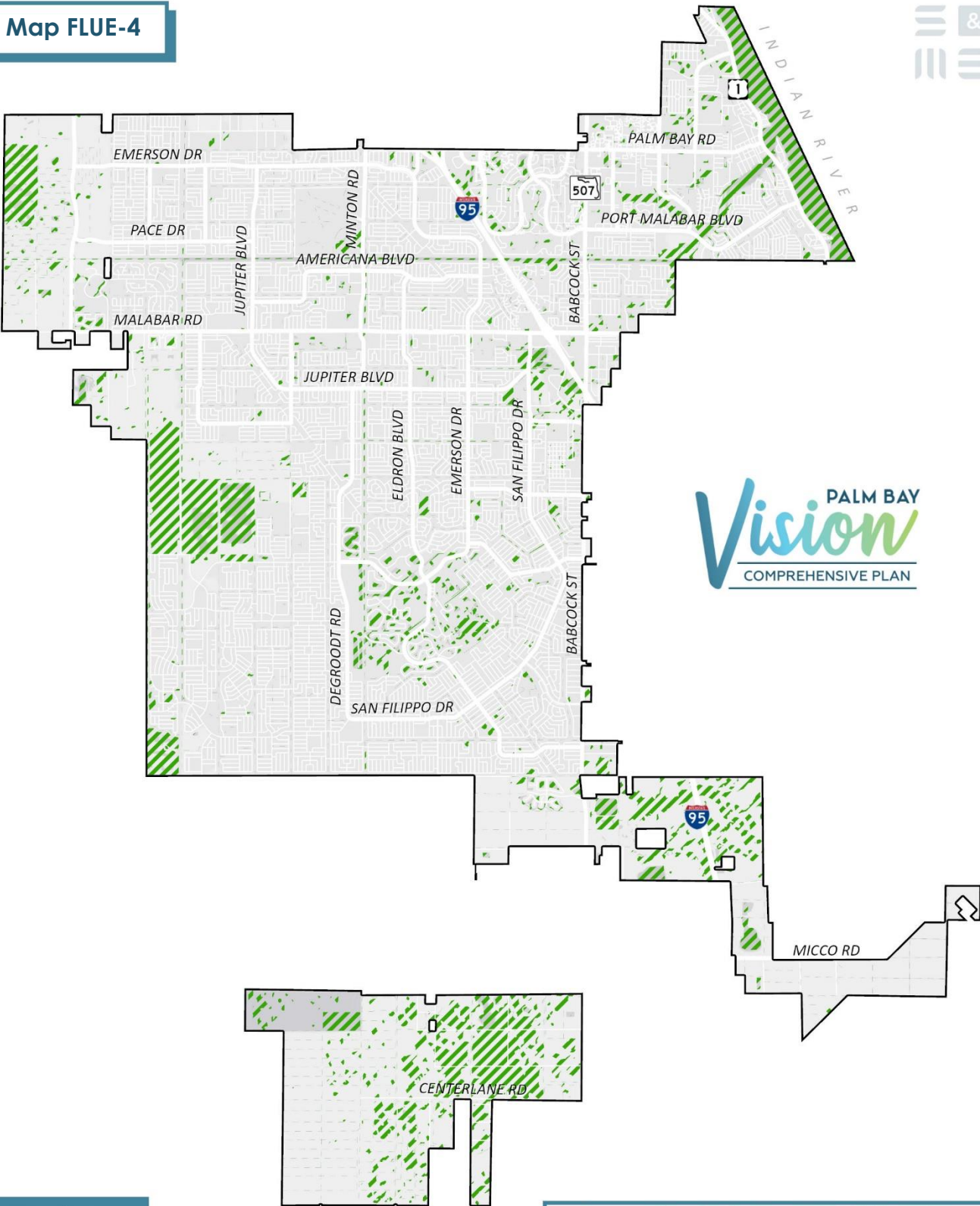
# EXISTING LAND USE



Map FLUE-4



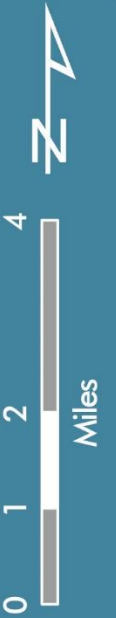
# WETLANDS



## LEGEND

- City of Palm Bay
- Wetland
- Water Feature

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

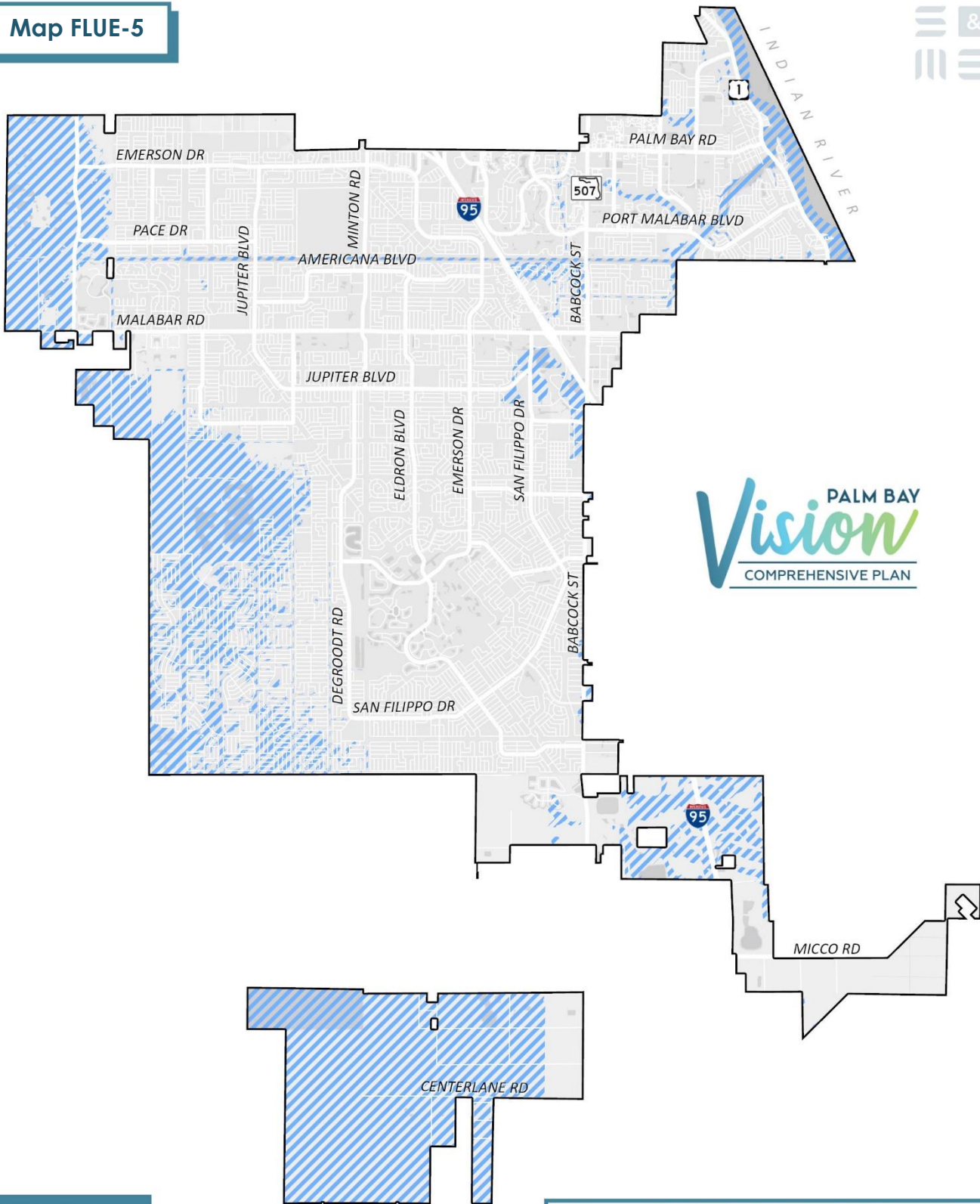




Map FLUE-5



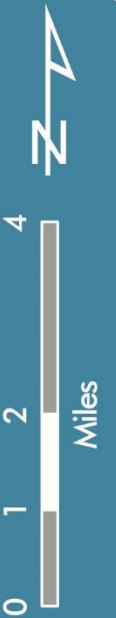
# FLOODPLAINS

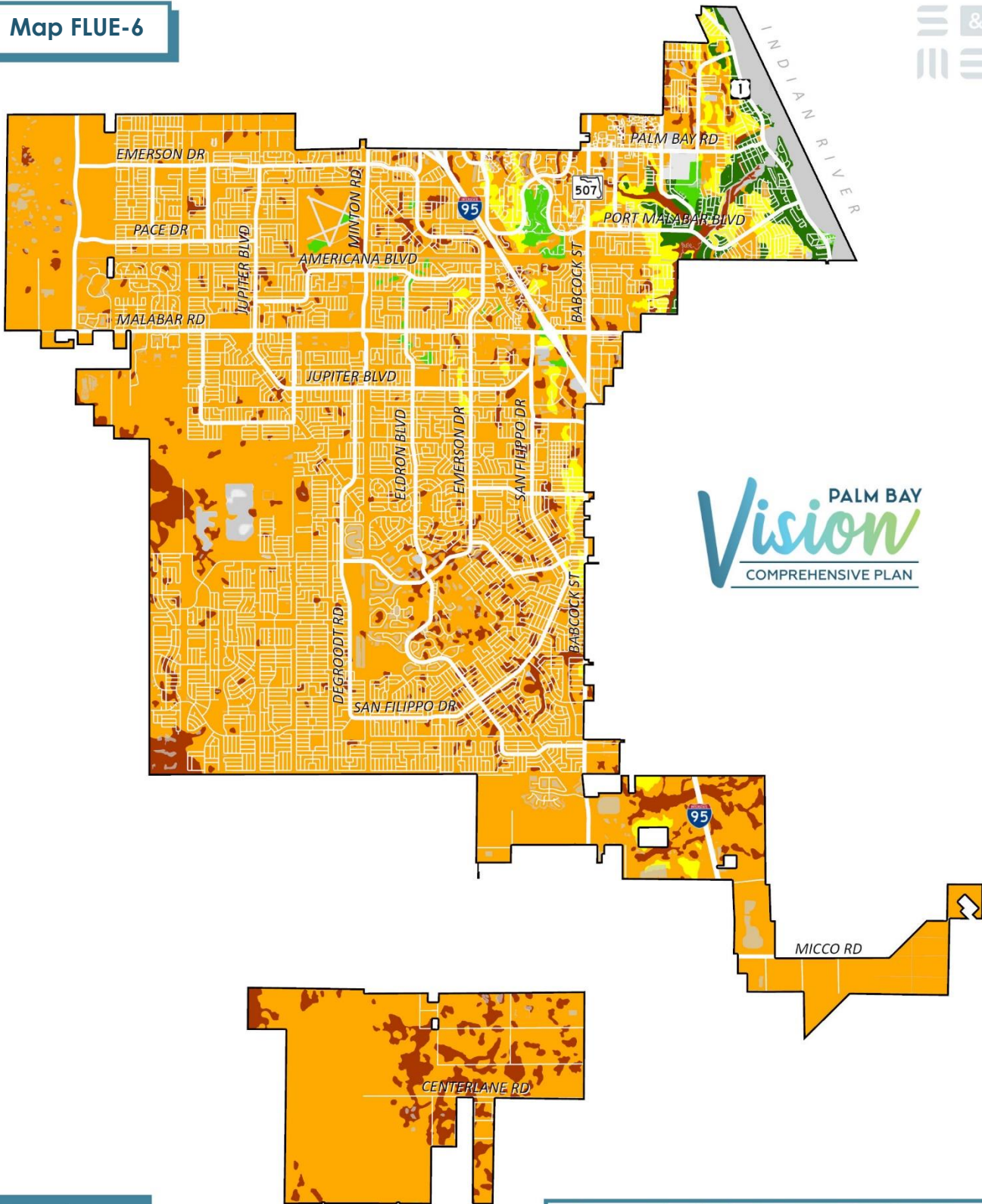


## LEGEND

- City of Palm Bay
- Floodplain
- Water Feature

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



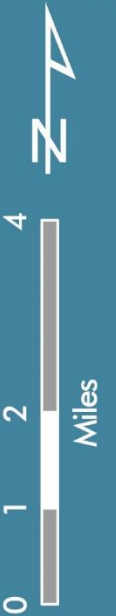


**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

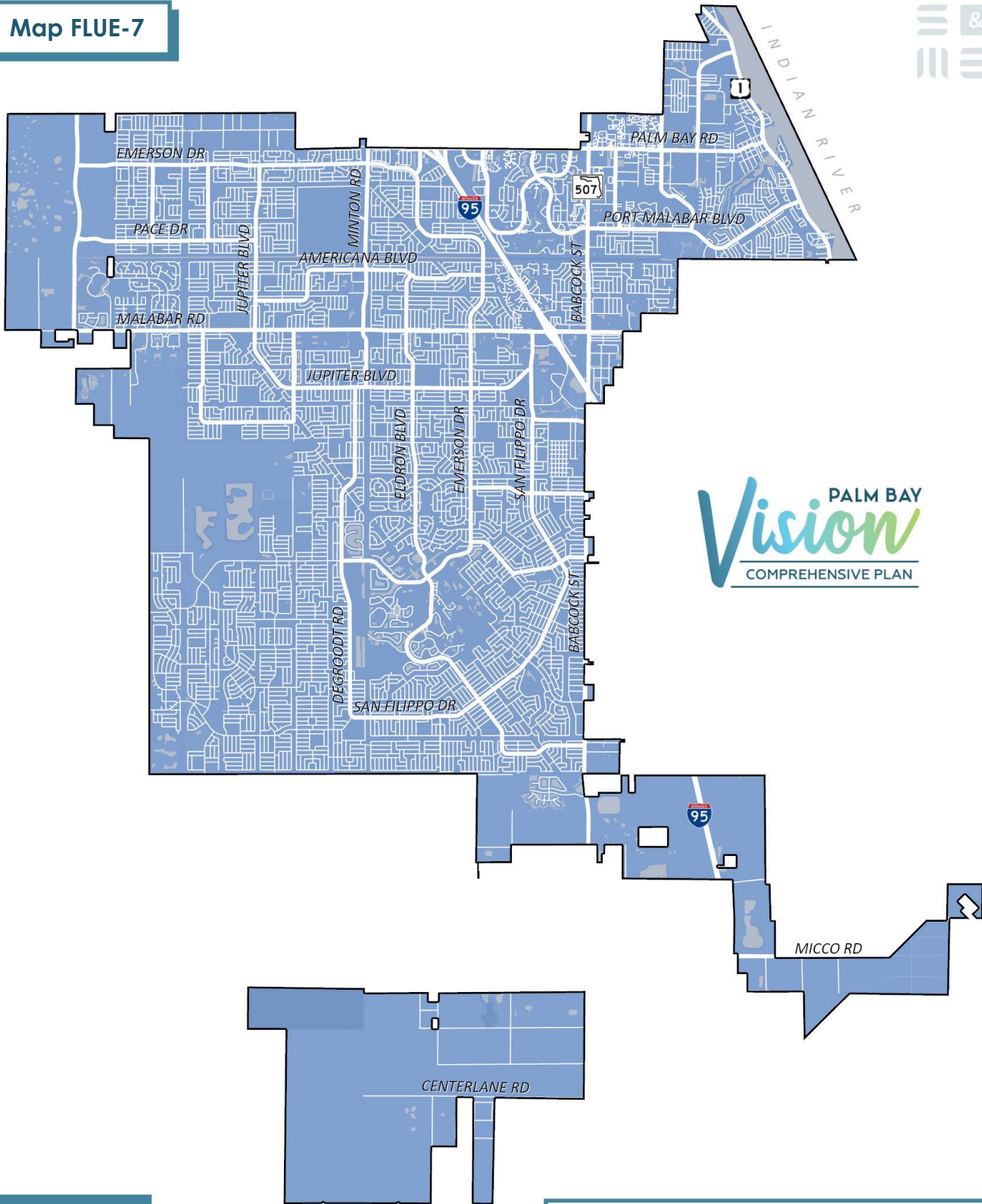
- |                                |                         |
|--------------------------------|-------------------------|
| City of Palm Bay               | Well Drained            |
| Water Feature                  | Somewhat Poorly Drained |
| <i>Drainage Classification</i> | Poorly Drained     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

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





Map FLUE-7



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

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

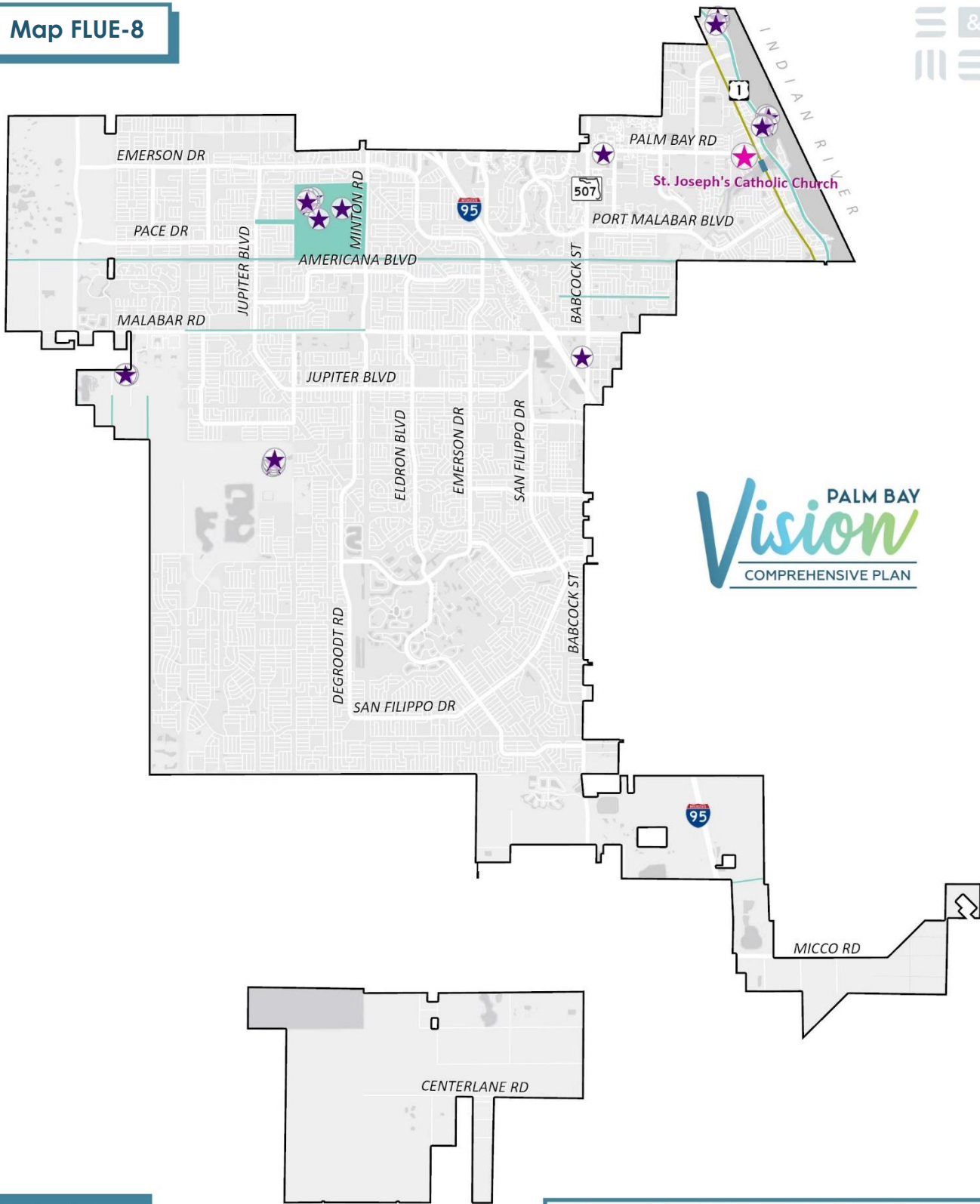
Sources: City of Palm Bay, 2022; FGDL, 2003.

# AQUIFER RECHARGE





Map FLUE-8



## LEGEND

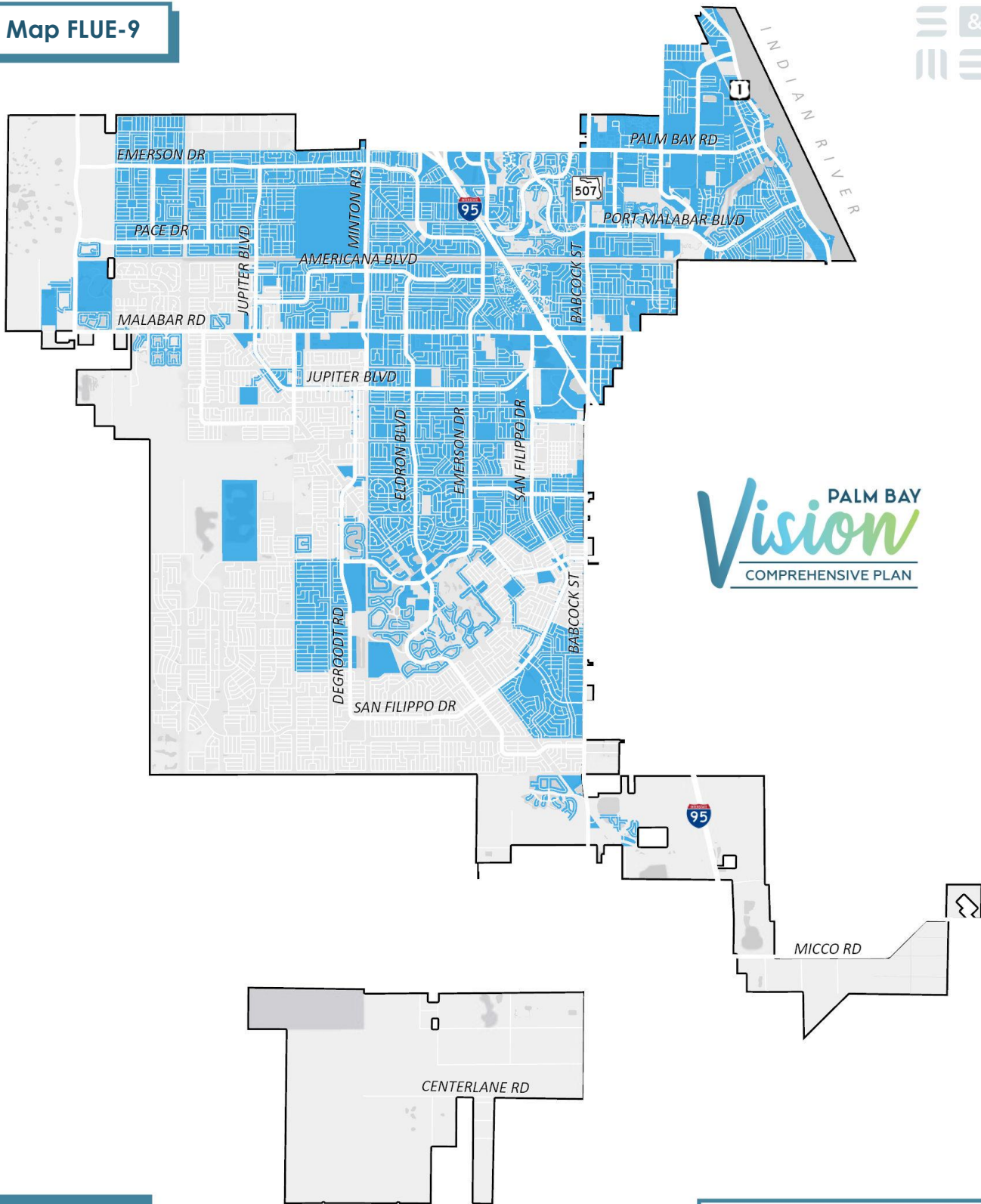
- |                    |                         |
|--------------------|-------------------------|
| City of Palm Bay   | Eligible Resource Group |
| Water Feature      | Surveyed Resource Group |
| Listed Structure   | Eligible Bridge         |
| Surveyed Structure |                         |

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

# HISTORIC & CULTURAL RESOURCES



Map FLUE-9



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN

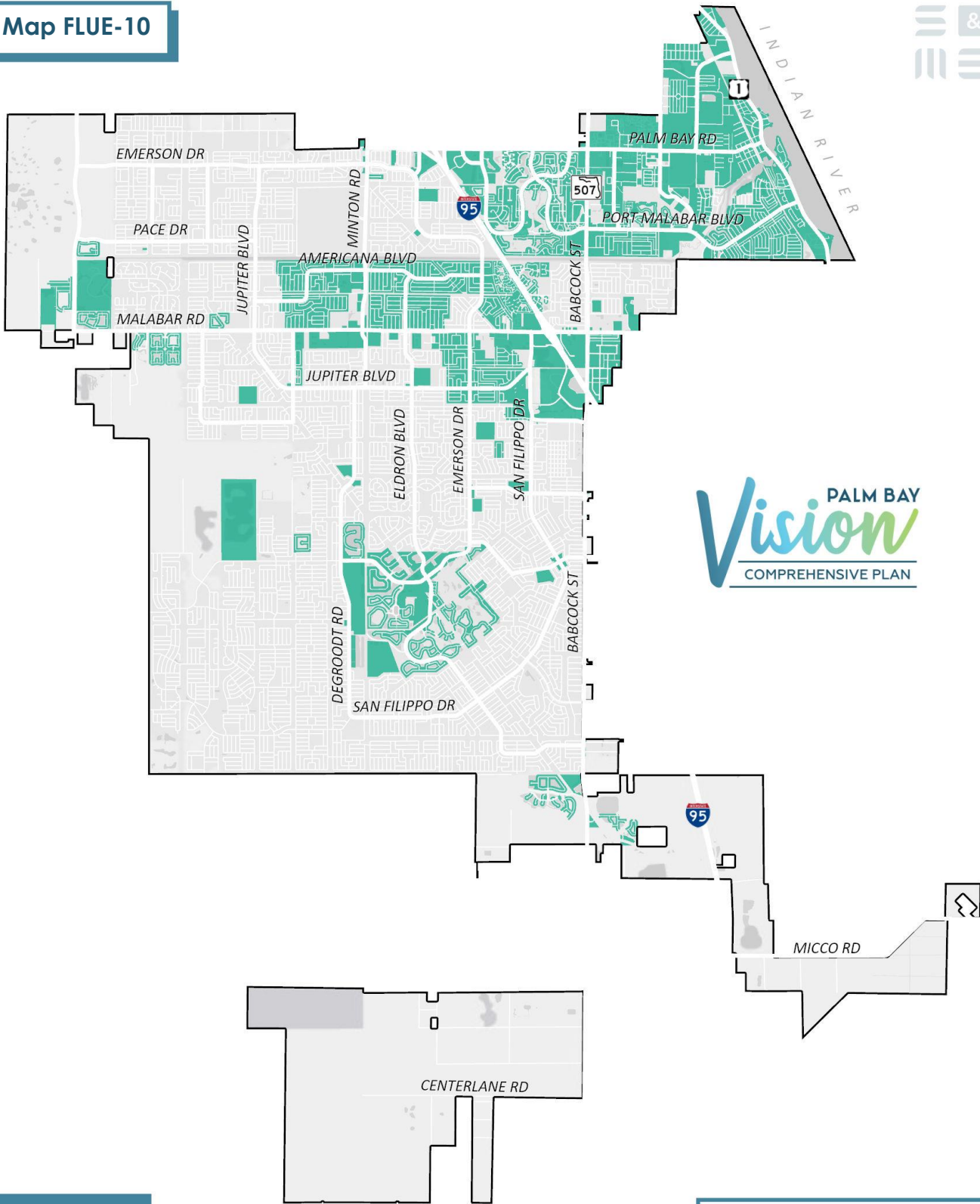
## LEGEND

- 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

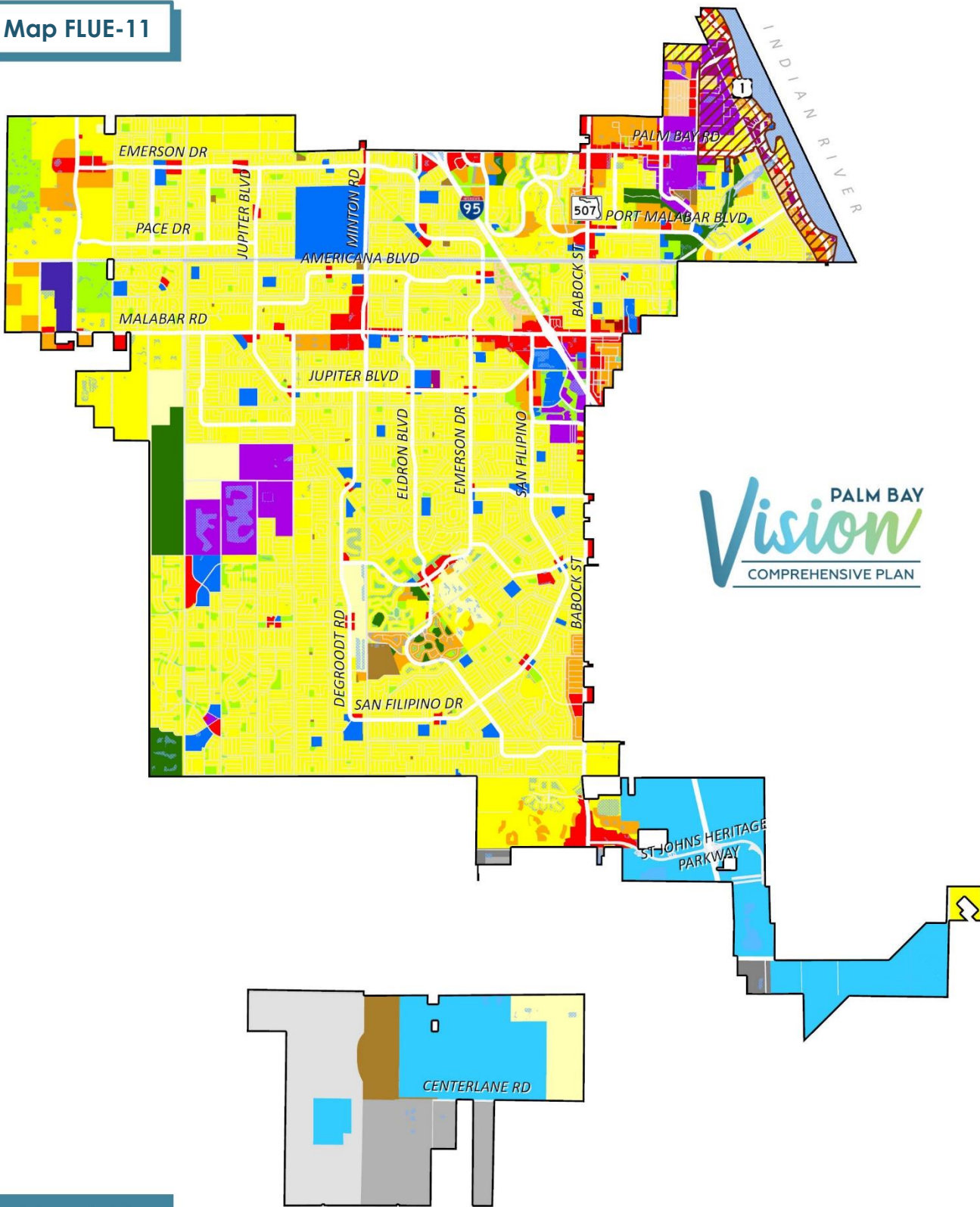
Source: City of Palm Bay, 2022.

# SANITARY SEWER SERVICE AREA





Map FLUE-11



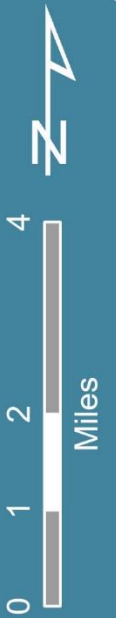
**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

## LEGEND

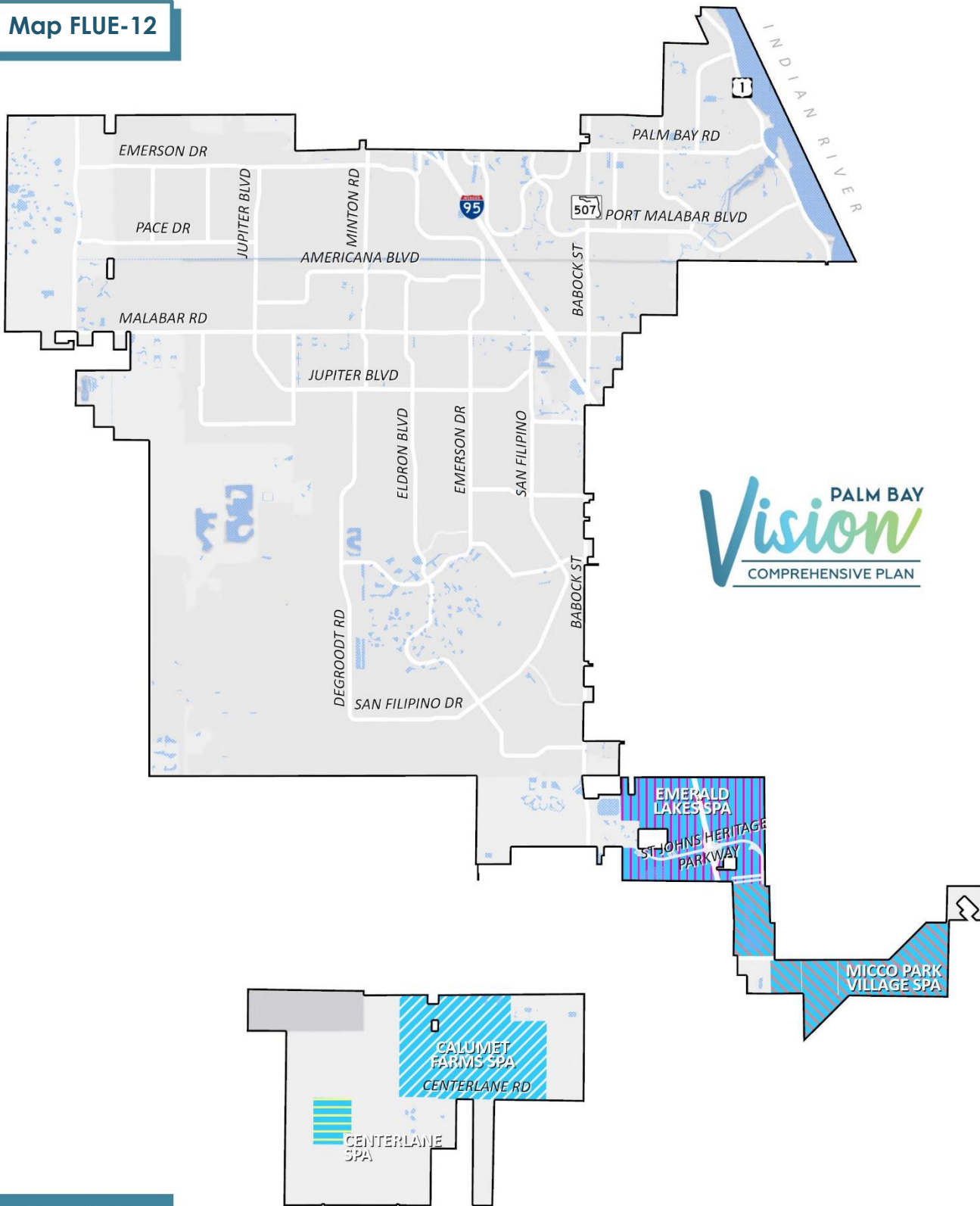
City of Palm Bay	HDR (20 du/ac)	POF (0.5 FAR)	CON (0.05 FAR)
Bayfront CRA	NC (25 du/ac; 0.5 FAR)	COM (2.5 FAR)	SPA
Water Feature	CMU (30 du/ac; 1.0 FAR)	IND (5.0 FAR)	AGR (COUNTY)
<b>Future Land Use</b>	UMU (40 du/ac; 2.0 FAR)	PSP (2.0 FAR)	R 1:2.5(COUNTY)
RSF (0.2 du/ac)	RAC (See Ord. 18-52)	UTIL (1.5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



Map FLUE-12



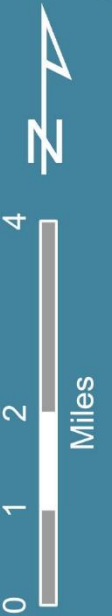
**PALM BAY**  
*Vision*  
COMPREHENSIVE PLAN

Source: City of Palm Bay, 2022.

## LEGEND

- City of Palm Bay
- Water Feature
- Special Planning Area (SPA)
- Centerlane SPA
- Emerald Lakes SPA
- Micco Park Village SPA
- Calumet Farms SPA

# SPECIAL PLANNING AREAS





### 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**



CITY OF PALM BAY  
SUITE 201  
120 MALABAR RD SE  
PALM BAY, FL, 32907

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated:  
or by publication on the newspaper's website, if authorized,  
on

01/19/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 19th of January 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown  
5.15.23

My commission expires

Publication Cost: \$97.52

Ad No: 0005561601

Customer No: BRE-6CI213

This is not an invoice

# of Affidavits 1

Ad#5561601 01/19/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on February 1, 2023, and by the City Council on March 2, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s).

1. T-16-2023 - City of Palm Bay (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 Definitions for Accessory Dwelling Unit.

2. CP-3-2023 - City of Palm Bay (Growth Management Department)

A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element.

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell  
Planning Specialist

RECEIVED

JAN 24 2023

City of Palm Bay  
Accounting Division

NANCY HEYRMAN  
Notary Public  
State of Wisconsin



PALM BAY  
*Vision*  
COMPREHENSIVE PLAN



PLANNING & ZONING BOARD

*Wednesday, February 1, 2023*



# AGENDA

## PROJECT BACKGROUND

PLANNING TEAM

EAR - BASED AMENDMENTS

VISION PLAN

## COMP. PLAN UPDATE

SCOPE

ELEMENTS

## PUBLIC INPUT OVERVIEW

WORKSHOPS

PROJECT WEBSITE

BY THE NUMBERS

## PROPOSED FLUE AMENDMENTS

## ANTICIPATED HEARING SCHEDULE



# PROJECT BACKGROUND

## *PLANNING TEAM*



Chris  
Dougherty  
Project  
Manager



Eric  
Raasch  
Principle  
In Charge



Gabriela Castro



Nick Hill



Jalisa Harris



Katie Martin



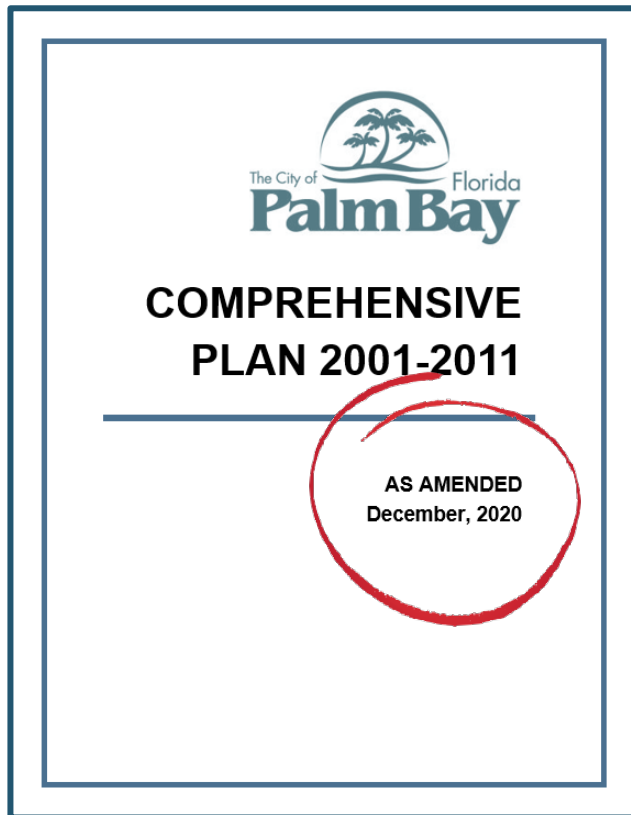
Project

Planners



# PROJECT BACKGROUND

## EAR - BASED AMENDMENTS

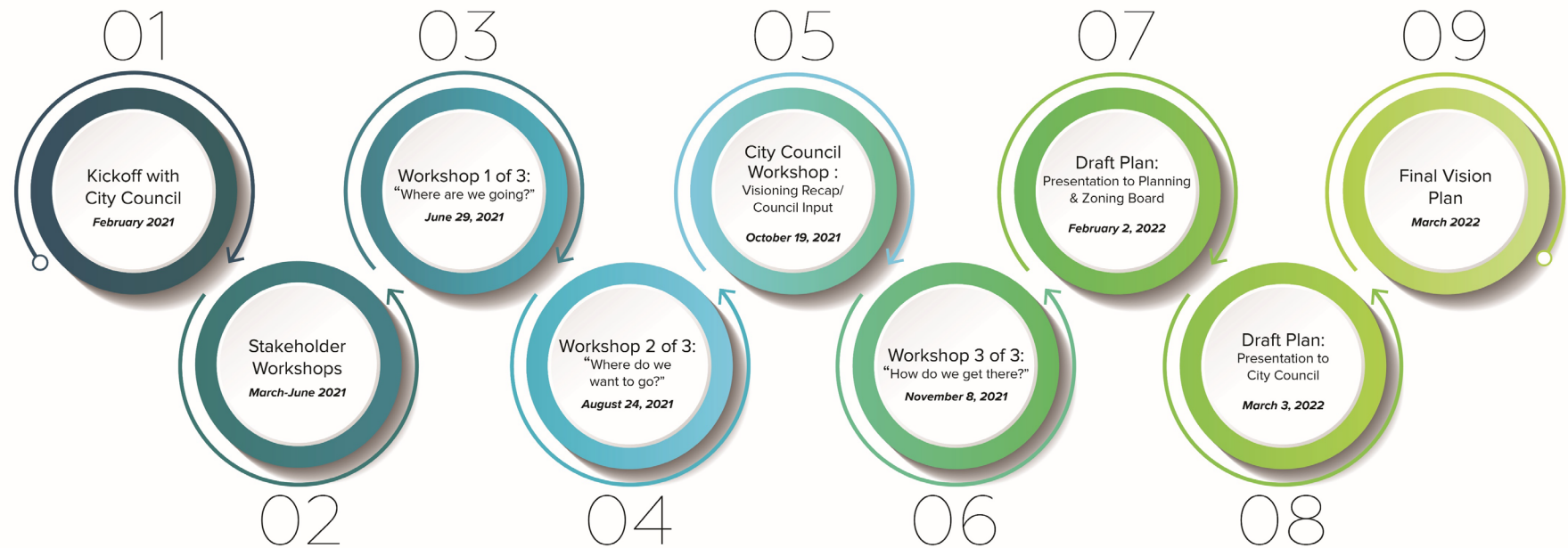
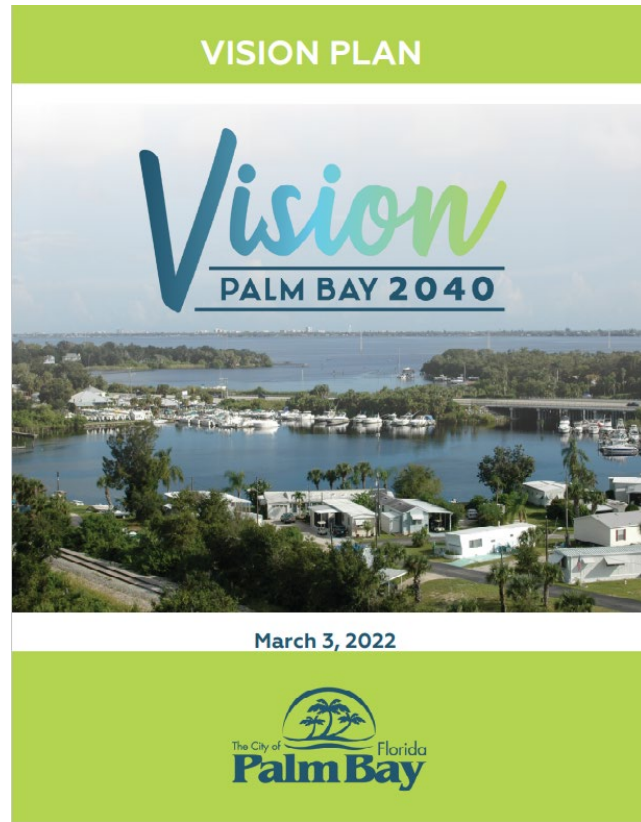


City of Palm Bay				
Florida Statutes Changed Since 2010				
Years	Source	Title	Description	Recommended Action
General Comments	NA	Change of agency name	Change 'Department of Community Affairs' to 'Department of Economic Opportunity'	There are no references to DCA.
	NA	Statute References	Update statute sections that have changed	Removed or updated specific statute sections throughout. Please note that not all statute changes are shown in this table. Most of the information in this table refers to Chapters 163 or 380 and old FAC rules.
	NA	Obsolete Timeframes and References	There are several outdated entities, projects, and reports that are discussed in the plan.	These should be removed or updated following the visioning process.
	NA	EAR Process	The current EAR process should be mentioned in the introduction	Update the plan to reference the current EAR process
	NA	Remove rule reference	FAC Rules 9J-5 and 9J-11 were folded into the statutes and need be updated throughout the plan.	References to 9J-5 throughout the plan were deleted
	NA	Miscellaneous Sections	Current Plan includes 11 elements and the following sections: - Acknowledgements - Introduction - Monitoring and Evaluation Procedures	Acknowledgements need to be updated to reflect the current board and staff members. Introduction was revised to incorporate the statute changes and other pertinent information. We may want to remove monitoring and evaluation procedures from the plan after the visioning process. It's not needed.
	NA	Numbering system	Each element starts the GOPs with Goal 1, making it difficult to cross-reference the GOPs.	We may want to address numbering during the full rewrite after the visioning process. The FLU, Housing, Conservation & Trans elements numbering is strange. What's the significance of 697?
2016 - 2018	Section 163.3177(6)(a)11	Amendments to Future Land Use Element to Address Military Base Compatibility (Chapter 2016-10, section 13, Laws of Florida)	Deletes this obsolete subsection which required local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012.	There is an Air Force base annex, but it's not listed in 163.3175 and does not require compatibility cooperation.
	Section 163.3175(7)	Financial Reporting for Ex Officio Military Representatives on Local Boards (Chapter 2016-148, section 2, Laws of Florida)	Modifies this section to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, F.S., solely due to his or her service on the local government's land planning or zoning board.	NA
	Section 163.3184	Process for Adoption of Comprehensive Plans or Plan Amendments (Chapter 2016-148, section 3, Laws of Florida)	Amends section 163.3184(2)(c) to modify the language pursuant to changes in section 380.06, F.S., to require state coordinated review of plan amendments that approve DRI-sized proposed developments; no substantive change *** Adds subsection 163.3184(5)(e)3 to provide that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after	Updated FLU-7.1A to remove DRI from policy.



# PROJECT BACKGROUND

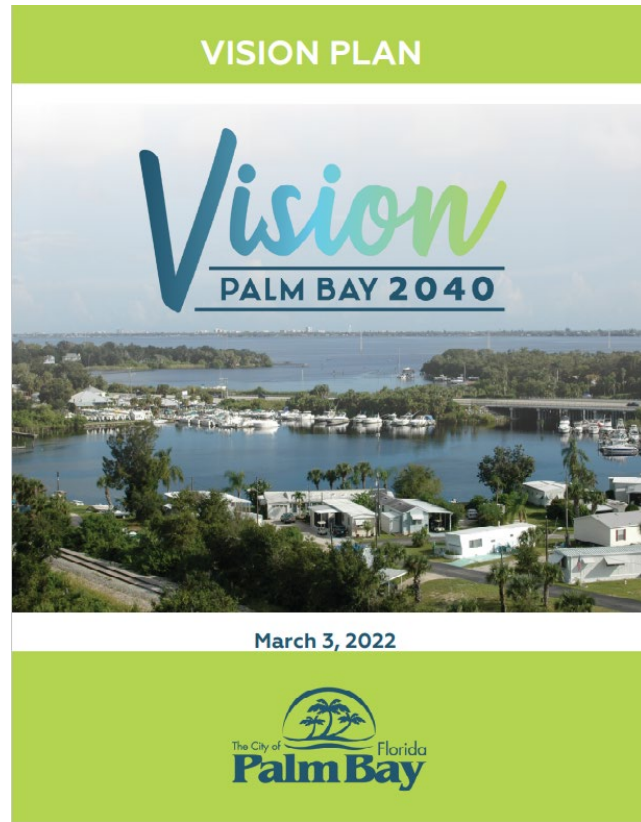
## VISION PLAN





# PROJECT BACKGROUND

## VISION PLAN



### Placemaking

ISSUES	STRATEGIC ACTION ITEMS
Missing Downtown/City Center(s)	Seek a developer for the City's New Downtown
Little to no Entertainment Venues	Establish an outdoor event/entertainment space to allow for signature City events
Perceived Negative City Identity	Capitalize on positive messaging and public relations
Land Development Regulations Lack Modern Approach (Suburban development pattern)	Establish in the comprehensive plan a 5-year evaluation cycle
Limited Redevelopment Opportunities within the Compound	Establish strategies to capitalize on the vacant land in the Compound
Does Not Feel Like a Destination	Explore the creation of a Downtown Palm Bay Vision and Master Plan
Accountability for Implementation of the Plan	Create a Comprehensive Plan Scorecard

### Housing

ISSUES	STRATEGIC ACTION ITEMS
Lack of Affordability	Establish incentives for encouraging affordable housing
Not Enough 'Middle' Housing	Evaluate future land use densities and future land use map in the comprehensive plan
Missing High-End Housing	Encourage larger development projects to provide a broader range of housing products
Predominantly Single Family Housing Stock	Update the housing element to address workforce and affordable housing, homelessness, and diversity of housing types
Accessory Dwelling Units (ADU)	Promote newly created ADU ordinance
Missing Mixed-Use Residential/ Live-Work Units	Evaluate infill opportunities for mixed use/ live-work opportunities
Homelessness	Address homelessness in Housing Element of Comprehensive Plan

### City Investments

ISSUES	STRATEGIC ACTION ITEMS
Minority of Residents Connected to City-managed Water/Sewer	Increase connections to the potable water and wastewater collection systems
Drainage Concerns	Conduct a land use study surrounding potential interchanges along the new Heritage Parkway
Need for Youth & Senior Recreation Enhancement	Prepare a trails master plan to understand priorities for trail connections in the City
Aging Population	Enhance parks and rec system for all from youths to seniors by preparing a Parks & Rec Master Plan
Traffic Congestion – Limited East – West Connections	Study opportunities for new east-west routes in the City or adding capacity on existing corridors
Limited Pedestrian Connectivity	Prepare a bike/pedestrian connectivity master plan

### Advancing Equity

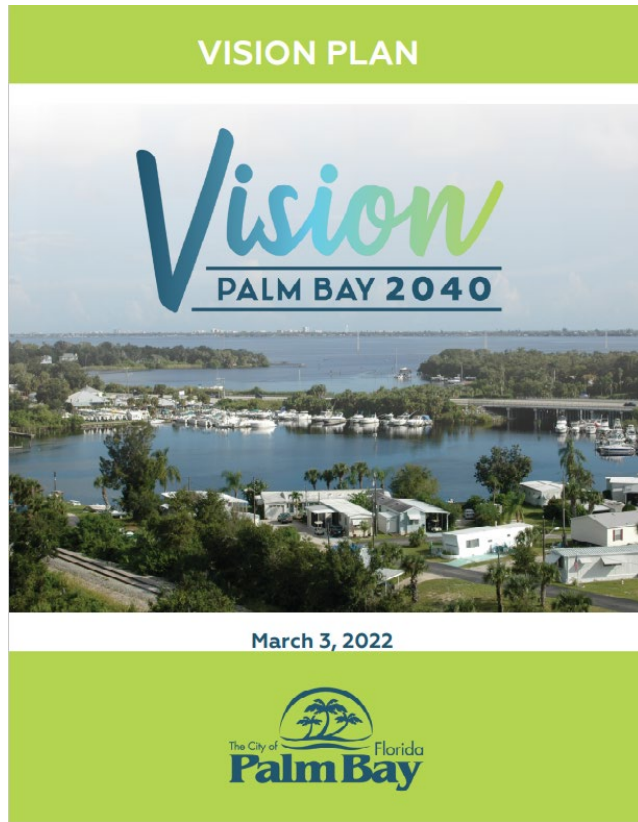
ISSUES	STRATEGIC ACTION ITEMS
Incompatible Land Uses in Residential Neighborhoods	Establish criteria for evaluating equity in the decision making process
Need for City Plans to Reflect City's Diversity	Establish an engagement program that focuses on generating more public participation from low-income and disadvantaged residents
Need to Address Economic Disparities	Conduct a needs assessment to understand barriers to accessing fresh foods, health care, transportation, and personal services
Synergy between Sustainability & Equity	Incorporate the sustainability action plan and advance equity throughout the comprehensive plan
Incorporate Sustainability Action Plan	Incorporate equity in the purpose of the community development board

### Economic Sustainability

ISSUES	STRATEGIC ACTION ITEMS
Lack of Employment Diversity & Higher Wage Jobs	Cultivate and capitalize on the regional industry cluster unique to South Brevard
Underutilized & Blighted Land	Establish a strategic plan for revitalizing the Compound
Failure to Realize Tourism Potential (Eco-Tourism)	Make the City an eco-tourism destination
Predominantly Residential Land Uses on the Future Land Use Map	Develop an Economic Development Strategic Plan that outlines strategies for targeting industries, incentives, and enhancing quality of life
Lack of Employment Land Uses on the Future Land Use Map	Establish more job supportive future land uses (commercial, office, mixed use, and industrial) on the City's future land use map
Promote Economic Development	Create an Economic Development Strategic Plan to attract high-wage jobs, headquarters, and elevate the quality of life
Workforce Pipeline	Establish a clear connection between employment opportunities, training, and the labor force

# PROJECT BACKGROUND

## VISION PLAN



### IMPLEMENTATION!

Implementing the Palm Bay 2040 Vision is a critical component of this planning process. During the public engagement events, the message was clear – implementation of the Plan must be achievable, transparent and with a level of accountability. Real actionable items are needed to set the stage for City's future growth and prosperity. The list of items on this page are considered near term in nature, which should be implemented in the next 1-5 years.

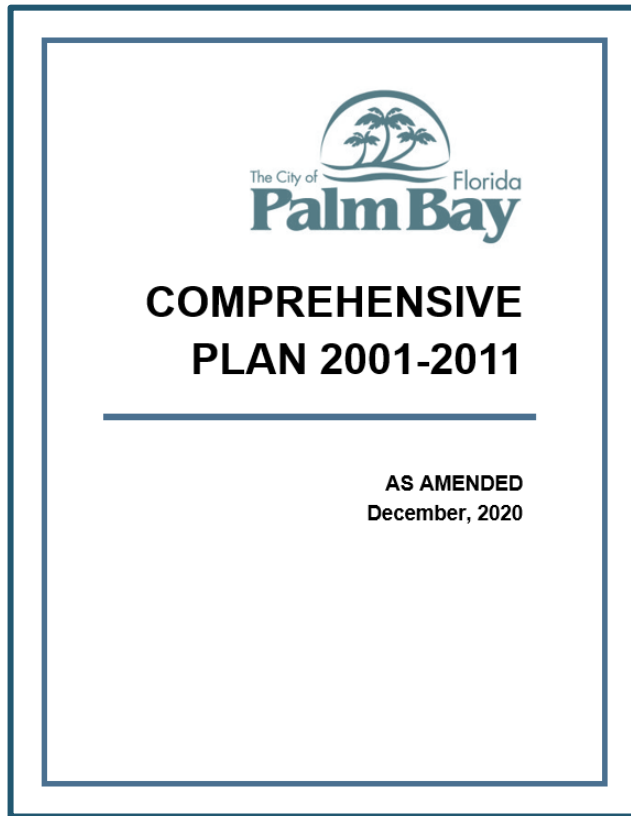
This visioning process was intentionally set up to be the precursor to the comprehensive plan update. Many of these items will be addressed in the update of the plan that will immediately follow the completion of the visioning study. More on the Next Steps on the back panel.

This visioning process was intentionally set up to be the precursor to the comprehensive plan update. Many of these items will be addressed in the update of the plan that will immediately follow the completion of the visioning study.



# COMPREHENSIVE PLAN UPDATE

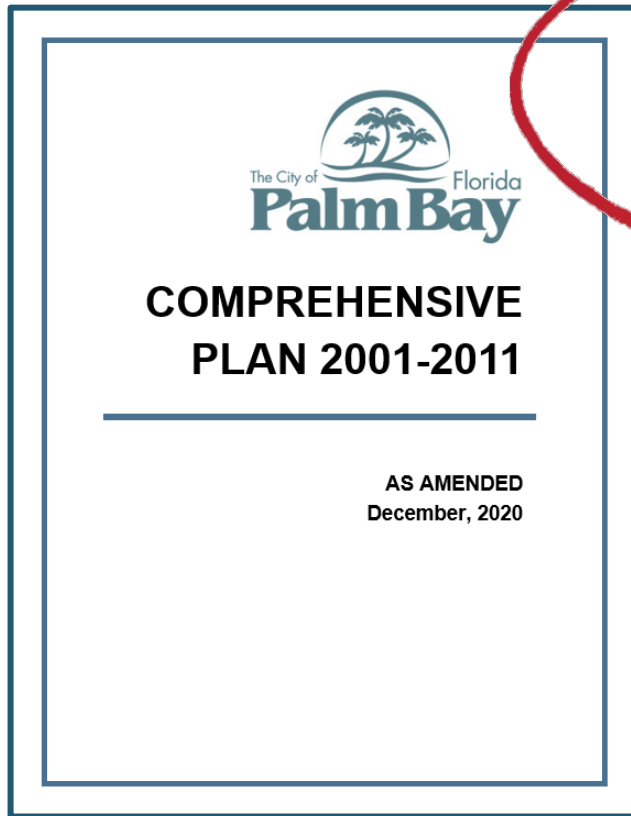
## *SCOPE*



1. Update the Data & Analysis
2. Revise the Goals, Objectives, and Policies to:
  - Plan for future population growth
  - Implement the Palm Bay Vision
  - Ensure consistency with Florida Statutes
  - Improve quality of life
  - Provide foundation for the forthcoming LDC update

# COMPREHENSIVE PLAN UPDATE

## *ELEMENTS*



Land Use



Transportation



Housing



Coastal Management



Infrastructure



Recreation & Open Space



Conservation



Intergovernmental Coordination



Capital Improvements

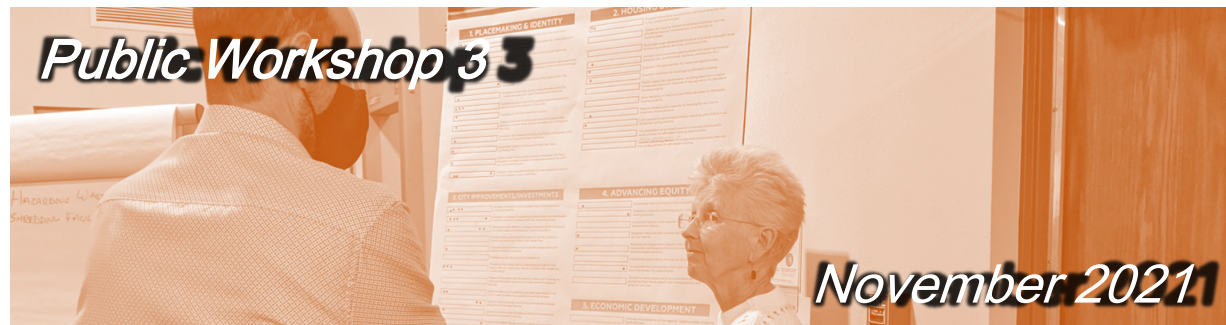


Private Property Rights



# PUBLIC INPUT OVERVIEW

## WORKSHOPS



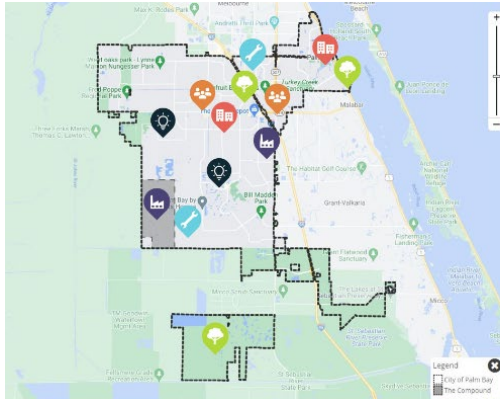


# PUBLIC INPUT SUMMARY

## PROJECT WEBSITE



*Tinyurl. com /PalmBayPlanUpdate*



**Plan for the Future of Palm Bay using the Interactive Map**

The City is seeking your input regarding how the Palm Bay community should grow over the course of the next two decades. Share your thoughts and perspectives on a wide variety of topics using our Interactive Map tool!

START 26 May 2022 END 24 Feb 2023

Start



**Help the City Prioritize its Future Advancements in Equity**

In the Palm Bay Vision Plan, the community expressed a clear desire to address potential inequities within the City. Yet, equity is an expansive topic which covers many facets of everyday life. To help the City determine which equity topics should take priority in future planning efforts, please take part in this interactive prioritization exercise.

START 26 May 2022 END 24 Feb 2023

Start

# PUBLIC INPUT SUMMARY

## *BY THE NUMBERS*

**8,979** WEBSITE  
VISITS

**118** SURVEY  
RESPONSES

**167** DOCUMENTS  
DOWNLOADS

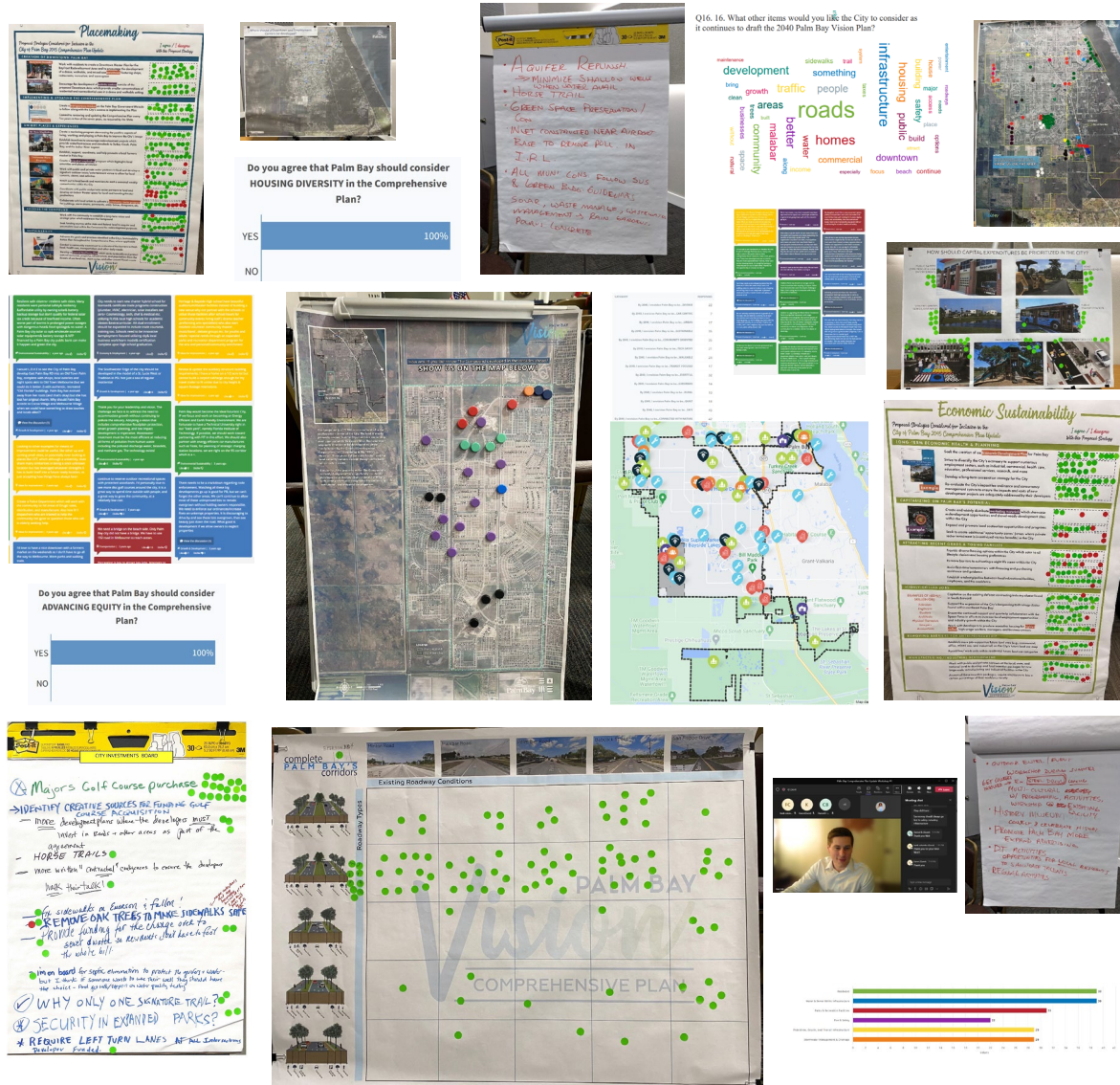
**314** WORKSHOP  
ATTENDEES

**193** WEBSITE  
COMMENTS

**164** ACTIVITY  
RESPONSES



# PUBLIC INPUT SUMMARY



## TO ADDRESS WITHIN THE FLUE

## Development Impacts

## *The Compound*

## Sustainability

### *Mixed - Use Opportunities*

## Compatibility

## Equity

## Annexations

## Entrepreneurship

## Character

### Densities/Intensities

## Walkability

## Missing - Middle Housing

## Centers of Activity

## Schools

## Fresh Foods

## Preservation

## Minority Owned Businesses

## Employment

## Public Engagement

## Public Facilities & Services

*Bayfront*

## Ecotourism

*Industrial*

## Development

*Community  
Pride*

## Education

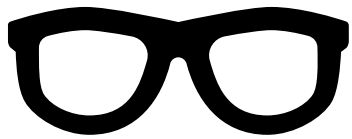
## Population Growth

## Training

## Retail & Restaurants

## Partnerships

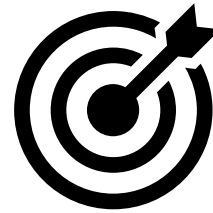
# PROPOSED FLUE AMENDMENTS



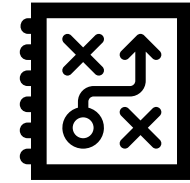
*READABILITY  
& CLARITY  
IMPROVEMENTS*



*FLUC/FLUM  
REVISIONS*



*NEW  
PLANNING  
INITIATIVES*



*LAND  
DEVELOPMENT  
REFINEMENTS*

# PROPOSED FLUE AMENDMENTS

## *READABILITY & CLARITY IMPROVEMENTS*

**Length/Complexity.** Deleted redundant, outdated, or conflicting language

**Format.** Improved formatting to allow for a more digestible reading experience

**Numbering.** Refined the existing numbering system and addressed inconsistencies

**Consistency.** Amended terms, references, and phrases to ensure document was internally consistent

**Ordinance Policies.** Consolidated parcel-specific policies into a master table

# PROPOSED FLUE AMENDMENTS

## FLUC/FLUM REVISIONS

**Name Changes.** Renamed several FLUCs to be more indicative of their intended uses and character

**General Purpose.** Provided a general purpose for each FLUC which identifies where designations should be applied on the FLUM

**FLU Table.** Consolidated the general purpose, typical uses, and maximum densities/intensities of each FLUC into one centralized table

Table FLU-1. Future Land Use Map Categories					Typical Uses	Maximum Density (du/ac)	Maximum Intensity (FAR) <sup>1</sup>
FLUC	General Purpose	Typical Uses	Maximum Density (du/ac)	Maximum Intensity (FAR) <sup>1</sup>	restaurants, financial institutions, office uses, service stations with fuel, food service, theaters, professional office uses, medical or veterinary clinics, a range of housing types		
Rural Single-Family (RSP)	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	professional offices and offices, financial institutions, education, and institutional uses	n/a	0.5 FAR
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	offices, retail businesses, professional service businesses, sales centers, restaurants, medical institutions, hotels, motels, and other similar uses, as well as institutional activities	n/a	2.5 FAR
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	manufacturing, warehousing, storage and development, other similar uses, as well as institutional activities	n/a	5.0 FAR
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	government owned facilities, offices, utilities, clubs and recreation, educational facilities, recreation facilities, hospitals, aggregate living facilities, and similar uses	n/a	2.0 FAR
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>	public and private utilities	n/a	1.5 FAR
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>	schools, recreational, and open spaces	n/a	0.25 FAR
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>	Floodways, nature sanctuaries, and areas established for long-term conservation	n/a	0.05 FAR
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.	Unique development objectives permit a range of uses, limitation, see GOAL FLU-3.		
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>	None provided for each residential unit.		

1. Use element

2. CITY OF PALM BAY 2045 COMPREHENSIVE PLAN | Future land use element

3.

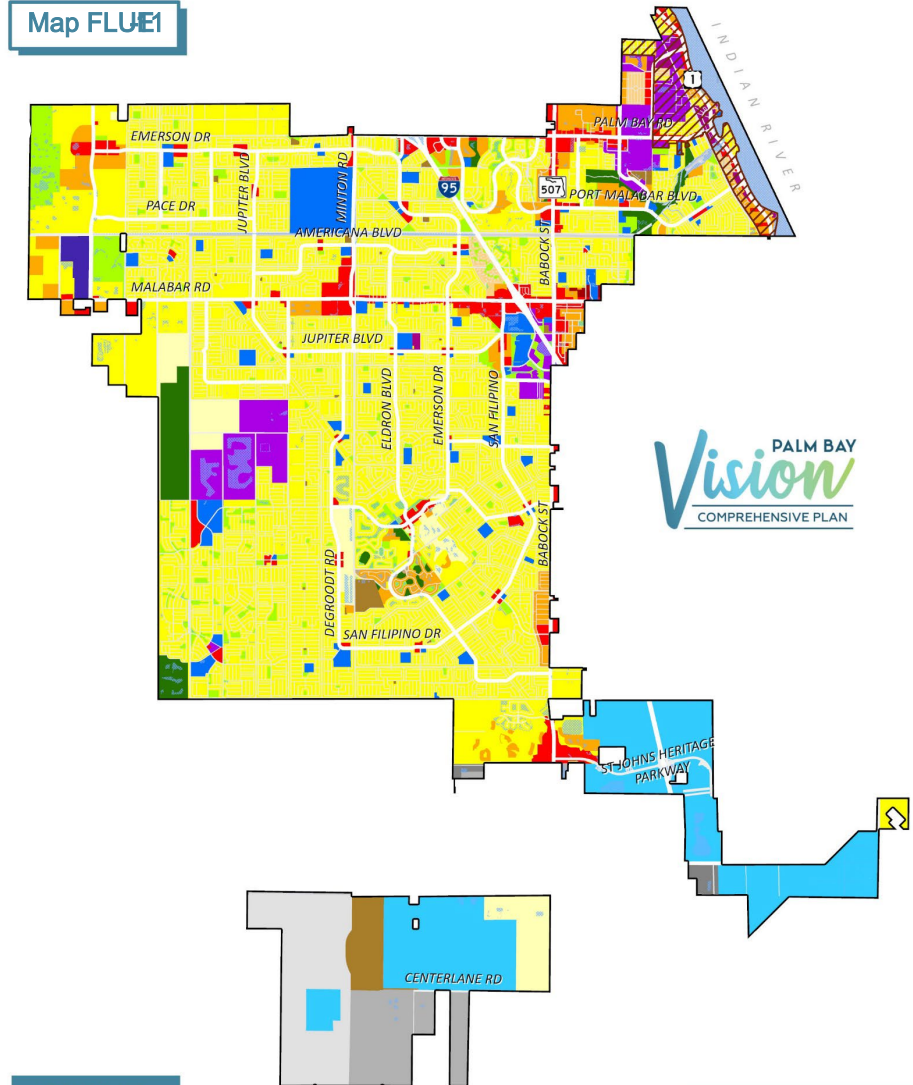


# PROPOSED FLUE AMENDMENT

## FLUC/FLUM REVISIONS

Existing FLUCs	Max. Density (du/ac)	Max. Intensity (FAR)	Proposed FLUCs	Max. Density (du/ac)	Max. Intensity (FAR)	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
<i>No existing equivalent</i>			Neighborhood Center (NC)	25 (30)	0.5 (1.0)	New FLUC
			Community Mixed-Use (CMU)	30 (35)	1.0 (1.5)	New FLUC
Bayfront Mixed Use Village (BMUV)	10	1.8	Urban Mixed-Use (UMU)	40 (50)	2.5 (3.5)	Consolidates several FLUCs
Bayfront Mixed Use (BMU)	40	1.0				
Mixed Use (MU)	30	2.0				
Regional Activity Center (RAC)	13 <sup>4</sup>	4,000,00 SF	Regional Activity Center (RAC)	13	4,000,000 SF	Increases min. density
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.				

Map FLUE1



### 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.



# PROPOSED FLUE AMENDMENTS

## *FLUC/FLUM REVISIONS*

Neighborhood Center (CN)



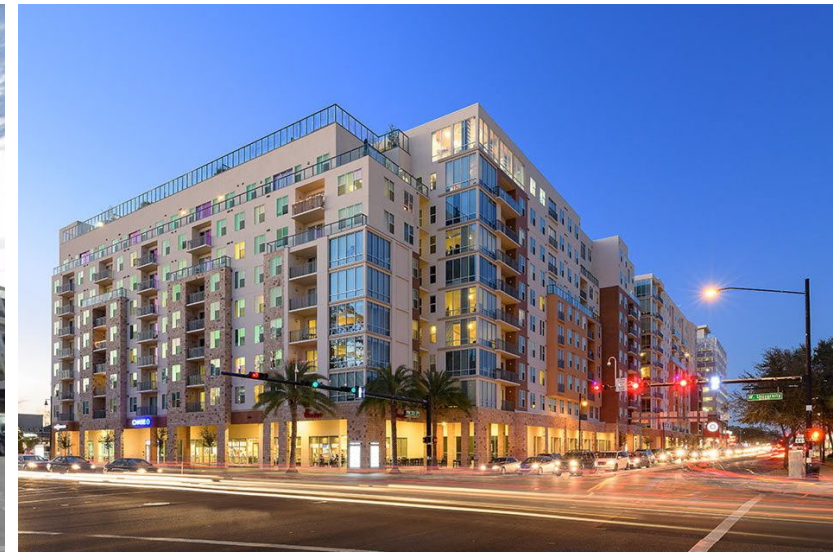
25 du/ac; 0.5 FAR  
(30 du/ac; 1.0 FAR)

Community Mixed -Use (CMU)



30 du/ac; 1.0 FAR  
(35 du/ac; 1.5 FAR)

Urban Mixed-Use (UMU)



40 du/ac; 2.5 FAR  
(50 du/ac; 3.5 FAR)

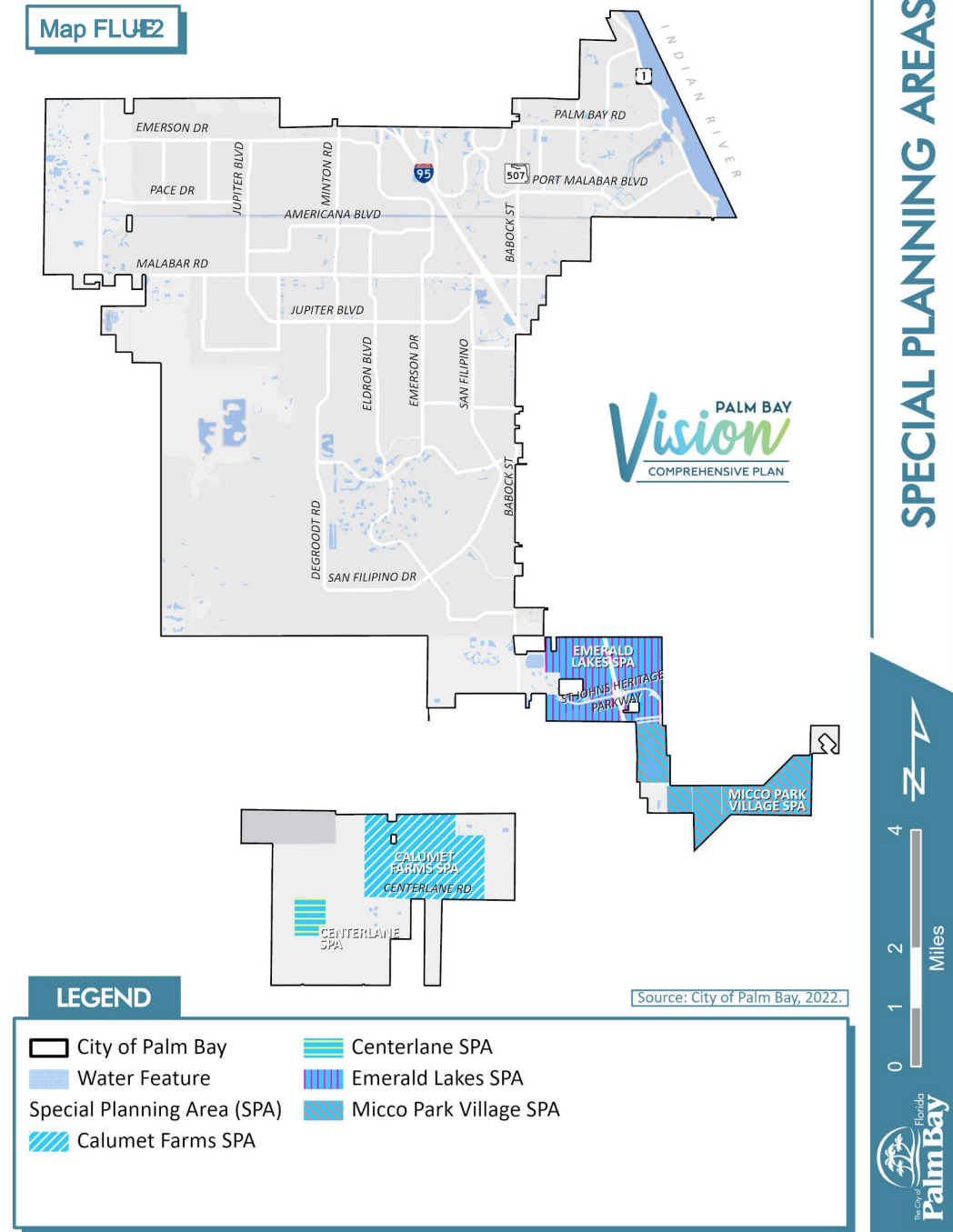
# PROPOSED FLUE AMENDMENT

## FLUC/FLUM REVISIONS

**SPA FLUC.** Created a FLUC for lands currently regulated by area-specific GOPs, including:

- Calumet Farms
- Centerlane
- Emerald Lakes
- Micco Park Village

Note: Existing GOPs pertaining to each area have been retained and placed later in the FLUE



# PROPOSED FLUE AMENDMENTS

## *NEW PLANNING INITIATIVES*

**Master Planning.** Seek to develop community-driven master plans for the **Bayfront** (Policy FLU1.5B) & **Compound** (Policy FLU1.5D)

**Cultural Heritage Preservation.** Pursue the identification & protection of significant historic, archaeological, & architectural resources by:

- Working with local **experts** (Policy FLU2.2A)
- Including **protection** measures within the LDC (Policy FLU2.2B)
- Adopting a historic preservation **ordinance** (Policy FLU2.2C)
- Establishing a local **register** (Policy FLU2.2D)
- **Educating** the public on heritage preservation (Policy FLU2.2E)
- Applying to become a **Certified Local Government** (Policy FLU2.2F)

# PROPOSED FLUE AMENDMENTS

## *NEW PLANNING INITIATIVES*

**Economic Development.** Implement new economic development strategies which address:

- **Industrial Development** – industry clusters (Policy FLU1.7A), coordination (Policy FLU1.7B), incentive program (Policy FLU1.7C), impacts (Policy FLU1.7D), protection (Policy FLU1.7E), & mixed-use (Policy FLU1.7F)
- **Creating an Economic Development Plan** (Policy FLU1.10A)
- **Business Development** – barriers for growth (FLU1.10B), minority-owned (FLU1.10C)
- **Ecotourism Opportunities** (Policy FLU1.10D)
- **Outdoor Markets** (Policy FLU1.10E)

# PROPOSED FLUE AMENDMENTS

## *NEW PLANNING INITIATIVES*

**Equity.** Established programs and policies intended to create a more equitable community by:

- Incorporating equity considerations as part of the City's **criteria** for approving land use applications (Policy 1.12A)
- Cultivating a more inclusive **public engagement** process (Policies FLU1.12B, FLU1.12C, FLU1.12D, & FLU1.12E)
- Studying & eliminating barriers to accessing **fresh foods** (Policies FLU1.12G, FLU1.12H, & FLU1.12I)



# PROPOSED FLUE AMENDMENTS

## *LAND DEVELOPMENT REFINEMENTS*

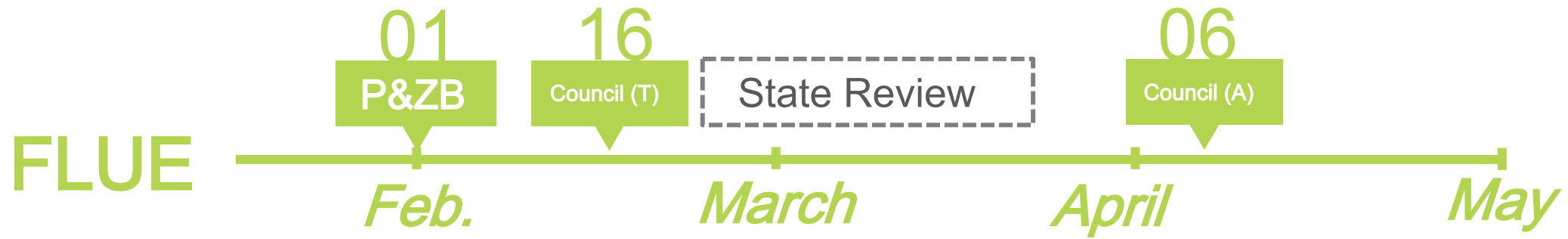
**PUDs.** Clarified that PUDs are intended to result in superior urban form & promote quality development that could not be achieved through conventional zoning (Policy FLU1.2D)

**Compatibility.** Provided guidance on determining compatibility between uses (Policies FLU1.2A & FLU1.8B)

**LDC Innovations.** Established several topics to explore incorporating within the LDC to promote a more sustainable development pattern (Policy FLU1.5E)

**Public Facilities.** Required LOS considerations be given to new development orders and annexation requests (Policies FLU1.11B & FLU1.11C)

# ANTICIPATED HEARING SCHEDULE



*Note:* Remaining elements are currently in progress



# PALM BAY *Vision* COMPREHENSIVE PLAN



SCAN ME

*Project  
Website*

Thank you!

## QUESTIONS/COMMENTS?

Existing FLUCs	Max. Density (du/ac)	Max. Intensity (FAR)	Proposed FLUCs	Max. Density (du/ac)	Max. Intensity (FAR)	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
<i>No existing equivalent</i>			Neighborhood Center (NC)	25 (30)	0.5 (1.0)	New FLUC
			Community Mixed-Use (CMU)	30 (35)	1.0 (1.5)	New FLUC
Bayfront Mixed Use Village (BMUV)	10	1.8	Urban Mixed-Use (UMU)	40 (50)	2.5 (3.5)	Consolidates several FLUCs
Bayfront Mixed Use (BMU)	40	1.0				
Mixed Use (MU)	30	2.0				
Regional Activity Center (RAC)	13 <sup>d</sup>	4,000,00 SF	Regional Activity Center (RAC)	13	4,000,000 SF	Increases min. density
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.				

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

	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
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.*



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	-
<i>Special Planning Areas</i>										
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
<i>County Designations</i>										
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
<b>Total</b>	<b>46,370</b>	<b>100.0%</b>	<b>19,768</b>	<b>100.0%</b>	<b>1,287</b>	<b>8,481</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>41,710</b>
<b>2045 Carrying Capacity<sup>2</sup></b>	<b>129,720 Potential Residents</b>									

<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)

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-02

Held on Wednesday, February 1, 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. Donald Boerema 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	Present
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>MEMBER:</b>	VACANT	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Present
	(School Board Appointee)	

**CITY STAFF:** Present were Ms. Alexandra Bernard, Growth Management Director; 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; Mr. Rodney Edwards, Assistant City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-01; January 4, 2023.

Motion to approve the minutes as presented.

Mr. Boerema commented on how property size regulated the size of an accessory dwelling unit because of setbacks. Mr. Anderson reiterated that code adjustments would be done to address larger properties that could accommodate larger accessory dwellings.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know whether accessory structures on a property would be included in the overall lot calculations to permit an accessory dwelling unit.

In response to the comments from the audience, Mr. Anderson clarified that accessory structures such as barns and tool sheds were a separate category and calculated separate from accessory dwelling units.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case T-16-2023 to City Council for approval.

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

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

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**

Ms. Bernard stated that staff was excited about the new Comprehensive Plan Future Land Use Element, and she introduced the consultant for the City, Mr. Chris Dougherty, Inspire Placemaking Collective. Mr. Dougherty, project manager, stated that the Future Land Use Element was the culmination of the Visioning Process that began in 2020 and 2021. He gave a PowerPoint presentation on the timeline and scope of the Comprehensive Plan Elements,

public engagement, and amendments to the Future Land Use Element and Maps. Evaluation and Appraisal Review based amendments had also been done to address statutory changes that had been neglected. Adoption of the Future Land Element should occur in April.

Mr. Olszewski inquired about the change in the 2040 Vision year to 2045. Mr. Dougherty stated that the Vision year was changed to 2045 to align with the Transportation Planning Organization's Long-Range Transportation Plan.

The floor was open for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) questioned whether the board had reviewed Ordinance 2010-62 that the subject amendment would repeal. Ordinance 2010-62 regarding the Micco Village District included language for the Micco Preserve and sustainability that should be carried forward. He questioned how an upcoming Micco Road project would supersede the subject amendment. There did not appear to be any interest in the Micco Village District during the Visioning process, but it had now become the main focus of the City.

Mr. Philip Corchoran (resident at Windbrook Drive SE) stated that the \$2,000.00 large-scale land use application fee should be raised to \$25,000.00 to avoid half-baked proposals. He also suggested that any changes to the new Comprehensive Plan should require a super-majority vote by the Planning and Zoning Board and the City Council.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case CP-3-2023 to City Council for approval and adoption.

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

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

**OTHER BUSINESS:**

1. Ms. Bernard announced that Ms. Khalilah Maragh had resigned from the Planning and Zoning Board.

**ADJOURNMENT:**

The meeting was adjourned at approximately 7:34 p.m.

---

Leeta Jordan, CHAIRPERSON

Attest:

---

Chandra Powell, SECRETARY

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



## ORDINANCE 2023-11

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (C)(1)(a), ADOPTION OF COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on February 1, 2023, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on March 2, 2023, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

**WHEREAS**, the Florida Department of Economic Opportunity submitted a Comment Report regarding the amendment, and

**WHEREAS**, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on **[DATE OF HEARING]**, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said amendment to the Future Land Use Element of the Comprehensive Plan of the City of Palm Bay.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA,** as follows:

**SECTION 1.** The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the changes to the Future Land Use Element as identified in Exhibit 'A', attached hereto and made an integral part hereof.

**SECTION 2.** All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 4.** This ordinance shall become effective thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

---

Rob Medina, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida  
Ordinance 2023-11

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: CP-3-2023

cc: (date) Brevard County Property Appraiser  
Applicant  
Case File

## 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**

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>
Professional Office (PO)	Areas accommodating low intensity office development—often serving as a transition	Professional offices and services, financial institutions,	n/a	0.5 FAR



	between commercial and residential areas	recreation, and institutional uses		
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.

## 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, by:

- (a) Developing a master plan for the potential community activity center along Tukey Creek;
- (b) Directing developers to locate higher density and intensity activities within activity centers; and
- (c) Establishing branded wayfinding and signage programs for new and existing community activity centers.

**Policy FLU-1.5B.** 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-1.5C.** Work with the community to establish a long-term vision and strategic plan for Port Malabar Units 51, 52, and 53 (also known as The Compound).

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

**Policy FLU-1.5F.** 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.

<b>Objective FLU-1.7</b>	Expand, protect, and promote the City’s industrial market.
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**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 possessing a IND FLUM designation, 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.

## Objective FLU-1.9

Ensure public school facilities are integrated harmoniously within the Palm Bay community.

**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.

## Objective FLU-1.10

Cultivate an environment supportive of sustainable economic development within the City.

**Policy FLU-1.10A.** Seek to develop a long-term Economic Development Plan for the City.

**Policy FLU-1.10B.** Continue to meet with local entrepreneurs and business owners to identify ways in which the City may support the growth and

development of startups and small businesses within the community.

**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.

<b>Objective FLU-1.11</b>	Establish procedures to maintain and enhance public facilities within the City.
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**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. Considerations may include (but not limited to):

- (a) Eliminating environmental injustices;
- (b) Building affordable housing;
- (c) Addressing existing food deserts;
- (d) Providing essential public facilities such as parks and schools;
- (e) Improving public access and vistas to the Indian River and Turkey Creek;
- (f) Creating more pedestrian- and transit-friendly neighborhoods; and
- (g) Addressing other equity concerns brought forth by the community, staff, or elected officials.

**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.

**Policy FLU-3.2B. 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

### Objective FLU-3.3

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.

**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.



<p><b>Objective FLU-3.4</b></p>	<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.

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**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)





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Alexandra Bernard, Growth Management Director

**DATE:** 3/2/2023

**RE:** Ordinance 2023-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to accessory dwelling units (Case T-16-2023, City of Palm Bay), first reading.

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 (ADU).

The key changes to the City's Code includes how accessory dwellings are classified for purpose of impact fees. Currently, ADUs are classified as multi-family; however, for purposes of rendering impact fees and actual impact to police, fire, transportation, and parks, staff proposes classifying ADUs as mobile home until such time that impact fees are studied, and classifications can include ADUs or similar construction/development.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Motion to approve an Ordinance providing for the 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.

**Planning and Zoning Board Recommendation:**

Unanimous approval of textual amendment, Case T-16-2023.

**ATTACHMENTS:****Description**

Case T-16-2023 - Staff Report

Case T-16-2023 - Application

Case T-16-2023 - Legal Ad

Case T-16-2023 -- Minutes

Ordinance 2023-12



# 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

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#### CASE NUMBER

T-16-2023

#### PLANNING & ZONING BOARD HEARING DATE

February 1, 2023

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#### APPLICANT

City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

Not Applicable

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#### 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

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**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

Gm

A Daily Publication By:



CITY OF PALM BAY  
SUITE 201  
120 MALABAR RD SE  
PALM BAY, FL, 32907

STATE OF WISCONSIN COUNTY OF BROWN:  
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

#### Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated: or by publication on the newspaper's website, if authorized, on

01/19/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 19th of January 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$97.52

Ad No: 0005561601

Customer No: BRE-6CI213

This is not an invoice

# of Affidavits 1

Ad#5561601 01/19/2023  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on February 1, 2023, and by the City Council on March 7, 2023, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. T-16-2023 - City of Palm Bay (Growth Management Department)

A Textual Amendment to the Code of Ordinances, Title XVIII, Land Development Code, Chapter 185: Zoning Code, Section 185.006, to amend Definitions for Accessory Dwelling Unit

2. CP-3-2023 - City of Palm Bay (Growth Management Department)

A comprehensive textual amendment to provisions of the City of Palm Bay Comprehensive Plan Future Land Use (FLU) Element

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council 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.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell  
Planning Specialist

RECEIVED

JAN 24 2023

City of Palm Bay  
Accounting Division

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/  
LOCAL PLANNING AGENCY  
REGULAR MEETING 2023-02

Held on Wednesday, February 1, 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. Donald Boerema 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	Present
<b>MEMBER:</b>	Robert Good	Present
<b>MEMBER:</b>	Randall Olszewski	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>MEMBER:</b>	VACANT	
<b>NON-VOTING MEMBER:</b>	David Karaffa	Present
	(School Board Appointee)	

**CITY STAFF:** Present were Ms. Alexandra Bernard, Growth Management Director; 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; Mr. Rodney Edwards, Assistant City Attorney.

**ADOPTION OF MINUTES:**

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-01; January 4, 2023.

Motion to approve the minutes as presented.



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**

Mr. Anderson presented the staff report for Case T-16-2023. Case T-16-2023 met the minimum criteria for a textual amendment request.

Mr. Olszewski wanted to know what led to the proposed amendment. Ms. Bernard stated that it was brought to staff's attention that an accessory dwelling unit had the same impact fees as a single-family home. Mr. Olszewski inquired whether accessory dwelling units could now be erected without impact fee charges. Mr. Anderson explained that the subject proposal was to allow accessory dwelling units to be built on single-family lots and charged the same impact fee as a mobile home, which was a lesser fee.

Mr. Warner asked if the accessory dwellings would be limited to certain areas. He commented on mothers-in-law and adult children residing in the units. Mr. Anderson stated that accessory dwellings were currently allowed in single-family residential zoning districts, which was not being changed. The intent was to help accessory dwelling units come to fruition to diversify the housing stock. No other regulations besides the associated impact fee was being amended; however, accessory dwelling units would be readdressed by staff in the near future.

Ms. Jordan noted that dwelling units were limited to 800 square feet regardless of lot size, and she wanted to know the impact of lowering the impact fees. Mr. Anderson stated that the square footage of accessory dwelling units and lot sizes would be revisited in the future, and he explained that the accessory dwelling unit's impact was substantially less than the impact of a single-family home. The mobile home impact fee was more acceptable, whereas the single-family impact fee appeared to be an overcharge.

Mr. Boerema commented on how property size regulated the size of an accessory dwelling unit because of setbacks. Mr. Anderson reiterated that code adjustments would be done to address larger properties that could accommodate larger accessory dwellings.

The floor was opened for public comments.

Mr. Bill Battin (resident at Ocean Spray Street SW) wanted to know whether accessory structures on a property would be included in the overall lot calculations to permit an accessory dwelling unit.

In response to the comments from the audience, Mr. Anderson clarified that accessory structures such as barns and tool sheds were a separate category and calculated separate from accessory dwelling units.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case T-16-2023 to City Council for approval.

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

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

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**

Ms. Bernard stated that staff was excited about the new Comprehensive Plan Future Land Use Element, and she introduced the consultant for the City, Mr. Chris Dougherty, Inspire Placemaking Collective. Mr. Dougherty, project manager, stated that the Future Land Use Element was the culmination of the Visioning Process that began in 2020 and 2021. He gave a PowerPoint presentation on the timeline and scope of the Comprehensive Plan Elements,

## ORDINANCE 2023-12

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'GENERAL PROVISIONS', BY MODIFYING PROVISIONS RELATED TO ACCESSORY DWELLING UNITS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

**"Section 185.006 DEFINITIONS.**

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

**ABROGATE.** To abolish; repeal; or annul.

**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 zoning district~~ **>>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<<.**

\* \* \*

(7) ~~Excluding converted (existing) garage accessory dwelling units, the~~ **>>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."

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void

portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2023- , held on , 2023; and read in title only and duly enacted at Meeting 2023- , held on , 2023.

---

Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: T-16-2023

Strikethrough words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Christopher A. Little, P.E.; Juliet Misconi, Deputy City Mgr & Chief Procurement Officer

**DATE:** 3/2/2023

**RE:** **Contract: Hydrogeological services, one-year extension of the master consultant agreement – Utilities Department (Ardaman and Associates, Inc. – rates unchanged since contract award).**

In accordance with the provisions of Section 287.055, Florida Statutes for Consultants Competitive Negotiation Act (CCNA), the City of Palm Bay solicited and accepted qualification submittals from individuals and firms who desired consideration to provide continuing consulting hydrogeological services for the Utilities Department. No specific projects were specified in the solicitation; however, these disciplines may be used for any future City projects and needs within the provisions of Florida Statutes. In accordance with Section 287.055, Florida Statutes, continuing contracts for professional services may be used when the estimated construction cost of each individual project under the contract does not exceed \$4 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000, or for work of a specified nature outlined in the contract.

On March 15, 2018, Council authorized staff to negotiate a contract with Ardaman and Associates, Inc., for Hydrogeological Services on a continuing consultant basis. The purpose of this contract for services from professional geologists and professional engineers is to support ongoing operation of the City's production wells, deep injection wells, and the reclaimed water system. Contractual work includes wellfield operational support, production well assessment and rehabilitation, new production well siting and construction, and beneficial use of reclaimed water expansion.

On May 3, 2018, Council approved the award of RFQ #20-0-2018/JM, for Hydrogeological Services to Ardaman and Associates, Inc., for a one-year term with option to renew for four (4) additional one-year terms. The initial term began on May 17, 2018 and ended on May 16, 2019. The City is currently in the fifth year of the contract with the current term ending on May 16, 2023; no renewals are available in the current contract.

The Utilities and Procurement Departments are unable to resolicit at this time, due to staff vacancies and current workload. In addition, this contract has historically low spend:

- 2018-2019, \$58,484.82
- 2019-2020, \$46,035.50
- 2020-2021, \$17,100.70
- 2021-2022, \$31,571.80



The Utilities Department is requesting to extend the contract for one (1) additional year, for the term May 17, 2023 through May 16, 2024. Ardaman & Associates has agreed not to increase their negotiated hourly rates for the extension. The rates are unchanged since contract award.

**REQUESTING DEPARTMENT:**

Utilities, Procurement

**FISCAL IMPACT:**

Continuing Consultant Services will be utilized by the Utilities Department. Purchase orders are issued on an “as needed” basis. Task Orders exceeding \$100,000 will be presented to council for consideration and approval.

**RECOMMENDATION:**

Motion to authorize a one-year extension of the Master Consultant Agreement, contract #20-0-2018, for Hydrogeological Services to Ardaman and Associates, Inc., located in Orlando, Florida.

**ATTACHMENTS:**

**Description**

**Contract**

**CONTINUING CONSULTANT ENGINEERING SERVICES AGREEMENT for  
HYDROGEOLOGICAL SERVICES  
RFQ # 20-0-2018**

This is an agreement entered into this 17<sup>th</sup> day of May 2018, by and between the City of Palm Bay, 120 Malabar Road, SE, Palm Bay, FL 32907 a Florida municipal corporation and political subdivision of the State of Florida, hereinafter referred to as CITY and ARDAMAN & ASSOCIATES, 8008 S. Orange Avenue, Orlando, Florida 32809 (FEIN Number 59-2984496), hereinafter referred to as CONSULTANT. For and in consideration of the mutual agreements hereinafter contained, and for other good and valuable consideration, the CITY hereby retains the CONSULTANT and the CONSULTANT hereby covenants to provide professional services as prescribed herein.

**SECTION 1 - GENERAL IDENTIFICATION OF SERVICES**

The following documents are incorporated and made part of this Agreement:

1. Specifications prepared by CITY in its Request for Qualifications No. 20-0-2018/JM, Hydrogeological Services, (Exhibit 1).
2. Qualification Submittal for CITY prepared by CONSULTANT dated January 29, 2018 (Exhibit 2).

All exhibits may also be collectively referred to as the "Documents". In the event of any conflict between the Documents or any ambiguity or missing specification or instruction, the following priority is established:

1. Specific direction from Chief Procurement Officer or designee
2. This Agreement and any attachments.
3. Exhibit 1
4. Exhibit 2

All professional services provided by the CONSULTANT for the CITY shall be identified in the attached individual Statements of Work Task Orders, Attachment(s) "B" and Attachment "A" Consultant's Rate Schedule Proposal. No additional work shall be performed under this Agreement without written authorization from the City. The written authorization for additional services shall constitute an addendum to this Agreement.

**SECTION 2 - CITY OBLIGATIONS**

The CITY agrees that they shall furnish to the CONSULTANT, upon request, any data available in the CITY'S files pertaining to the work to be performed under this Agreement.

**SECTION 3 - PROFESSIONAL SERVICES**

Upon receipt of Authorization to Proceed, CONSULTANT agrees to perform professional services associated with Exhibit "1" in accordance with the negotiated terms of this Agreement, and in accordance

with accepted professional standards and practices. The CONSULTANT agrees to, without causing any delay in the project, correct any errors, oversights, or omissions and prepare any revisions at no cost to the City, that may be required because the work violates accepted professional standards and practices or if deemed to be inadequate, insufficient, or defective. This remedy shall be cumulative to all other remedies available under the Agreement.

In connection with professional services to be rendered pursuant to this Agreement, the CONSULTANT further agrees to:

- A. Maintain an adequate staff of qualified personnel.
- B. Comply with federal, state, county and local laws or ordinances applicable to the work.
- C. Cooperate fully with the CITY in the scheduling and coordination of all phases of the work.
- D. Supervise and coordinate the work of any subconsultants.
- E. Cooperate and coordinate with other CITY consultants, as directed by the CITY.
- F. Report the status of the work to the CITY upon request and hold pertinent data, calculations, field notes, records, sketches and other projects open to the inspection of the CITY or its authorized agent at any time.
- G. Submit for CITY review all design computations, sketches and other data representative of the work's progress at the percentage stages of completion that may be stipulated in Attachment(s) "B" and submit for CITY approval the final work product upon incorporation of any modifications requested by the CITY during any previous review. Any CITY approval of the CONSULTANT'S work shall not be deemed to diminish the CONSULTANT'S responsibilities as set forth in this Agreement.
- H. Confer with the CITY during the further development and implementation of improvements for which the CONSULTANT has provided design or other services.
- I. Interpret plans and other documents, correct errors and omissions and prepare any necessary revisions not involving a change in the scope of the work required, at no additional cost to the City.
- J. Prior to final approval of the work by the CITY, conduct and complete a preliminary check of any documents through any review committee, third party consultant or any county, city, state or federal agency from which a permit or other approval is required. Any approval obtained from the CITY or any other agency shall not be deemed to diminish or discharge the CONSULTANT from the responsibilities set forth in this Agreement.
- K. Following CITY'S approval of the construction documents and of the latest preliminary estimate of construction cost, when so directed and authorized by CITY, assist CITY in obtaining bids or negotiated proposals and assist in awarding and preparing contracts for construction.

- L. If requested, review and analyze the bids/proposals received by CITY, and make a recommendation for any award based on CITY's Procurement Ordinance.
- M. Provide CITY with a list of recommended, prospective proposers.
- N. Attend all pre-bid/pre-proposal conferences.
- O. Recommend any addenda, through CITY Engineer, as appropriate to clarify, correct, or change Proposal Documents. If Pre-Qualification of proposers is required as set forth in the Request for Bid/Proposal, assist CITY, if requested, in developing qualification criteria, review qualifications and recommend acceptance or rejection of the proposers.
- P. If requested, evaluate bids/proposals and bidders/proposers, and make recommendations regarding any award by CITY.

The CITY shall make decisions on all issues regarding interpretation of the construction documents, and on all other matters relating to the execution and progress of the Work after receiving a recommendation from CONSULTANT, and the CITY shall have the absolute and undisputed authority to decide any differences or conflicts between the Consultant and any Contractor for the City, and shall check and approve samples, schedules, shop drawings and other submissions for conformance with the concept of each Project, and for compliance with the information given by the Construction Documents. CONSULTANT shall also prepare Change Orders for the City's consideration, assemble written guarantees required of the Contractor, and review and recommend progress payments to the Contractor based on each Project Schedule of Values and the percentage of Work completed. All change orders must be in writing and signed by the CITY and the other parties/party to be bound by the change order.

The CITY shall maintain a record of all change orders which shall be categorized according to the various types, causes, etc. that the CITY may determine are useful or necessary for its purpose. Among those change orders shall be change orders identified as architectural/engineering errors or omissions. The CONSULTANT shall be liable for premium costs resulting from the errors or omissions. The recovery of additional costs to CITY under this paragraph shall not limit or preclude recovery for other separate and/or additional damages, which CITY may otherwise incur.

#### **SECTION 4 - TIME OF COMPLETION**

The services to be rendered by the CONSULTANT for each section of the work shall commence as specified in Section 7 of this Agreement and shall be completed within the time stated in Attachment(s) "B".

A reasonable extension of time shall be granted by the CONSULTANT in the event there is a delay on the part of the CITY in fulfilling its part of the Agreement or should weather conditions, acts of God, any force majeure, or hidden conditions delay performance of the CONSULTANT's or the CITY's duties. Extensions of time shall be the sole remedy of the CONSULTANT for such delays, and the



CONSULTANT will not be entitled to any damages or any claim for extra compensation for direct costs associated with such delay; CONSULTANT agrees that it will not be entitled to any damages or any claim for extra compensation for consequential damages of any type whatsoever for any such extensions including but not limited to damages and compensation for any direct or indirect financial damages, losses for extended corporate overhead impacted, extended project overhead impacts, project support, services, or by any other name or other legal concept, label or theory or any business damages or losses of whatever type or nature and CONSULTANT hereby knowingly waives any right to make any such claim or claims and acknowledges additional good and valuable consideration for such waiver and lack of entitlement to such damages, losses and compensation.

#### **SECTION 4.1-DELAY IN PERFORMANCE/FORCE MAJEURE**

CITY shall be entitled to withhold progress payments from CONSULTANT for services rendered until completion of CONSULTANT's services to CITY's satisfaction.

Any delay due to a force majeure, shall not subject CITY to any liability to CONSULTANT. At CITY's option, the period specified for performance of services may be extended by the period of delay occasioned by any such circumstance and services not performed by CONSULTANT shall be made or performed during such extension, or the time to perform the services not performed shall be extended for a period equal to such delay. During this period such delay shall not constitute a delay by CONSULTANT.

#### **SECTION 5 - COMPENSATION**

The CITY agrees to pay CONSULTANT for services rendered pursuant to this Agreement, all fees and other compensation computed in accordance with one or a combination of the methods outlined below, as specified in an approved Purchase Order:

- A. Hourly Rate – the CONSULTANT shall be compensated at the attached Hourly Rate Schedule (Attachment "A") for each hour of time engaged directly in the work.
- B. Lump Sum Fee – At the option of the CITY, the fee for any requested portions of work may, be lump sum if mutually-agreed-upon by the CITY and the CONSULTANT, stated in a written Task Order and referenced in the issued Purchase Order.
- C. Reimbursable Expenses – The CONSULTANT shall be compensated for certain work-related expenditures not covered by fees for CONSULTANT services, provided such expenditures are previously and expressly authorized by the CITY in writing. All basic reimbursable costs including reproduction, deliverables, and travel should be included in any proposed Lump Sum Task Fee. Other requests for reimbursable expenses must be brought to the attention and approved by the CITY before the work is performed. If authorized by the CITY and upon receipt of satisfactory back-up materials, the CONSULTANT will be compensated for such reimbursable expenses. Such expenses may include:

- a. Travel, Lodging and Meals, provided travel occurs in coach class and lodging and meals do not exceed the Domestic Per Diem rates listed in the current edition Appendix "A" of Chapter 301 of the Federal Travel Regulations.
  - b. Courier Services.
  - c. Facsimile (\$2.00 per facsimile).
  - d. Photocopies (\$.0.15 per page).
  - e. Long Distance and Conference Telephone Charges.
  - f. 3<sup>rd</sup> Party expenses, such as printing, incurred on behalf of CITY.
  - g. Other expenses approved by CITY in writing prior to the time CONSULTANT incurs such expenses.
- D. At least thirty- (30) days prior to each anniversary date of this Agreement either party may request an adjustment to the rates provided for herein to apply in the forthcoming year. Failure of the parties to agree on a new rate shall constitute a basis for issuing a Notice of Termination by the CITY. Any proposed changes in rates by the CONSULTANT shall be subject to the prior written approval of the CITY. In the event the CONSULTANT requests a change in rate, either party may terminate this Agreement in accordance with Section 15 should the proposed rates or fees not be mutually acceptable. If the CONSULTANT fails to request a rate adjustment prior to the anniversary date, the previous year's rates shall remain in effect.
- E. The CITY shall not pay the items mentioned in Section 4 herein.

## **SECTION 6 - PAYMENT AND PARTIAL PAYMENTS**

Subject to the CITY'S right to withhold any amounts reasonably necessary to complete or correct defective or substandard work, the CITY may make monthly payments or partial payments to the CONSULTANT for all authorized work performed during the previous calendar month, and in accordance with Attachment "A" and Attachment "B" and under the provisions of Chapter 218, Part VII, (Local Government Prompt Payment Act), Florida Statutes. City shall promptly pay consultant any undisputed amounts consistent with the Local Government Prompt Payment Act.

- A. The CONSULTANT shall submit signed invoices to the CITY.
- B. The amount of each invoice submitted shall be the amount due for all services performed to date in connection with authorized work, as certified by the CONSULTANT. Each invoice shall include any authorized reimbursable expense, accompanied by appropriate documentation.
- C. Invoices for the work other than lump sum shall include a breakdown for each part of the work billed for each item and personnel as identified in Attachment "A".



## **SECTION 7 - SCHEDULE OF WORK**

The CITY shall have the sole right to determine on which units or sections of the work the CONSULTANT shall proceed and in what order. Should a work revision effect a change in scope, cost or schedule of the work, the CONSULTANT shall submit such revision(s) for review and, if warranted, approval by the CITY in writing.

The CONSULTANT shall commence work within five working days of the Authorization to Proceed unless otherwise specified in the Authorization to Proceed.

## **SECTION 8 - RIGHT OF DECISIONS**

All services by the CONSULTANT shall be performed in accordance with all professional standards and practices and to the reasonable requirements of the CITY. The CITY shall make all decisions on all claims, questions and disputes arising under this Agreement. In the event the CONSULTANT does not concur with any decision of the CITY, it must, within thirty (30) days after determination by the CITY, unless such time is extended in writing by CITY, present written objections to the decision to the Chief Procurement Officer (CPO) or her/his designee for resolution. Before taking any action to contest the CITY's determination in a court of competent jurisdiction, the CONSULTANT must follow the appeal process established in this Agreement and provided further that the CONSULTANT strictly abides by the time deadline set forth in this paragraph; failure to do so will result in making the CITY's decision final. During any appeal of, or objection to, the CITY's decision, CONSULTANT shall continue to perform all work in accordance with professional standards and practices and the requirements of this Agreement.

## **SECTION 9 - OWNERSHIP OF DOCUMENTS**

All reports, tracings, plans, maps, and/or other work products developed by the CONSULTANT pursuant to this Agreement shall become the sole property of the CITY without restrictions or limitation upon the CITY's use and shall be made available by the CONSULTANT at any time upon request by the CITY. When each individual section of work requested pursuant to this Agreement is complete, all of the above work products shall be delivered to the CITY for its use.

CONSULTANT agrees that all documents maintained and generated pursuant to this Agreement shall be subject to all provisions of Chapter 119, Florida Statutes, should it apply.

It is further understood that any report, tracing, plan, map or other work product, without limitation, given by CITY to CONSULTANT pursuant to this Agreement shall at all times remain the property of CITY, shall be returned to CITY, and shall not be used by CONSULTANT for any other purpose without the written consent of the Chief Procurement Officer (CPO).

However, should CITY utilize the work product in connection with a project upon which CONSULTANT is not retained by CITY, CITY shall accept all responsibility for such utilization to the extent provided by law. Nothing contained in this paragraph or elsewhere in this Agreement is in any manner intended either to be a waiver of the limitation placed upon the CITY's liability as set forth in

Section 768.28, Florida Statutes, or to extend the City's liability beyond the limits established in said Section; and no claim or award against the CITY shall include attorney fees, investigative costs, expert fees, suit costs or prejudgment interest.

#### **SECTION 9.1 - COURT APPEARANCE, CONFERENCES AND HEARINGS**

This Agreement shall obligate CONSULTANT to prepare for and appear in litigation on behalf of CITY involving any dispute arising out of any work performed or services provided out of this Agreement all at no cost to the City. CONSULTANT shall also confer with CITY, its attorneys and experts, during the performance of the Services regarding the interpretation of this Agreement, the correction of errors and omissions, the preparation of any necessary revisions to correct errors and omissions or the clarification of service requirements, all at no cost to the CITY. Work by CONSULTANT, as a result of litigation, beyond the scope of the original work shall be considered an additional service that shall be paid in accordance with Section 5 of this Agreement.

#### **SECTION 10 - REUSE OF DOCUMENTS**

The CONSULTANT may not retain, reuse and/or copy data or work products developed by the CONSULTANT for the CITY without express written permission of the Chief Procurement Officer (CPO). The CONSULTANT will upon request provide the CITY additional copies of reports, tracings, plans, maps, and/or other work products produced pursuant to this Agreement at the cost for reproduction and not for the cost of labor.

#### **SECTION 11 - NOTICES**

Any notices, reports or other written communications from the CONSULTANT to the CITY shall be considered delivered when posted by certified mail or delivered in person to the CITY.

The CITY'S representative will be:

With Copies to:

Bobbye Marsala  
Chief Procurement Officer  
120 Malabar Road, SE  
Palm Bay, FL 32907

and

Gregg Lynk  
City Manager  
120 Malabar Road, SE  
Palm Bay, FL 32907

Any notices, reports or other communications from the CITY to the CONSULTANT shall be considered delivered three (3) days after being posted by U.S. mail to the CONSULTANT at the last address left on the file with the CITY. If delivered in person to CONSULTANT or the CONSULTANT'S authorized representative, delivery will be considered immediate. The CONSULTANT'S representative will be:

Douglas Dufresne, Project Director  
Ardaman & Associates, Inc.  
8008 S. Orange Avenue  
Orlando, FL 32809

## **SECTION 12 - AUDIT RIGHTS**

The CITY reserves the right to audit the records of the CONSULTANT related to this Agreement at any reasonable time during the prosecution of the work included herein and for a period of five (5) years after final payment is made. The CONSULTANT agrees to provide copies of any records necessary to substantiate payment requests to the CITY as may be requested by the CITY, solely at the cost of reproduction.

## **SECTION 13 – PUBLIC RECORDS**

The City is a public agency subject to Chapter 119, Florida Statutes. The CONSULTANT shall comply with Florida's Public Records law. Specifically, the CONSULTANT shall:

- a. Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform this service.
- b. Provide the public agency with access to public records at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
- c. Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and
- d. Meet all requirements for retaining public records and transfers to the City, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

The failure of the CONSULTANT to comply with the provisions set forth in this section shall constitute a material breach of Agreement and shall be cause for immediate termination of the Agreement.

**If the CONSULTANT has questions regarding the application of Chapter 119 Florida Statutes, to the CONSULTANT's duty to provide public records relating to this contract, contact the custodian of public records at the City of Palm Bay Procurement Department, 120 Malabar Road SE, Bldg. B, Suite 200, Palm Bay, Florida 32907; 321-952-3424; or [procurement@pbfl.org](mailto:procurement@pbfl.org).**



#### **SECTION 14 - SUBCONSULTING**

The CONSULTANT shall not assign, or transfer any work under this Agreement without the express written approval of the CITY. The CONSULTANT shall cause the name(s) of any subconsulting firms responsible for major portions (or separate specialty) of the work to be inserted in the pertinent documents or data.

The CONSULTANT shall be fully responsible to CITY for all acts and omissions of any officers, representatives, agents, employees, or subconsultants of CONSULTANT. Subconsultants of CONSULTANT shall have appropriate general liability, professional liability and workers' compensation insurance, or be covered by CONSULTANT's insurance. CONSULTANT shall furnish CITY with appropriate proof of insurance and releases from all subconsultants in connection with the work performed.

#### **SECTION 15 - CONTINGENT FEES**

The CONSULTANT warrants that no person or company was employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employee, any fee commission, contribution, donation, percentage, gift, or any other consideration, contingent upon, or resulting from award of this Agreement. For any breach or violation of this provision, the CITY shall have the right to terminate this Agreement, without liability, and, at its discretion, to deduct from the contract price or amounts due to CONSULTANT or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration and any damages related to the breach of the provision and shall report the details of such breach or violation to the proper legal authorities where and when appropriate.

#### **SECTION 16 - DURATION OF AGREEMENT**

The period of this Agreement shall be for twelve (12) months, beginning on May 14, 2018 and ending on May 13, 2019. This Agreement may, by mutual written assent of the parties, be extended for four (4) additional twelve (12) month periods or portions thereof, up to a cumulative total of sixty (60) months.

#### **SECTION 17 – TERMINATION FOR CONVENIENCE**

The CITY reserves the right to terminate this contract without cause by giving thirty (30) days prior notice to the CONSULTANT in writing of the intention to terminate. Payment only for work performed will be made in accordance with Section 6, Payment and Partial Payment. The City shall not be liable to Consultant for any consequential or incidental damages.

## **SECTION 18 – NON-APPROPRIATIONS**

In the event sufficient budgeted funds are not available for a new fiscal period, the CITY shall notify the CONSULTANT of such occurrence and Agreement shall terminate on the last day of current fiscal period without penalty or expense to the City.

## **SECTION 19 – NOTICE OF DEFICIENCY**

If the CONSULTANT is notified in writing of a fault, deficiency or error in the Work or criminal records of employees provided within ten (10) days from the discovery of any fault, deficiency or error of the Work, the CONSULTANT shall, at the CITY's option, either: 1) re-perform such portions of the Work to correct such fault, defect or error, at no additional cost to the CITY, or 2) refund to the CITY, any amounts paid by the CITY that are attributable to such portions of the faulty, defective or erroneous Work, including the costs for re-performance of the work provided by other CONSULTANTS.

## **SECTION 20 – TERMINATION FOR CAUSE/DEFAULT**

The CITY may terminate with cause if at any time the CONSULTANT fails to fulfill or abide by any of the terms or conditions specified. Failure of the CONSULTANT to comply with any of the provisions of this Agreement shall be considered a material breach of Agreement and shall be cause for termination of the Agreement at the discretion of the City.

An event of default shall mean a breach of this Agreement by CONSULTANT as determined by CITY. An event of default shall include but not be limited to the following:

- CONSULTANT has not performed services on timely basis;
- CONSULTANT has refused or failed to supply enough properly-skilled personnel;
- CONSULTANT has failed to make prompt payment to subcontractors or suppliers for any services;
- CONSULTANT has failed to fulfill representations made in this Agreement;
- CONSULTANT has refused or failed to provide the Services as defined in this Agreement; or
- CONSULTANT has failed to timely address a fault, deficiency or error in the Work or criminal records of employees as provided in the Notice of Deficiency.

If a CONSULTANT is in default on its contract with the CITY, the CITY shall follow the procedures contained herein:

- A. The CITY shall notify, in writing, the CONSULTANT to adhere to contract terms and conditions. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure within a reasonable time period (such reasonable time should not be less than 10 days after receipt of such notice). The notice will also provide that, should it fail to perform within the time provided, the CONSULTANT will be found in default and removed from the CITY's approved vendor list.

- B. Unless the CONSULTANT corrects its failure to perform within the time provided, or unless the CITY determines on its own investigation that the CONSULTANT's failure is legally excusable, the CITY shall find the CONSULTANT in default and shall issue a second notice stating (i) the reasons the CONSULTANT is considered in default, (ii) that the CITY will reprocure or has reprocured the commodities or services, and (iii) and the amount of the reprocurement if known.
- C. The defaulting CONSULTANT will not be eligible for award of a contract by the CITY until such time as the CITY is reimbursed by the defaulting CONSULTANT for all reprocurement costs. Reprocurement costs may include both administrative costs and costs or price increases incurred or to be incurred as a result of the reprocurement.
- D. Pursuant to Section 38.14, Procurement Code of Ordinance, the defaulting CONSULTANT will be advised of the right to initiate written protest proceedings pursuant to Section 38.13 of the Procurement Ordinance within five (5) business days after the date of notification.
- E. Until such time as it reimburses the CITY for all reprocurement costs and the CITY is satisfied that further instances of default will not occur, the defaulting CONSULTANT shall not be eligible for award of a contract by the CITY. To satisfy the CITY that further instance will not occur; the defaulting CONSULTANT shall provide a written corrective action plan addressing the original grounds for default.

The forgoing provisions do not limit, waive or exclude the CITY's remedies against the defaulting CONSULTANT at law or in equity.

In an Event of Default, CONSULTANT shall be liable for damages to the CITY resulting from lost funding and for the difference between the cost associated with procuring services from CONSULTANT and the amount actually expended by CITY, in procurement of another professional consultant to perform the services of CONSULTANT. CITY shall be entitled to recover consequential damages and lost funding and administrative costs associated with the procurement of alternative professional services.

In the event of termination by the City:

1. The CITY'S sole obligation to the CONSULTANT shall be for payment of those portions of work which has been authorized and satisfactorily completed. Such payment shall be determined on the basis of the hours of work performed by the CONSULTANT, or the percentage or work complete as estimated by the CITY and agreed upon by the CONSULTANT up to the time of termination.
2. It is understood by CITY and CONSULTANT that any payment to CONSULTANT shall be made only if CONSULTANT is not in default under the terms of this Agreement as determined by the CITY.
3. In the event that the CONSULTANT changes its name, merges with another company, becomes a subsidiary or makes other substantial changes in its business structure or its



principals, the CITY reserves the right to terminate this Agreement.

4. In the event of termination of this Agreement, the CONSULTANT agrees to surrender any and all documents prepared by the CONSULTANT for the CITY and those documents delivered by the CITY to the CONSULTANT that pertain to this Agreement, of which, the CITY will have full ownership thereof. CONSULTANT may, provided the CITY gives its written consent, retain copies of such documents for record purposes.

## **SECTION 21 – INDEMNIFICATION**

For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the CONSULTANT, including but not limited to the CONSULTANT's officers, officials, employees, representatives, agents, contractors officers, etc., subcontractors and their officers, etc. (hereinafter CONSULTANT) hereby agrees to indemnify, and hold harmless the City of Palm Bay, including but not limited to its officers, officials, and employees and all those others acting on the City's behalf (hereinafter CITY) against liability, loss, costs, damages, expenses, claims or actions, including but not limited to reasonable attorney's fees for trials and appeals and expert's fees and costs that the City may incur arising wholly or in part due to negligent or deliberate act, error or omission of CONSULTANT in the execution, performance or non-performance or failure to adequately perform CONSULTANT'S obligation(s) pursuant to this Agreement.

Notwithstanding anything to the contrary contained herein, neither the CITY nor the CONSULTANT shall be liable for any special, indirect, incidental, or consequential damages.

Nothing contained in this Agreement is in any manner intended either to be a waiver of the limitation placed upon the City's liability as set forth in Section 768.28 Florida Statutes, or to extend the City's liability beyond the limits established in said Section 768.28. No claim or award against the City shall include attorney's fees, investigative costs, extended damages, expert fees, suit costs or pre-judgment interest.

## **SECTION 22 - INSURANCE**

The CONSULTANT and its subcontractors, subconsultants, assignees and suppliers will be required to procure and maintain, at its own expense and without cost to the CITY, until final acceptance by the CITY of all products or services covered by the Agreement, the following types of insurance in the following minimum amounts:

- A. **Commercial General Liability:** The CONSULTANT shall provide minimum limits of \$1,000,000.00 each occurrence, \$1,000,000.00 annual aggregate combined single limit for bodily injury and property damage liability. This shall include premises/operations, independent contractors, products, completed operations, broad form property damage, personal and advertising injury, and contractual liability, specifically confirming and insuring the indemnification

and hold harmless clause of the contract. This policy of insurance shall be considered primary to and not contributing to any insurance maintained by the City of Palm Bay and shall name the City of Palm Bay as an additional insured. The policy of insurance shall be written on an "occurrence" basis and form.

B. **Automobile Liability Insurance:**

CONSULTANT shall provide minimum limits of liability of \$1,000,000.00 each accident, combined single limit for bodily injury and property damage. This shall include coverage for:

- Owned Automobiles
- Hired Automobiles
- Non-Owned Automobiles

C. **Professional Liability Insurance:**

Professional liability insurance with a minimum limit of one million dollars (\$1,000,000) aggregate with respect to negligent acts, errors or omissions in connection with professional services to be provided under this Agreement. Any deductible is not to exceed \$5,000 for each claim CONSULTANT represents it is financially responsible for the deductible amount.

D. **Workers' Compensation Coverage:**

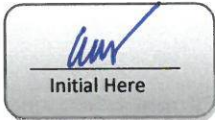
Full and complete Workers' Compensation Coverage, including coverage for Employer's Liability, as required by State of Florida law, shall be provided. **Should the Named Vendor utilize a Professional Employer Organization, said Vendor acknowledges and agrees that all employees sent to the City of Palm Bay MUST be included on that PEO roster.**

E. **Insurance Certificates:**

The City of Palm Bay is to be specifically included on all certificates of insurance (with exception to Workers Compensation and Professional Liability) **as an additional insured**. **Waiver of Subrogation is required** for Commercial General Liability and Automobile Liability. All certificates must be received prior to commencement of service/work. In the event the insurance coverage expires prior to the completion of this contract, a renewal certificate shall be issued thirty - (30) days prior to said expiration date. The certificate shall provide a thirty - (30) day notification clause in the event of cancellation or modification to the policy.

The CONSULTANT shall declare any self-insured retention or deductible amount in excess of \$5,000 for any policy. The City reserves the right to reject any self-insured retention or deductible in excess of \$5,000.

All insurance carriers shall be rated (A) or better by the most recently published A.M. Best Rating Guide. Unless otherwise specified, it shall be the responsibility of the CONSULTANT to insure that all subcontractors comply with the insurance requirements set forth in this Agreement. The City may request a copy of the insurance policy according to the nature of the project. City reserves the right to accept or reject the insurance carrier.





CONSULTANT shall obtain insurance on an "occurrence" basis if such insurance is available at commercially reasonable premium costs. Any insurance on a "claim made" basis shall be maintained for at least three (3) years after acceptance of the Work.

#### **SECTION 23 - QUALITY CONTROL**

The CONSULTANT shall provide a high level of quality control and accuracy. The CITY may request additional data collection or reanalysis of data at no expense to the CITY. If the original data collected and/or data analysis is found to be accurate and reasonable, the CONSULTANT shall be compensated for the additional work in accordance with Section 5 of this Agreement.

The CONSULTANT acknowledges that the CITY may periodically evaluate the CONSULTANT'S performance and that the evaluation may be used by the CITY in determining the CONSULTANT'S qualifications for future contracts with the CITY.

In accordance with the City's Procurement Manual, upon completion and close-out of the project, the project manager or contract administrator shall prepare a Vendor Performance Evaluation form (PROC-VP-001) rating the CONSULTANT'S level of service, and indicating whether they are recommended for future awards. A copy shall be provided to the Procurement Department for inclusion in the RFQ and vendor files. A copy shall be provided to the CONSULTANT.

#### **SECTION 24 - NON-EXCLUSIVE AGREEMENT**

The parties acknowledge that this agreement is not an exclusive agreement and the CITY may employ other consultants, professional or technical personnel to furnish services for the CITY, as the CITY, in its sole discretion, finds is in the public interest.

#### **SECTION 24.1 - REPRESENTATIONS**

- A. CONSULTANT represents that it is able to furnish all services, labor, equipment, and materials necessary and as may be required in the performance of this Agreement and all services performed under this Agreement shall be performed in a professional manner suitable to the CITY.
- B. CONSULTANT represents, with full knowledge that CITY is relying upon these representations when entering into this Agreement with CONSULTANT, that CONSULTANT has the professional expertise, experience and manpower to perform the services described in this Agreement.
- C. CONSULTANT shall be responsible for technically-deficient designs, reports or studies, for two years after the date of final acceptance of the Services by CITY. CONSULTANT shall, upon the request of CITY, promptly correct or replace all deficient work due to its errors and/or omissions without cost to CITY. CONSULTANT shall also be responsible for direct damages resulting from CONSULTANT's deficient documents. Payment in full by CITY for services performed does not constitute a waiver of this representation.

- D. All services performed by CONSULTANT shall be to the satisfaction of CITY. In cases of disagreement or ambiguity, Section 8 of this Agreement shall govern all questions, difficulties and disputes of whatever nature that may arise under this Agreement. If resolution cannot be reached, the provisions of Section 28 shall apply.
- E. CONSULTANT represents that it has not employed or retained any company or person, other than a bona fide employee working solely for CONSULTANT, to solicit or secure this contract and that it has not paid or agreed to pay any company or person other than a bona fide employee working solely for CONSULTANT any fee, commission, percentage fee, gifts or any other considerations contingent upon or resulting from the award or making of this contract. For breach or violation of this representation, CITY shall have the absolute right to cancel this Agreement without liability to CONSULTANT or any third party.

#### **SECTION 25 - TRUTH-IN-NEGOTIATIONS**

In accordance with the provisions of Section 287.055, Florida Statutes, the CONSULTANT agrees to execute a truth-in-negotiations certificate and agrees that the original contract price and any additions may be adjusted to exclude any significant sums by which the contract price is increased due to inaccurate, incomplete unit costs.

#### **SECTION 26 - INTEREST OF MEMBERS OF CITY AND OTHERS**

No officers, members or employees of the CITY, and no members of its governing body, and no other public official of any other governmental entity, who exercise any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Agreement that affects their personal interest, or shall have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

#### **SECTION 27 - INTEREST OF CONSULTANT**

The CONSULTANT covenants that it presently has no conflict of interest and shall not acquire any interest, direct or indirect, that shall conflict in any manner or degree with the performance of services required to be performed under this Agreement. The CONSULTANT further covenants that in the performance of this Agreement, no person having such interest shall be employed by the CONSULTANT.

#### **SECTION 28 - INDEPENDENT CONSULTANT**

CONSULTANT and its employees, agents, contractors and subcontractors shall be deemed to be independent and not CITY agents or employees. CONSULTANT, its employees or agents, contractors, subconsultants and subcontractors shall not attain any rights or benefits under CITY's Personnel Rules and Regulations or Pension Systems nor any rights generally afforded CITY's classified or unclassified employees. CONSULTANT, its agents, employees, or subconsultants shall not be deemed entitled to the Florida Workers' Compensation benefits as a CITY employee.



## **SECTION 29 - NON-DISCRIMINATION**

CONSULTANT agrees that it will comply with all federal and state requirements concerning fair employment and will not discriminate by reason of race, color, age, religion, sex, national origin or physical handicap.

## **SECTION 30 - OTHER PROVISIONS**

- A. Title and paragraph headings are for convenient reference and are not a part of this Agreement.
- B. No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision, and no waiver shall be effective unless made in writing.
- C. Should any provision, paragraph, sentence, word or phrase contained in this Agreement be determined to be invalid, illegal or otherwise unenforceable under the laws of the State of Florida by a court of competent jurisdiction, such provision, paragraph, sentence, word or phrase shall be deemed modified in order to conform with Florida law or any order entered by such court. If not modifiable to conform to such law or order, then it shall be deemed severable and, in either event, the remaining terms and provisions of this Agreement shall remain unmodified and in full force and effect.
- D. The parties hereby waive the right to a trial by jury in any action, proceeding or counterclaim brought or filed by either of them against the other. Venue for any court action arising out of this Agreement shall be in Brevard County, Florida.
- E. There are no third-party beneficiaries intended to be bound by or to enforce this Agreement.
- F. The CONSULTANT shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to verify employment eligibility of all new employees hired by the CONSULTANT during the term of the Contract and shall expressly require any subconsultants performing work or providing services pursuant to the Contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify employment eligibility of all new employees hired by the subconsultant during the contract term.
- G. When applicable, the Consultant's employees are required to obtain, at no charge, from the City's Human Resources Department, a security identification badge prior to performance of its awarded contract. This law is established by the City Council through the City Ordinance Number 2007-48, Public Protection Act, as amended by City Ordinance Number 2007-96, with an effective date of November 15, 2007.

### **SECTION 31 - LIMITATION OF LIABILITY**

Both the CITY and CONSULTANT desire to enter into this Agreement only if in so doing the PARTIES can place a limit on their liabilities for any cause of action arising out of this Agreement. Both PARTIES express their willingness to enter into this Agreement with the knowledge that each PARTY'S recovery from the other to any action or claim arising from the Agreement is limited to a maximum amount of the contract value less the amount of all funds actually paid by the CITY to CONSULTANT pursuant to this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any manner intended either to be a waiver of the limitation placed upon the PARTIES' liability as set forth in Section 768.28, Florida Statutes, or to extend the liability beyond the limits established in said Section; and no claim or award against either PARTY shall include attorney's fees and costs, investigative costs, expert fees, or pre-judgment interest. This section shall not prevent the CITY from taking court action it deems necessary against, including but not limited to, the CONSULTANT, its subcontractors, subconsultants, assignees, suppliers and employees.

PURSUANT TO §558.0035, *FLORIDA STATUTES*, CONSULTANT'S INDIVIDUAL EMPLOYEES AND/OR AGENTS MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM THEIR SERVICES PROVIDED PURSUANT TO THIS AGREEMENT.

### **SECTION 32 - ENTIRETY OF AGREEMENT**

This writing, together with documents referenced herein, embody the entire agreement and understanding between the parties hereto, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein.

No alteration, change, or modification of the terms of this Agreement shall be valid unless made in writing, signed by both parties and added as an addendum to this Agreement.

This Agreement, regardless of where executed, shall be governed by and construed according to the laws of the State of Florida. The venue for any litigation arising out of this Agreement shall be Brevard County, Florida.



IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 18<sup>th</sup> day of May, 2018  
As approved by City Council On: May 3, 2018

ATTEST:

  
Terese Jones, City Clerk

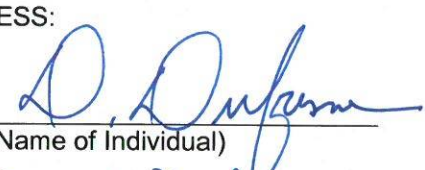
CITY OF PALM BAY  
BREVARD COUNTY, FLORIDA

By: Bobbie Marsala  
Bobbie Marsala, Chief Procurement Officer

Date: 5-17-18


WITNESS:

By:

  
(Name of Individual)

Douglas Dufresne  
Printed Name

By:

  
(Name of Individual)

ERNEST A. COX, III  
Printed Name

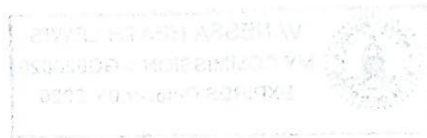
Date: 5/10/18

**TRUTH-IN-NEGOTIATION CERTIFICATE AND AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF BREVARD**

Before me, the undersigned authority, personally appeared affiant, Ernest A. Cox, who being first duly sworn, deposes and says:

1. That the undersigned firm is furnishing this Truth in Negotiation Certificate pursuant to Section 287.055(5)(a) of the Florida Statutes for the undersigned firm to receive an agreement for professional services with the City of Palm Bay, Brevard County, Florida.
2. That the undersigned firm is a corporation which engages in furnishing professional architect and engineering services and is entering into an agreement with the City of Palm Bay, Brevard County, Florida to provide professional services for a project known as the Hydrogeological Services.
3. That the undersigned firm has furnished the City of Palm Bay, Brevard County, Florida a detailed analysis of the cost of the professional services required for the project.
4. That the wage rate information and other factual unit cost, which the undersigned firm furnished, were accurate, complete and current at the time the undersigned firm and the City of Palm Bay entered into the agreement for professional services on the project.
5. That the agreement which the undersigned firm and the City of Palm Bay entered into on this job contained a provision that the original agreement price and any additions thereto shall be adjusted to include any significant sums by which the City of Palm Bay determines the agreement price was increased due to inaccurate, incomplete or non-current wage rates or other factual unit cost and that all such agreement adjustments shall be made within one year following the end of the agreement.



FURTHER AFFIANT SAYETH NAUGHT.

**Ardaman & Associates**

ERNEST A. COX, III

Printed Name

SENIOR V.P.

Title

5/10/18

Date

By: \_\_\_\_\_

Signature

The foregoing instrument was acknowledged before me by

who has produced \_\_\_\_\_ as identification or is  
personally known to me.

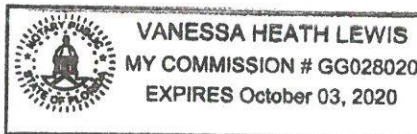
WITNESS my hand and official seal in the State and County last aforesaid this

10<sup>th</sup> day of May, 2018.

Signature

Vanessa Heath Lewis  
Notary Name (typed or printed)

Notary  
Title or Rank



ATTACHMENT A  
RFQ #20-0-2018 Hydrogeological Services  
Ardaman and Associates, Inc.

POSITION	HOURLY BILLING RATE
<b>PROFESSIONAL SERVICES</b>	
Principal Engineer	\$245.00
Project Director/Senior Hydrogeologist III	\$182.00
Senior Hydrogeologist II/Project Engineer II	\$165.00
Senior Hydrogeologist I	\$137.00
Project Hydrogeologist III/Sr. Engineer Designer I	\$127.00
Engineer II/Sr. GIS Analyst	\$110.00
Staff Hydrogeologist III/Scientist III	\$105.00
Staff Hydrogeologist I/Scientist I	\$85.00

NOTE: Rates are Billable Rates (loaded). Subconsultant Rates, if any, do not contain pass through fees.

**Ardaman & Associates, Inc.**

PRIME CONSULTANT FIRM

  
AUTHORIZED SIGNATURE

June 4, 2018

DATE

Douglas P. Dufresne, PG / Project Director

PRINTED NAME & TITLE

**City of Palm Bay**

PRIME CONSULTANT FIRM

  
AUTHORIZED SIGNATURE

6-5-18

DATE

Bobby Marsala, Chief Procurement Officer

PRINTED NAME & TITLE



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Laura Clawson, Human Resources Director; Juliet Misconi, Deputy City Mgr & Chief Procurement Officer

**DATE:** 3/2/2023

**RE:** Contract: Firefighter physical exams, one (1) additional year contract extension and negotiated increases for contract years 4 (4.2%) and 5 (4.2%) – Human Resources Department (Life Extension Clinics – \$2,661 (year 4 contract increase)).

The Palm Bay Fire Rescue Department provides annual firefighter fitness for duty physical examinations to all career firefighters as required in the Collective Bargaining Agreement with the Local 2446.

On March 19, 2020, Council approved the award of RFP #07-0-2020/SZ for Firefighter Physical Exams to Life Extension Clinics for an initial twenty-four (24) month period, with two (2) additional twelve (12) month renewal periods, up to a cumulative total of forty-eight (48) months. Upon receipt of the request to renew for the fourth and final year, the vendor requested a 7% increase due to inflationary pressures associated with performing this contract (personnel, per diem, fuel, durable and non-durable medical supplies). City staff determined through a review of the CPI tables that a 4.2% increase was more appropriate. After discussing with the vendor, Life Extension Clinics countered with a 4.2% increase in year 4 and a 5% increase in year 5. City staff countered with a 4.2% increase in year 4 and a 4.2% increase in year 5 and the vendor accepted. Based on the number of staff members covered in the budget (130) this amounts to a contract year increase of \$2,661 for the first year, which is available in the current FY 2023 budget.

The services provided by this vendor has a very limited vendor pool; only two firms submitted in 2020. Therefore, the Human Resources Department is requesting to extend the contract for one (1) additional year beyond the initial Council-approved awarded term for the renewal period of 4/1/2024 through 3/31/2025 and to accept contract increases as negotiated.

### **REQUESTING DEPARTMENT:**

Procurement, Human Resources, Fire Department

### **FISCAL IMPACT:**

There is \$76,7040 in funding in FY 2023 account number 001-2510-513-31-11 for all General Fund Employee Physicals/Drug Screens. This is sufficient funding for the contract year four 4.2% increase. For the contract year five (Fiscal Year 2024-25) increase, Human Resources will budget for additional funds to cover the second 4.2%



increase.

**RECOMMENDATION:**

Motion to authorize the extension of contract #07-0-2020/SZ, for Firefighter Physical Exams to Life Extension Clinics located in Tampa, Florida.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Mariano Augello, Chief of Police and Juliet Misconi, Deputy City Manager & Chief Procurement Officer

**DATE:** 3/2/2023

**RE:** Miscellaneous: 'Piggyback Purchase', Vehicles (Volusia County Schools contract) – various City Departments (Step One Automotive - \$55,391).

The City of Palm Bay purchases vehicles as needed to meet the City's operational needs. During this unprecedented time in which we face supply chain challenges, the City utilizes piggyback contracts to purchase vehicles from vendors that can provide the vehicles without long lead times and at the best price possible.

On October 6, 2023, a list of other agency piggyback contracts was presented before Council. The list included three agencies for which the City has utilized contracts to purchase vehicles in the past, including the Florida Sheriff's Association, State of Florida and GSA (General Services Administration). Each contract has access to a variety of vendors with pricing that varies per contract and vendor. It has come to our attention that another contract from Volusia County Schools has become available and utilizing it could lead to additional savings for the City.

Staff is requesting approval to piggyback Volusia County Schools contract #TR-23-009JH, Vehicles. This contract was awarded on November 9, 2022, for a one-year term that is valid through November 8, 2023. The awarded vendor on the contract is Step One Automotive. Procurement Staff has reviewed this contract and determined it meets the needs of the City. This contract was first utilized by the Information Technology Department and Code Compliance Division to purchase hybrid vehicles in February 2023.

The Police Department needs to purchase a Crisis Negotiation Team (CNT) van and utilizing this contract could save them seven percent (7%) over other cooperative contracts. The total cost of the vehicle and spare key is \$55,390.63. Due to the current spend on the contract, Council must approve the usage of the contract before any further purchases are made utilizing such.

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida, provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection

processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

**REQUESTING DEPARTMENT:**

Procurement, Police Department

**FISCAL IMPACT:**

Funding is available under Project 23PD01 in the following accounts: 001-5011-521-6403 for Light Vehicles (\$55,321.63) and 001-5011-521-5208 Vehicle Supplies (\$69.00) for a spare key.

**RECOMMENDATION:**

Motion to approve the piggyback of Volusia County Schools contract #TR-23-009JH, Vehicles, with Step One Automotive located in located in Crestview, FL.

**ATTACHMENTS:**

**Description**

**STEP ONE AUTOMOTIVE QUOTE - PALM BAY PD 2-9-23 CNT VAN 2-14-23**

**FORD CRESTVIEW****FT WALTON BCH CDJR**

STEP ONE AUTOMOTIVE GROUP  
 4060 FERDON BLVD  
 CRESTVIEW, FL 32536  
 ERIC JORE  
 GOVERNMENT SALES  
 CELL 407-234-5116  
 OFFICE 850-292-4580  
 E-MAIL  
 EJOE@STEPONEAUTO.COM

**PROPOSAL**

NAME CITY OF PALM BAY POLICE DEPT

EMAIL

ATTN

DATE 2-10-23

2023 FORD TRANSIT T350 CARGO VAN HIGH ROOF EXTENDED	48,125.00
3.5 ECO BOOST ENGINE 10 SPEED AUTO TRANS	1616.00
235/65R 16C TIRES W/ SPARE	STD
3.73 LIMITED SLIP REAR AXLE	296.00
EXT UP GRADE PKG	487.00
9500 GVWR	STD
REVERSE SENSORS	269.00
POWER MIRRORS	200.00
ANTI THEFT SYSTEM	141.00
CRUISE CONTROL	296.00
DUAL BATTIES	269.00
SLIVER ALUM WHEELS	327.00
EXT RANGE FUEL TANK	260.00
2 ADITUONAL KEYS	69.00
TRAILER TOW PKG	442.00
FRONT AND REAR A/C	782.00
COLOR BLACK	182.00
RUNNING BOARDS FULL	596.00
MINUS SPECIAL ADJUSTMENTS PLUS DESTINATION AND DELIVERY	788.00
SUB TOTAL	53,569.28
INVOICE 53,569.28 X 3.4% = 1821.35      53,569.28 + 1821.35 = 55,390.63	
Please return this form	UNIT PRICE 55,390.63
ACCEPTED: _____	SCHOOLS CONTRACT

STEP ONE AUTOMOTIVE IS UNABLE TO GUARANTEE DELIVERY DATES DUE TO MANY FACTORS, NOT LIMITED TO BUT INCLUDING: PRODUCTION SCHEDULES, WEATHER, AVAILABILITY OF RAIL CARS, ETC.

ALL PAYMENTS ARE DUE ON A NET 30 DAY BASIS UPON RECEIPT OF EACH VEHICLE AS INVOICED REGARDLESS OF THE NUMBER OF VEHICLES ON THE PURCHASE ORDER.

We thank you for the opportunity to make this proposal and will appreciate your acceptance. Acceptance of this proposal will not be binding until this proposal is approved here in writing by an official of Step One Automotive. **Return of one copy of this proposal and your purchase order number constitutes your official acceptance.**

Respectfully submitted,  
 Eric Jore  
 Government Sales



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 3/2/2023

**RE:** Consideration of utilizing Stormwater Utility Fees to provide additional funding for Project 23SU05, Unit 50 Culvert Replacement (\$700,000).

A project to design and construct the Unit 50 culvert replacements was opened in Fiscal Year (FY) 2023 with an original budget of \$1,356,000. During the design phase it was determined that the Engineer's Estimate for this project is \$1,850,192, an increase of \$494,192. The increase is largely due to an increase in the cost of materials, such as concrete and asphalt.

Staff requests approval to provide additional funding in the amount of \$700,000 from Stormwater Utility Fund for Project 23SU05, Unit 50 Culvert Replacement. The additional budget will provide adequate funding for the anticipated construction costs and other incidentals such as bid advertisement, as well as funds for any unexpected change orders that are typical in construction projects.

The project will be issued for competitive bids and an award with actual construction costs will be brought forward for City Council's consideration at a future Council meeting.

Any funds unused at the completion of the project will be returned to Stormwater Utility Fund Balance for use in other stormwater utility projects.

### **REQUESTING DEPARTMENT:**

Public Works

### **FISCAL IMPACT:**

Funding is available in Stormwater Utility Undesignated Fund Balance 461-0000-392-3006. If approved by Council, a budget amendment in the amount of \$700,000 to account 461-7084-541-6309 / Project 23SU05 will be included in Budget Amendment #2.

### **RECOMMENDATION:**

Motion to approve and authorize the use of Stormwater Utility Funds to provide additional funding to Project 23SU05, Unit 50 Culvert Replacement.





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Greg Minor, Director of Parks and Facilities; Juliet Misconi, Deputy CM & Chief Procurement Officer

**DATE:** 3/2/2023

**RE:** Consideration of utilizing General Fund undesignated fund balance for Castaway Point Park (Task Order 23-COPB-Q01) and Stearns Point Park (Task Order 23-COPB-Q02) Improvements and Permitting Services (Construction Engineering Group - \$58,107).

Construction Engineering Group (CEG) has submitted Task Order 23-COPB-Q01 for Castaway Point Park and Task Order 23-COPB-Q02 for Stearns Point Park for surveying, environmental assessment, marine and civil engineering design and permitting documents for a suitable revetted stabilization system to protect the shoreline. The shorelines were eroded and damaged by Hurricane Nicole. The City is pursuing FEMA reimbursement funds for the construction work, but needs to proceed with design and permitting to take advantage of the expedited review process in place with the Army Corp of Engineers (ACOE) as a result of Hurricane Nicole. If permissible, the City will submit for FEMA reimbursement for the engineering work as well.

Staff has reviewed the scope of work and requests Council approval to proceed with Task Orders 23-COPB-Q01 and 23-COPB-Q02 in the amount of \$58,107.50.

On March 18, 2021 Council approved the award of RFQ 15-0-2021/SB to three firms (CEG, Graef-USA and Architects RZK) and authorized City staff to negotiate Master Consultant Agreements. Task Orders 23-COPB-Q01 and 23-COPB-Q02 are in accordance with the Master Agreement.

**REQUESTING DEPARTMENT:**  
Parks and Facilities, Procurement

**FISCAL IMPACT:**

The total amount for these task orders is \$58,107.50 and a Budget amendment will be requested transferring funds from undesignated fund balance #001-0000-392-1001 to Parks Improvements 001-4526-572-6332, project numbers 23PK01 and 23PK02.

**RECOMMENDATION:**

Motion to 1) approve appropriation of funds on the next scheduled budget amendment; and 2) approve the execution of CEG Task Orders 23-COPB-Q01 and 23-COPB-Q02 for Castaway Point Park and Stearns Point

Park Improvements and Permitting Services, amount \$58,107.50 against Master Agreement #15-0-2021 with Construction Engineering Group, LLC (CEG).

**ATTACHMENTS:**

**Description**

**Task Order 23-COPB-Q01**

**Task Order 23-COPB-Q02**

**CITY OF PALM BAY, FL  
Castaway Point Park  
In accordance with City's Master Contract #15-0-2021/SB  
January 09, 2023  
TASK ORDER 23-COPB-Q01**

**Section I. Background**

City facility staff has requested that Construction Engineering Group provides survey, Environmental Assessment, Marine and Civil Engineering design and permitting documents for a suitable revetted stabilization system to protect the shoreline as determined by the City Staff for Castaway Point Park.

**Section II. Scope of Work**

The scope includes providing Survey, Environmental, Marine and Civil engineering design and permitting services to stabilize the existing shoreline. All drawings and specifications will be complete in order to provide for competitive bidding, permitting, and construction.

**Construction Administration:**

CA includes providing responses to RFI's submitted by contractors awarded work for this project. Also includes reviewing shop drawings for conformance with the project design concepts and compliance with the information given in the contract documents. Site visits will be on an as requested basis and will be billed at \$98/hr.

**Section III. Project Representatives/Project Team**

Greg Minor, City of Palm Bay Facilities Director  
Jake Wise, PE – CEG Principal Civil Engineer  
David Tom, PE – CEG Senior Civil Engineer

**Section IV. Permitting**

The following permits are required: SJRWMD, FDEP, and USACE.

**Section V. Owner's Responsibilities**

Please provide any existing survey drawings. Please provide access to the facility for site investigations.

**Section VI. Deliverables**

The following deliverables will be provided to the City:

**Task A – 30% Design Documents:**

Electronic copy of Design drawings (PDF Format)  
Construction Cost Estimate (PDF Format)

**Task B – 60% & 100% Design Documents:**

3 copies signed and sealed Design drawings  
PDF's of the drawings.  
Construction cost estimate. (PDF Format)

**Section VII. Schedule**

Task A – 30% Design Documents:

Provide design documents to the City for owner review/comment – 21 calendar days after receiving the final survey.

Task B – 60% & 100% Design Documents:

Receive comments from the 30% set - At the discretion of City  
Submit final design documents – 30 calendar days

**Section VIII. Method of Compensation**

Project will be invoiced upon completion of the milestones at pre-negotiated hourly rate.

**Section IX. Estimated Construction Value**

An estimated construction value of the design will be provided with Task A.

**Section X. Acceptance**

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one (1) signed copy which will constitute an Agreement and Notice to Proceed for the accomplishment of this work.

**FIRM'S NAME:**

**Construction Engineering Group, LLC**

**CITY OF PALM BAY**



Jake Wise  
Managing Member

01/09/2023  
Date

\_\_\_\_\_  
Juliet Misconi, CPPO, CPPB  
Chief Procurement Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Council approval date, if applicable

**CASTAWAY POINT PARK  
PROJECT DESIGN  
COST BREAKDOWN**



**CONSTRUCTION  
ENGINEERING  
GROUP**  
Consulting Engineers

TASK ORDER#: 23-COPB-Q01	KANE SURVEYOR				
TASK DESCRIPTION	PROFESSIONAL SURVEYOR MAPPER	TWO MAN FIELD CREW	DRAFTSMAN	SURVEY TECHNICIAN	CLERICAL-OFFICE
TOPOGRAPHIC SURVEY		15	9		
PSM RESEARCH AND REVIEW	10				
OFFICE ADMINISTRATION & PRINTING				4	4
MAN HOUR DESIGN TOTAL	10	15	9	4	4
MAN HOUR RATES	\$150.00	\$140.00	\$95.00	\$65.00	\$45.00
SUBTOTALS FOR DESIGN	\$1,500.00	\$2,100.00	\$855.00	\$260.00	\$180.00
ENG. SUB TOTAL	\$4,895.00				

TASK ORDER#: 23-COPB-Q01	ATLANTIC ENVIRONMENTAL	
TASK DESCRIPTION	ECOLOGIST	CLERICAL-OFFICE
SITE ASSESMENT	2	
DEVELOPMENT OF ERP APPLICATION	15	
RESPONSES TO RAI'S	14	4
MAN HOUR DESIGN TOTAL	31	4
MAN HOUR RATES	\$120.00	\$45.00
SUBTOTALS FOR DESIGN	\$3,720.00	\$180.00
ENG. SUB TOTAL	\$3,900.00	

TASK ORDER#: 23-COPB-Q01	APPLIED TECHNOLOGY & MANAGEMENT				
TASK DESCRIPTION	SENIOR ENGINEER (PCP)	ENGINEER (PC)	ASSOCIATE ENGINEER EI	CLERICAL-OFFICE	
SITE VISIT AND PROJECT INITIATION	9	2	2	3	
CONCEPT DESIGN	15	20	15	3	
PERMIT AND CONSTRUCTION DOCUMENT	12	15	15	8	
BID DOCUMENTS	4	6	6	0	
CONSTRUCTION PHASE	10	0	0	4	
MAN HOUR DESIGN TOTAL	50	43	38	18	0
MAN HOUR RATES	\$150.00	\$140.00	\$110.00	\$45.00	
SUBTOTALS FOR DESIGN	\$7,500.00	\$6,020.00	\$4,180.00	\$810.00	\$0.00
ENG. SUB TOTAL	\$18,510.00				

TASK ORDER#: 23-COPB-Q01	CONSTRUCTION ENGINEERING GROUP				
TASK DESCRIPTION	PROJECT ENGINEER	CIVIL SITE ENGINEER	DESIGNER	ADMIN	Remarks
SJRWMD, FDEP, AND USACE PERMITTING AND SUBCONTRACTOR OVERSITE	2	20	4	10	
CONSTRUCTION PERIOD SERVICES	1	8	2	4	
MAN HOUR DESIGN TOTAL	3	28	6	14	
MAN HOUR RATES	\$150.00	\$140.00	\$85.00	\$45.00	
SUBTOTALS FOR DESIGN	\$450.00	\$3,920.00	\$510.00	\$630.00	
ENG. SUB TOTAL	\$5,510.00				
TOTAL DESIGN COST	\$32,815.00				



**CITY OF PALM BAY, FL  
Stearns Point Park  
In accordance with City's Master Contract #15-0-2021/SB  
January 09, 2023  
TASK ORDER 23-COPB-Q02**

**Section I. Background**

City facility staff has requested that Construction Engineering Group provides survey, Environmental Assessment, Marine and Civil Engineering design and permitting documents for a suitable revetted stabilization system to protect the shoreline as determined by the City Staff for Stearns Point Park.

**Section II. Scope of Work**

The scope includes providing Survey, Environmental, Marine and Civil engineering design and permitting services to stabilize the existing shoreline. All drawings and specifications will be complete in order to provide for competitive bidding, permitting, and construction.

**Construction Administration:**

CA includes providing responses to RFI's submitted by contractors awarded work for this project. Also includes reviewing shop drawings for conformance with the project design concepts and compliance with the information given in the contract documents. Site visits will be on an as requested basis and will be billed at \$98/hr.

**Section III. Project Representatives/Project Team**

Greg Minor, City of Palm Bay Facilities Director  
Jake Wise, PE – CEG Principal Civil Engineer  
David Tom, PE – CEG Senior Civil Engineer

**Section IV. Permitting**

The following permits are required: SJRWMD, FDEP, and USACE.

**Section V. Owner's Responsibilities**

Please provide any existing survey drawings. Please provide access to the facility for site investigations.

**Section VI. Deliverables**

The following deliverables will be provided to the City:

Task A – 30% Design Documents:  
Electronic copy of Design drawings (PDF Format)  
Construction Cost Estimate (PDF Format)

Task B – 60% & 100% Design Documents:

3 copies signed and sealed Design drawings  
PDF's of the drawings.  
Construction cost estimate. (PDF Format)

**Section VII. Schedule**

**Task A – 30% Design Documents:**

Provide design documents to the City for owner review/comment – 21 calendar days after receiving the final survey.

**Task B – 60% & 100% Design Documents:**

Receive comments from the 30% set - At the discretion of City  
Submit final design documents – 30 calendar days

**Section VIII. Method of Compensation**

Project will be invoiced upon completion of the milestones at pre-negotiated hourly rate.

**Section IX. Estimated Construction Value**

An estimated construction value of the design will be provided with Task A.

**Section X. Acceptance**

If the above scope and fees meet your approval, please indicate by your signature in the space provided below and return one (1) signed copy which will constitute an Agreement and Notice to Proceed for the accomplishment of this work.

**FIRM'S NAME:**

**Construction Engineering Group, LLC**



Jake Wise  
Managing Member

01/09/2023  
Date

**CITY OF PALM BAY**

\_\_\_\_\_  
Juliet Misconi, CPPO, CPPB  
Chief Procurement Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Council approval date, if applicable

STEARNS POINT PARK  
PROJECT DESIGN  
COST BREAKDOWN



**CONSTRUCTION  
ENGINEERING  
GROUP**  
Consulting Engineers

TASK ORDER#: 23-COPB-Q02	KANE SURVEYOR				
TASK DESCRIPTION	PROFESSIONAL SURVEYOR MAPPER	TWO MAN FIELD CREW	DRAFTSMAN	SURVEY TECHNICIAN	CLERICAL-OFFICE
TOPOGRAPHIC SURVEY		8	5		
PSM RESEARCH AND REVIEW	5				
OFFICE ADMINISTRATION & PRINTING				2.5	4
MAN HOUR DESIGN TOTAL	5	8	5	2.5	4
MAN HOUR RATES	\$150.00	\$140.00	\$95.00	\$65.00	\$45.00
SUBTOTALS FOR DESIGN	\$750.00	\$1,120.00	\$475.00	\$162.50	\$180.00
ENG. SUB TOTAL	\$2,687.50				

TASK ORDER#: 23-COPB-Q02	ATLANTIC ENVIRONMENTAL	
TASK DESCRIPTION	ECOLOGIST	CLERICAL-OFFICE
SITE ASSESSMENT	2	
DEVELOPMENT OF ERP APPLICATION	15	4
RESPONSES TO RAI'S	14	
MAN HOUR DESIGN TOTAL	31	4
MAN HOUR RATES	\$120.00	\$45.00
SUBTOTALS FOR DESIGN	\$3,720.00	\$180.00
ENG. SUB TOTAL	\$3,900.00	

TASK ORDER#: 23-COPB-Q02					
TASK DESCRIPTION	SENIOR ENGINEER/SCIE NTIST (PCP)	ENGINEER (PC)	ASSOCIATE ENGINEER EI	CLERICAL-OFFICE	
SITE VISIT AND PROJECT INITIATION	6	3	3	4	
CONCEPT DESIGN	5	11	12	2	
PERMIT AND CONSTRUCTION DOCUMENT	7	11	11	2	
BID DOCUMENTS	3	7	7	1	
CONSTRUCTION PHASE	9	0	0	4	
MAN HOUR DESIGN TOTAL	30	32	33	13	0
MAN HOUR RATES	\$150.00	\$140.00	\$110.00	\$45.00	
SUBTOTALS FOR DESIGN	\$4,500.00	\$4,480.00	\$3,630.00	\$585.00	\$0.00
ENG. SUB TOTAL	\$13,195.00				

TASK ORDER#: 23-COPB-Q02	CONSTRUCTION ENGINEERING GROUP				
TASK DESCRIPTION	PROJECT ENGINEER	CIVIL SITE ENGINEER	DESIGNER	ADMIN	Remarks
SJRWMD, FDEP, AND USACE PERMITTING AND SUBCONTRACTOR OVERSITE	2	20	4	10	
CONSTRUCTION PERIOD SERVICES	1	8	2	4	
MAN HOUR DESIGN TOTAL	3	28	6	14	
MAN HOUR RATES	\$150.00	\$140.00	\$85.00	\$45.00	
SUBTOTALS FOR DESIGN	\$450.00	\$3,920.00	\$510.00	\$630.00	
ENG. SUB TOTAL	\$5,510.00				
TOTAL DESIGN COST	\$25,292.50				



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Nancy A. Bunt, Community & Economic Development Director

**DATE:** 3/2/2023

**RE:** Consideration of accepting the 2022 Annual Reports from L3Harris Technologies and Midwest Dental Arts for the City's Ad Valorem Tax Abatement Program.

Palm Bay City Council adopted Resolution 98-55 approving an economic development Ad Valorem Tax (AVT) Exemption Program of the City. The Program was subsequently approved for another 10 years by the residents of Palm Bay by a referendum vote at the Regular Municipal Election held on November 6, 2018, authorizing the City to grant economic development ad valorem tax exemptions to eligible new and expanding businesses in Palm Bay.

In order to qualify for their approved AVT abatement, the company shall submit to the City an annual report relating to the company's performance to receive their approved abatement of ad valorem taxes for the prior year's property taxes. The City shall review and confirm compliance and submit such to Brevard County Property Appraiser's Office prior to March 31 of each year.

### L3Harris Technologies

On December 15, 2011, City Council adopted Ordinance 2011-67 granting L3Harris (formerly Harris Corp) an economic development AVT Abatement of 100 percent for a period of 10 years; however, the base year (completion of construction and acquisition of tangible personal property) of the abatement was 2016. The 10-year abatement will extend through the 2025 property tax year. Per the Ordinance, L3Harris shall submit to the City an annual report providing evidence of continued compliance with the definition of an existing business planning to expand, per Section 196.012, Florida Statutes.

The 2022 Annual Report for L3Harris indicates a net increase in employment of 292 since the 2021 Annual Report. The Report also notes total sales in Florida at \$845,477,641 and across the globe at \$2,812,062,839 from this facility in 2022. The estimated taxable value lost to the City for improvements to real property and personal property is \$65,352,190 and \$7,160,410, respectively. On February 16, 2023, the Brevard County Property Appraiser certified that the estimated revenue which will be lost to the City during the current fiscal year is \$551,249.49.

### Midwest Dental Arts

On September 6, 2018, City Council adopted Ordinance 2018-36 granting to Project Rainbow (later modified as Midwest Dental Arts by Ordinance 2019-40) an economic development AVT Abatement of 80 percent for a

period of eight (8) years. Per the Ordinance, Midwest Dental Arts shall submit to the City an annual report providing evidence of continued compliance with the definition of an existing business planning to expand, per Section 196.012, Florida Statutes.

The 2022 Annual Report for Midwest Dental Arts indicated a net increase in employment of 4 since the 2021 Annual Report. The Report also notes total sales in Florida at \$6,824,014.05 from this facility in 2022. The estimated taxable value lost to the City for improvements to real property is \$2,448,830. On January 18, 2023, the Brevard County Property Appraiser certified that the estimated revenue which will be lost to the City during the current fiscal year is \$18,609.89.

**REQUESTING DEPARTMENT:**

Community & Economic Development

**FISCAL IMPACT:**

The City is expected to realize a loss of \$569,859.38 in ad valorem tax revenue for the Fiscal Year 2023.

**RECOMMENDATION:**

Motion to accept the 2022 Annual Reports for the City's Ad Valorem Tax Abatement Program from L3Harris Technologies and Midwest Dental Arts as certified by the Brevard County Property Appraiser.

**ATTACHMENTS:**

**Description**

2022 AVT Annual Report for L3Harris Technologies, Inc.

2022 AVT Annual Report for Midwest Dental Arts

## ANNUAL REPORT

ECONOMIC DEVELOPMENT AD VALOREM  
TAX EXEMPTION PROGRAM  
RESOLUTION 98-86, PALM BAY CODE

As required by the Economic Development Ad Valorem Tax Exemption Ordinance, Chapter 102, Division 3, Section 189 Brevard County Code, this form is to be filed with the City of Palm Bay Council no later than March 1 of each year the exemption is desired.

1. Business name: L3Harris Technologies, Inc.  
Mailing address: 1026 W Nasa Blvd / Melbourne, FL 32919 / USA
2. Name of person in charge of business: Kimberly Brunson  
Telephone No.: ( 321 ) 724-3595 FAX No.: ( ) Kimberly.Brunson@L3Harris.com
3. Location of business (legal description and street address) of property for which this report is filed:  
1395 Troutman Blvd NE Palm Bay FL 32905  
Account 2832147 Parcel ID 28-37-23-FN-YF
4. Date business opened at this facility: ~ 1959
6. a. Description of improvements to real property for which this exemption is requested: New building - L3Harris Technology Center
- b. Date of commencement of construction of improvements: Ground breaking: 27-November-2012
6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:  
*Provide this information on the attached form entitled: "Tangible Personal Property" Audit Report.*
- b. Average value of inventory on hand: N/A
7. Have you maintained the definition of a "New Business" or as an "Expansion of an Existing Business?" Yes ( ☒ ) No ( ☐ )
8. Describe the type or nature of your business: Provide communication and information processing systems solutions for United States Government customers, aerospace prime contractors, and selected commercial customers
9. Trade level (check as many as apply):  
Wholesale ( ☐ ) Manufacturing ( ☒ ) Professional ( ☒ ) Service ( ☒ ) Office ( ☒ ) Other ( ☐ )
10. a. Number of full-time employees employed in Florida: 8,822
- b. If an expansion of an existing business:  
(1) Net increase in employment 292 or \_\_\_\_\_ %  
(2) Increase in productive output resulting from this expansion: \_\_\_\_\_ %
11. Sales factor for the facility requesting exemption:  
Total sales in Florida from this facility - one (1) location only 845,477,041 divided by  
Total sales everywhere from this facility - one (1) location only 2,812,082,839 = 30%
12. For office space owned and used by a corporation newly domiciled in Florida:  
a. Date of incorporation in Florida: N/A
- b. Number of full-time employees at this location: N/A

I agree to furnish such other reasonable information as the City of Palm Bay Council may request in regard to this exemption. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his/her declaration is based on all information for which he/she has any knowledge.)

DATE: 02/15/2023 SIGNED: \_\_\_\_\_  
(Preparer)  
SIGNED: [Signature] \_\_\_\_\_  
(Taxpayer) (Preparer's address)  
TITLE: Sr. Manager, Tax \_\_\_\_\_  
(Preparer's telephone number)

## PROPERTY APPRAISER'S USE ONLY

- I. Estimate of the revenue which will be lost to the City during the current fiscal year had the exempt property otherwise been subject to taxation:  
551,249.49
  - II. Estimate of the taxable value lost to the City:  
Improvements to real property: 65,352,190 Personal property: 7,160,410
- DATE: 2-16-23 SIGNED: [Signature]  
(Property Appraiser)



**ANNUAL REPORT**

**ECONOMIC DEVELOPMENT AD VALOREM  
TAX EXEMPTION PROGRAM  
RESOLUTION 98-55, PALM BAY CODE**

As required by the Economic Development Ad Valorem Tax Exemption Ordinance, Chapter 102, Division 3, Section 189 Brevard County Code, this form is to be filed with the City of Palm Bay Council no later than March 1 of each year the exemption is desired.

1. Business name: Midwest Dental Arts, Inc.  
Mailing address: 1490 Treeland Blvd SE Palm Bay, FL 32909
2. Name of person in charge of business: James Schropp  
Telephone No.: (321) 426-7723 FAX No.: ( )
3. Location of business (legal description and street address) of property for which this report is filed:  
1490 Treeland Blvd SE  
Palm Bay, FL 32909
4. Date business opened at this facility: 11/19/21
5. a. Description of improvements to real property for which this exemption is requested: NEW CONSTRUCTION OF DENTAL LAB
- b. Date of commencement of construction of improvements: 01/01/21
6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:  
Provide this information on the attached form entitled: "Tangible Personal Property" Audit Report.
- b. Average value of inventory on hand: 40750
7. Have you maintained the definition of a "New Business" or as an "Expansion of an Existing Business?" Yes (X) No ( )
8. Describe the type or nature of your business: Dental Lab
9. Trade level (check as many as apply):  
Wholesale ( ) Manufacturing (X) Professional ( ) Service ( ) Office ( ) Other ( )
10. a. Number of full-time employees employed in Florida: 44  
b. If an expansion of an existing business:  
(1) Net increase in employment 4 or \_\_\_\_\_ %  
(2) Increase in productive output resulting from this expansion: \_\_\_\_\_ %
11. Sales factor for the facility requesting exemption:  
Total sales in Florida from this facility - one (1) location only 6824014.05 divided by  
Total sales everywhere from this facility - one (1) location only \_\_\_\_\_ = \_\_\_\_\_
12. For office space owned and used by a corporation newly domiciled in Florida:  
a. Date of incorporation in Florida: 11/19/13  
b. Number of full-time employees at this location: 32

I agree to furnish such other reasonable information as the City of Palm Bay Council may request in regard to this exemption. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his/her declaration is based on all information for which he/she has any knowledge.)

DATE: 01.06.23 SIGNED: Tabitha Jahany  
SIGNED: \_\_\_\_\_ (Preparer)  
TITLE: president (Taxpayer) 240 Willet Blvd SW #B C.R., Iowa 52404  
\_\_\_\_\_ (Preparer's address)  
\_\_\_\_\_ (Preparer's telephone number)

**PROPERTY APPRAISER'S USE ONLY**

- I. Estimate of the revenue which will be lost to the City during the current fiscal year had the exempt property otherwise been subject to taxation:  
18,609.87
- II. Estimate of the taxable value lost to the City:  
Improvements to real property: 2,448,830 Personal property: \_\_\_\_\_
- DATE: 1-18-23 SIGNED: [Signature]  
(Property Appraiser)



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Brian Robinson, IT Director

**DATE:** 3/2/2023

**RE:** Consideration of submitting an application to the Florida Local Government Cybersecurity Grant Program for grant funds to provide software monitoring to identify and respond to internal and external network vulnerabilities.

Staff is requesting Council's consideration to submit an application to the Florida Local Government Cybersecurity Grant Program, a competitive grant program which provides \$30 million from the State's Fiscal Year 2022-2023 to equip local governments with cybersecurity capabilities and technical assistance. This program is intentionally and flexibly designed with options to meet the unique needs of local governments. The application window for the grant program opened on February 16, 2023, and closes on March 31, 2023. The initial announcement of awards will be April 18, 2023. Following award announcement, draft and execution of grant agreements will occur in April - June 2023. There is no match requirement for this grant. The grant will be administered by Florida Digital Service.

The City would like to submit for grant funds to provide software monitoring to identify and respond to internal and external network vulnerabilities.

### **REQUESTING DEPARTMENT:**

City Manager's Office, Information Technology

### **FISCAL IMPACT:**

There is no fiscal impact at this time. There is no match requirement.

### **RECOMMENDATION:**

Motion to authorize the City to submit an application to the Florida Local Government Cybersecurity Grant Program.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 3/2/2023

**RE:** Consideration of travel and training for specified City employees (Office of the City Manager).

The following request was not included in the September 21, 2022 approved travel and training spreadsheet for the City Manager's Office (CMO). At the February 16, 2023 Regular Council Meeting, City Council requested staff attendance at the National League of Cities (NLC) Conference scheduled for March 24-28, 2023 in Washington D.C.

The Deputy City Manager Joan Junkala-Brown is requesting City Council's approval for travel and training to attend the National League of Cities Congressional City Conference from March 24-29 in Washington, D.C. Registration as a first-time attendee and member is \$515. Staff also requests to add one of the offered executive education sessions, titled "Smart Cities", for an additional fee of \$185, providing for a total registration fee of \$700.

Mrs. Brown would travel via airfare on Friday, March 24 and return on Wednesday, March 29, for an estimated airfare of \$587.22 roundtrip. The hotel/lodging is estimated to be \$1,545 at \$309 per night for five nights, plus hotel tax totaling \$230.98. Per diem is estimated to be a total of \$324. As Mrs. Brown will not be renting a vehicle, the estimated cost for ride share/Uber/Lyft will be \$100, and Mrs. Brown will be required to provide receipts for reimbursement.

As this was not a budgeted and approved travel for the CMO office, staff will submit a budget amendment for the total travel amount of \$3,487.20 during the regularly scheduled Budget Amendment #2.

### **REQUESTING DEPARTMENT:**

City Manager's Office

### **FISCAL IMPACT:**

The total estimated cost of travel and training (\$3,487.20) will be submitted with Budget Amendment #2, from undesignated fund balance and allocated to the City Manager's Office, accounts 001-1210-512-4001 (\$2,787.20) and 001-1210-512-5501 (\$700).

### **RECOMMENDATION:**

Motion to approve travel as noted above.

**ATTACHMENTS:**

**Description**

Travel Backup



# CITY OF PALM BAY, FLORIDA

## Travel Request/Advance Request

Control #  
Request Date: 2/21/2023  
Contact/Ext Angela x3207

Name: Joan Junkala-Brown		Destination: NCL Congressional City Conference			
Department/Division: CMO		Departure Date of: 3/24/2023 Time of: 2pm		Return 3/29/2023 2:30pm	
Account To Be Charged: 001-1210-512-4001 & 5501		Estimated Cost: before mileage reimbursement \$3,487.20			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY Attendance at the 2023 National League of Cities Congressional City Conference  Date going to Council: 3/2/23 (to be added on BA#2)					
Transportation: boldface or circle choice(s) <div style="display: flex; justify-content: space-around;"> <span>Personal Vehicle</span> <span>City Vehicle</span> </div> <div style="border: 2px solid red; border-radius: 50%; padding: 5px; display: inline-block; margin: 10px auto;">Common Carrier (complete below)</div>					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	NLC '23 Congressional City Conference: Washington DC	NLC		Vendor #	Check #
Due Date		Registration: \$ 515 addtl Class: \$185			Date
Hand Carry Y N	Acct#5501		\$700.00		
Lodging	Courtyard Washington Downtown Convention Center 901 L St NW, Washington DC 20004	Rate \$309.00 # Nights 5		Vendor #	Check #
Due Date					Date
Hand Carry Y N	Acct#4001		\$1,545.00		
Common Carrier (if applicable)	American Airlines roundtrip			Vendor #	Check #
Due Date					Date
Hand Carry Y N	Acct#4001		\$587.22		
Other Expenses	Hotel tax			Vendor #	Check #
Due Date					Date
Hand Carry Y N	Acct#4001		\$230.98		
Other Expenses		\$54 day x 6days = \$324		Vendor #	Check #
Due Date	Uber/Lyft ride- airport to hotel, & back				Date
Hand Carry Y N	Acct#4001		\$100.00		
<b>PER DIEM ADVANCE Acct#4001</b> <b>Refer to www.gsa.gov for rates - attach proof of rate</b> (Lodging prepaid - receipt required)				Vendor #	Check #
Breakfast	3	@ \$18.00 = \$54.00			Date
Lunch	3	@ \$20.00 = \$60.00			
Dinner	5	@ \$36.00 = \$180.00			
Incidentals	6	@ \$5.00 = \$30.00			
			\$324.00		

### TRAVEL APPROVALS

Department Head _____	Date _____	Finance _____	Date _____
(if applicable)		City Manager _____	Date _____

(ATTACH TO EXPENSE REPORT UPON RETURN)



## Schedule at-a-glance

**Note:** *The schedule is subject to change. Please continue to check back for updates.*

FRIDAY

MAR 24

9:00 AM – 5:00 PM

Registration & Ask NLC Open

11:00 AM – 1:30 PM

Board Executive Committee Meeting

3:00 PM – 4:30 PM

Board Committee Meetings

5:30 PM – 7:00 PM

NLC Board of Directors Reception



## SATURDAY

MAR 25

7:30 AM – 5:00 PM

Registration & Ask NLC Open

8:00 AM – 12:00 PM

NLC Board of Directors Meeting

9:00 AM – 5:45 PM

NLC University Executive Education Sessions

12:00 PM – 1:00 PM

NLC Board & Advisory Council Luncheon

12:00 PM – 1:30 PM

First Time Attendee Lunch and NLC 101 (*Ticket Required*)

1:00 PM – 4:00 PM

Federal Advocacy Committee Meetings

4:00 PM – 5:15 PM

Member Council Meetings (Large and Small Cities)

5:15 PM – 6:30 PM

Constituency Group Membership Meetings (LGBTQ+LO, HELO, APAMO)

5:30 PM

Evening Events, League Receptions, and Constituency Group events

- 6:30 PM – 7:30 PM Joint Constituency Group Reception
- 7:45 PM – 9:00 PM LGBTQ+LO Dinner (*Ticket Required*)
- 7:45 PM – 9:00 PM HELO Dinner (*Ticket Required*)
- 7:45 PM – 9:00 PM APAMO Dinner (*Ticket Required*)

- 8:00 PM – 10:00 PM NBC-LEO Networking Reception (*Ticket Required*)

## SUNDAY

MAR 26

7:00 AM – 5:30 PM

Registration & Ask NLC Open

7:45 AM – 8:45 AM

Celebrate Diversity Breakfast (*Ticket Required*)

9:00 AM – 10:30 AM

Opening General Session

10:30 AM – 11:00 AM

Break

11:00 AM – 12:15 PM

Conference Workshops

12:15 PM – 1:45 PM

Member Council Meetings (First Tier Suburbs, Military Communities Council, YEF Council, University Communities Council)

12:30 PM – 1:45 PM

Networking Box Lunch

12:30 PM – 1:45 PM

Youth Delegate Welcome and Lunch

12:30 PM – 1:45 PM

WIMG Luncheon (*Ticket Required*)

12:30 PM – 1:45 PM

Strategic Partner Luncheon (Invite Only)

12:30 PM – 1:45 PM

APAN Luncheon (*Ticket Required*)

2:00 PM – 3:15 PM

Conference Workshops

2:00 PM – 3:15 PM

Youth Delegate Workshops

3:30 PM – 5:00 PM

General Session

5:15 PM – 6:30 PM

Membership Meeting (NBC-LEO, Local Indigenous Leaders)

5:15 PM – 6:30 PM

WIMG Board Meeting

5:30 PM – 7:00 PM

Youth Delegate Reception

5:30 PM

Evening Events, League Receptions, and Constituency Group events

- 8:00 PM – 11:30 PM Young Municipal Leaders Reception
- 8:00 PM – 11:30 PM NBC-LEO Night Out (*Ticket Required*)

**MONDAY**

**MAR 27**

7:00 AM – 12:30 PM

Registration

8:30 AM – 10:00 AM

General Session

10:30 AM – 11:45 AM

Conference Workshops

12:15 PM – 1:45 PM

Luncheon and General Session

2:15 PM – 3:15 PM

Mandatory Hill Day Training Session for Participants

2:15 PM – 4:15 PM

Youth Closing Session

2:15 PM – 5:00 PM

Federal Agency Office Hours

4:00 PM – 6:00 PM

Council Meetings (REAL)

6:00 PM – 7:15 PM

Evening Events, League Receptions, and Constituency Group events

7:30 PM – 10:00 PM

NLC Hosted Closing Event

9:30 PM – 11:30 PM

Late Night Partner Reception (*Invite only*)

TUESDAY

MAR 28

8:30 AM

Breakfast Session (on the Hill)

9:00 AM

NLC Advocacy Day on Capitol Hill – All Day

< <https://www.nlc.org> >



660 N. Capitol St. NW  
Washington, DC 20001

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877-827-2385

|[info@nlc.org](mailto:info@nlc.org)

MyNLC < <https://my.nlc.org/eweb/DynamicPage.aspx> >

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## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Fred Poppe, Recreation Director

**DATE:** 3/2/2023

**RE:** Consideration of a co-sponsorship request from Blazing Trails, Corp. for the Palm Bay Makers Faire to be held on April 29, 2023.

Blazing Trails, Corp., a Florida not-for-profit corporation owned and operated by Elaine and Christopher Larsen of Larsen Motorsports, is requesting the City co-sponsor their annual Palm Bay Makers Faire to be held at Florida Tech's Center for Advanced Manufacturing and Innovative Design (CAMID) facility located at 2495 Palm Bay Road NE in Palm Bay on Saturday, April 29, 2023 from 10 AM - 4 PM. The event is open to the public and will be an immersive celebration of science, technology, engineering and mathematics. The Palm Bay Makers Faire will feature 20+ interactive booths on topics such as animal behavior, aviation, cybersecurity, digital design, space science, and more. Participants get to learn directly from Florida Tech's faculty, Larsen Motorsports' engineers, crew chiefs, and race car drivers, get a taste of collegiate academics, and experience the excitement of STEM.

This event qualifies under the Co-Sponsorship Policy as the organizer, Blazing Trails, Corp. is a 501(c)3 and the event will promote the City as a desirable place to live, visit and do business, enhance the quality of life and well-being of some or all residents of the community, and promote cultural and artistic awareness within the city.

The total cost of this co-sponsorship is \$1,405, which includes a waiver of \$1000 in rental costs for use of the City's stage and bleachers, \$280 in staff time/fees (Parks and Facilities Department), and a waiver of \$125 in fire inspection fees.

**REQUESTING DEPARTMENT:**  
Recreation

**FISCAL IMPACT:**

The value of this co-sponsorship is estimated to be a total of \$1,405, to include \$280 of in-kind wages for Parks Maintenance (001-4526-519-14-10), a waiver of the \$125 Fire inspection fee, and a waiver of \$1,000 in rental costs for use of the City's stage and bleachers (lost revenues).

**RECOMMENDATION:**

Motion to approve the City's co-sponsorship with Blazing Trails, Corp. for its annual Palm Bay Makers Faire; and authorize a \$280 of in-kind wages (labor) and fee waivers totaling \$1,125.

**ATTACHMENTS:**

**Description**

Requesting Letter to City

Budget for Event

In-Kind Cost Break Down (COPB)

January 20th, 2023

The City of Palm Bay

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



**Subject: Request for Stage and Bleacher Rental**

Dear The City of Palm Bay,

We are requesting a co-sponsorship with The City of Palm Bay's for use of bleachers and stage for a STEM educational outreach program. We are also requesting that the city waive all fees associated with events. Palm Bay Maker Faire will occur on April 29<sup>th</sup>, 2023 from 10:00 a.m. to 4:00 p.m. and will be open to the Public. The event will be located at Florida Tech's CAMID facility in Palm Bay (2495 Palm Bay Road NE, Palm Bay, FL 32905).

Palm Bay Maker Faire will be an immersive celebration of science, technology, engineering and mathematics. Palm Bay Maker Faire will feature 20+ interactive booths on topics such as animal behavior, aviation, cybersecurity, digital design, space science, and more! Participants get to learn directly from Florida Tech's faculty, Larsen Motorsports' engineers, crew chiefs, and racecar drivers, get a taste of collegiate academics, and experience the excitement of STEM.

The requested bleachers and stage would be used in the CAMID facility parking lot to allow participants to better see, hear, and experience the opening and closing ceremonies of this special event. The closing ceremony will feature the exhibition of the Larsen Motorsports jet dragsters. With The City of Palm Bay's co-sponsorship goals in mind this special event will meet the goals of the following:

- Promote the City as a desirable place to live, visit and do business
- Enhance the quality of life and well-being of some or all residents of the community.
- Promote cultural and artistic awareness within the city

Thank you for your time and consideration!

Sincerely,

**Elaine Larsen**

Executive Director/Chairman

Blazing Trails, Corp.

2495 Palm Bay Road NE

Palm Bay, FL 32905

[Elaine@LMSjets.com](mailto:Elaine@LMSjets.com)

# Event Budget for 2023 Palm Ba

## EXPENSES

TOTAL EXPENSES	Estimated	Actual
	\$2,500.00	\$0.00

Site	Estimated	Actual
Venue Rental	University Contribution	
Rental Equipment	University Contribution	
(Stages, Walkies, Tables, Chairs)		
Insurance	Larsen Motor Sports Contribution	
Maker Faire Liscense Agreement	\$2,500.00	
Site staff (Salaried/Contract Labor)	University Contribution	
City or County Fees/Permits	Co-sponsorship	
Tables and chairs		
Total	\$2,500.00	\$0.00

Decorations/Sound	Estimated	Actual
Speakers	University Contribution	
Lighting	University Contribution	
Paper supplies	University Contribution	
Total	\$0.00	\$0.00

Publicity/Advertisement	Estimated	Actual
Graphics work	University Contribution	
Photocopying/Printing	University Contribution	
Postage	University Contribution	
Total	\$0.00	\$0.00

Refreshments	Estimated	Actual
Food	University Contribution	
Drinks (Water)	University Contribution	
Total		

Program	Estimated	Actual
Performers	University Contribution	
Speakers	University Contribution	
Total		

Prizes	Estimated	Actual
?		
Gifts		
Total		

Miscellaneous		Estimated	Actual
Telephone	University Contribution		
Transportation	University Contribution		
Stationery supplies	University Contribution		
Fax services			
Total		\$0.00	\$0.00

# In-Kind City Impact Estimate

City of Palm Bay  
It Starts in Parks

DATE: 2/9/2023

CUSTOMER ID: Larsen Motorsports and Florida Tech

Event Time  
10:00 AM - 4:00 pm  
Set up Begins morning of at 8 am

BILL TO  
Larsen Motorsports and Florida Tech

Event Date  
Saturday, April 29th

Event Name: Palm Bay Makers Faire

Projected Attendance: 1000

Location: Florida Tech's CAMID facility in Palm Bay 2495 Palm Bay Road NE, Palm Bay, FL 32905

Description	AMOUNT
Stage Rental Fee	\$1000 * 25% Non-Profit Discount \$750.00
Stage set up/breakdown fee	2 staff @ 2 Hours @ \$35/hr \$140.00
Bleacher rental fee	1 set (Non-Profit Rate) \$250.00
Bleacher set up/breakdown fee	2 staff @ 2 Hours @ \$35/hr \$140.00
Fire Inspection Fee	\$125.00
In-Kind TOTALs	\$1,405.00

Any Questions please contact: Daniel Waite 321-626-2912 ext. 2065 E: Daniel.Waite@pbfl.org





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Alexandra Bernard, Growth Management Director

**DATE:** 3/2/2023

**RE:** Resolution 2023-07, amending Resolution 2022-11, by extending the commencement period of the conditional use granted for a self-storage facility in CC (Community Commercial District) zoning (Case CU-6-2022, Willard Palmer). (AGENDA REVISION)

At the March 3, 2022 Regular Council Meeting, Council adopted Resolution 2022-11 granting a conditional use to applicant, Mr. Willard Palmer, for self-storage facility in CC, Community Commercial zoning district.

On February 14, 2023, the City received a letter from applicant, Mr. Willard Palmer, requesting a one-year extension to the commencement period of the conditional use, which expires on March 2, 2023. This is the applicant's first request for an extension. The reason for the extension is related to delays in site plan review process as noted in the attached letter. If approved, the new expiration of the conditional use permit would be March 1, 2024.

There were no adverse comments from staff.

### **REQUESTING DEPARTMENT:**

Growth Management

### **FISCAL IMPACT:**

There is no fiscal impact.

### **RECOMMENDATION:**

Motion to adopt the Resolution amending Resolution 2022-11 authorizing an extension to the conditional use for another 365 days.

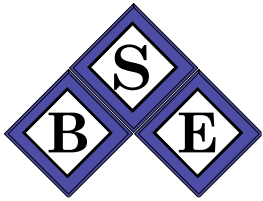
### **ATTACHMENTS:**

#### **Description**

Applicant Extension Request Letter

Resolution 2022-11 -- Initial Conditional Use

Resolution 2023-07



**B.S.E. CONSULTANTS, INC.**  
Consulting ~ Engineering ~ Land Surveying

February 14, 2023

Scott M. Glaubitz, P.E., P.L.S.  
President

Hassan Kamal, P.E.  
Vice President

**Via Mail and E-mail**

Ms. Alexandra Bernard  
City of Palm Bay  
Growth Management  
120 Malabar Road SE  
Palm Bay, FL 32907

**Re: *Palm Bay StorNow (fka Malabar Storage)***  
***Conditional Use Case CU-6-2022, Resolution 2022-11***  
***Site Plan # 1420***  
***BSE File #11619***

Dear Alix,

This letter is to request a one-year extension for commencement of the self-storage facility conditional use granted March 3, 2022 (Case CU-6-2022, Resolution 2022-11). We have been actively pursuing site plan approval with the City; relevant milestone dates are provided below.

- Conditional Use approved March 3, 2022
- Pre-Application plan and meeting request submitted May 3, 2022
- Pre-Application meeting June 7, 2022
- Site Plan submitted September 9, 2022
- Site Plan comments issued October 6, 2022
- Site Plan RTC submitted January 20, 2023
- Site Plan Comments issued February 2, 2023

The applicant intends to commence construction as soon as the site plan is approved. The extension is conservatively requested to allow for complete permitting with the City and other agencies. We appreciate your consideration and assistance.

Respectfully,

***Ken Ludwa, P.E.***

Ken Ludwa, P.E.  
Senior Project Manager  
B.S.E. Consultants, Inc.

Ms. Alix Bernard  
February 14, 2023  
Page 2

KL/kd  
11619.city.corr.23-kl-335.feb

cc: Joe Ciaravino (*via E-mail*)  
Paul Nevins (*via E-mail*)  
Scott Glaubitz P.E., P.L.S, President, B.S.E. Consultants, Inc. (*via E-mail*)

Enclosures

Ms. Alix Bernard  
February 14, 2023  
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## RESOLUTION 2022-11

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE TO ALLOW A PROPOSED SELF-STORAGE FACILITY IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO MALABAR ROAD, IN THE VICINITY WEST OF ST. JOHNS HERITAGE PARKWAY, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.**


**WHEREAS**, application for a conditional use in CC (Community Commercial District) zoning for a proposed self-storage facility on property legally described herein, has been made by Willard Palmer, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on February 2, 2022, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.043, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:**

 CITY OF PALM BAY  
Office of the City Clerk  
120 Malabar Road, SE  
Palm Bay, Florida 32907

**SECTION 1.** The City Council of the City of Palm Bay hereby grants a conditional use for a proposed self-storage facility on property zoned CC (Community Commercial District), which property is legally described as follows:

Tax Parcel 750, of the Public Records of Brevard County, Florida; Section 32, Township 28S, Range 36E; containing 9.76 acres, more or less.

**SECTION 2.** The conditional use is granted subject to the applicant complying with the following:

- A) Constructing the self-storage facility in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A';
- B) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B'; and
- J) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s) which must remain active. Failure to commence such construction within one (1) year shall void the conditional use.

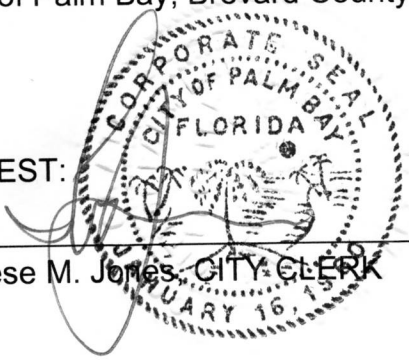
**SECTION 4.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2022-05, of the City Council of the City of Palm Bay, Brevard County, Florida, held on March 3, 2022.

ATTEST:

Terese M. Jones, CITY CLERK

  
Rob Medina, MAYOR





City of Palm Bay, Florida  
Resolution 2022-11  
Page 3 of 3

Applicant: Willard Palmer  
Case: CU-6-2022

cc: 03-04-22 Brevard County Recording  
Applicant  
Case File





## STAFF REPORT

### LAND DEVELOPMENT DIVISION

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

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

#### Prepared by

Alexandra Bernard, Growth Management Director

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#### CASE NUMBER

CU-6-2022

#### PLANNING & ZONING BOARD HEARING DATE

February 2, 2022

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#### PROPERTY OWNER & APPLICANT

Willard Palmer (Ana Saunders, BSE Consultants)

#### PROPERTY LOCATION/ADDRESS

Tax Parcel 750, Section 32, Township 28, Range 36, Brevard County, Florida. Specifically, off Malabar Rd west of St. Johns Heritage Parkway

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#### SUMMARY OF REQUEST

A Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District.

##### Existing Zoning

CC, Community Commercial District

##### Existing Land Use

Vacant Land, Parkway Flex Use

##### Site Improvements

Vacant Land

##### Site Acreage

9.76 acres

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#### SURROUNDING ZONING & USE OF LAND

##### North

GU, General Use; Single Family Residential, High School

##### East

GU, General Use; Single Family Residential, High School

##### South

AU(County), Agricultural; Multi-Family Residential, Vacant Land

##### West

GU, General Use; Single Family Residential, High School

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#### COMPREHENSIVE PLAN

##### COMPATIBILITY

Yes

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**BACKGROUND:**

The subject property is located north of and adjacent to Malabar Road NW. Specifically Lot 750 Section 32, Block 00, Township 28, Range 36, Brevard County, Florida, off Malabar Rd west of St. Johns Heritage Parkway. The subject property is currently vacant land that abuts Heritage High School to the North and vacant land on the East, South and West. This request includes approximately 9.76 acres of land.

**ANALYSIS:**

The proposed request is to develop 9.76 acres of land as a self-storage facility, master stormwater retention and with a portion of the land to the east to left vacant for future development. The proposed self-storage facility will consist of 5 buildings (1 – 3 story building 86,400 sq ft and 4 – one story buildings with an average square footage 2,900) and associated parking.

**CODE REQUIREMENTS:**

To be granted conditional use approval, requests are evaluated upon items (A) through (I) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

**Item (A):** Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergencies.

According to the conceptual site plan, the site will be accessed from the proposed southern driveway located along the Malabar Road NW.

**Item (B):** Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

The City's Land Development Code states that self-storage facilities have the following parking requirements. (30) Self-storage facilities:

(a) Internally-accessed self-storage facilities (indoor, climate-controlled):

1. One (1) space for each 25 units, plus three (3) spaces for the facility's lease office.

(b) Externally-accessed facilities (drive-up storage units):

1. At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five

(35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading, as well as through and/or emergency traffic.

This proposed self-storage facility will meet the parking requirements.

**Item (C):** Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Utilities availability will be determined prior to development submittal. The property will be serviced by Florida Power and Light. Any additional upgrades will be required to be designed, permitted, installed, and inspected at the developer's cost.

**Item (D):** Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

The parcel of land for which this development is proposed is currently vacant land. The site abuts Malabar Road to the south, the Heritage High bus loop to the north, and a canal to the west. ~~The building is approximately 150 feet from existing residential homes located west of the proposed carwash.~~ Staff recommends an 6-foot opaque wall or fence be placed along the north, east and west property lines.

**Item (E):** Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

A detached sign is not shown on the drawing, however if a detached sign is proposed it must meet the minimum setback requirements. A lighting plan was not provided. It shall be noted that City codes require any lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. During the administrative site plan review a lighting and photometric plan will be required.

**Item (F):** Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met.

**Item (G):** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

The project has been designed with sufficient drive aisles and ample on-site maneuverability. Moreover, the looped stacking on the site and internal driveway connections will provide for the safe off-street movement of vehicles.

**Item (H):** The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

The proposed use is permitted (via conditional use). The site is bordered by Heritage High School to the north, south by Malabar Road, to the east and west is vacant land.

**Item (I):** Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

**STAFF RECOMMENDATION:**

Case CU-6-2022 is recommended for approval, subject to the staff comments contained in this report.





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



## **AERIAL LOCATION MAP CASE: CU-6-2022**

### **Subject Property**

North of and adjacent to Malabar Road SW, in the vicinity west of St. Johns Heritage Parkway NW



March 15, 2022

Willard Palmer  
4540 Elena Way  
Melbourne, FL 32934

Dear Mr. Palmer:

Enclosed is a certified copy of Resolution 2022-11, granting a conditional use to allow a proposed self-storage facility in CC (Community Commercial District) zoning on property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway.

The City Council approved the resolution at Regular Council Meeting 2022-05, held on March 3, 2022, subject to the applicant complying with the following:

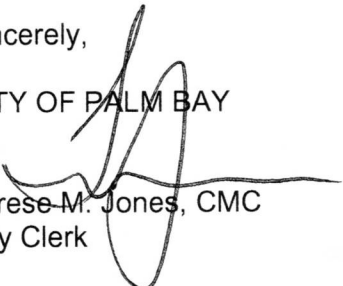
- 1) Constructing the self-storage facility in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A';
- 2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B'; and
- 3) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**If the need should arise in the future for an extension to the commencement period of the conditional use, the request must be submitted to the Office of the City Clerk at least thirty days (30) prior to the expiration date. Requests received after this time period are unable to be acted upon by the City Council prior to the expiration date and will render the conditional use null and void. Please mark your calendar accordingly.**

If you should have any questions or require additional information, please contact Ms. Alexandra Bernard, Growth Management Director, at (321) 733-3042.

Sincerely,

CITY OF PALM BAY

  
Terese M. Jones, CMC  
City Clerk

/tjl

Enclosure: Resolution 2022-11

Case CU-6-2022

Legislative Department



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Alexandra Bernard, Growth Management Director

**DATE:** 3/3/2022

**RE:** Resolution 2022-11, granting a condition use to allow a proposed self-storage facility in CC (Community Commercial District) zoning on property located north of and adjacent to Malabar Road, in the vicinity west of St. Johns Heritage Parkway (9.76 acres) (Case CU-6-2022, Willard Palmer). (Quasi-Judicial Proceeding)

Mr. Willard Palmer (BSE Consultants, Inc. representing) has submitted for a Conditional Use to allow a proposed self-storage facility in a CC, Community Commercial District. The vacant land is located north of and adjacent to Malabar Road NW, north of Heritage High School.

The proposed self-storage site will consist of master stormwater retention, an east vacant portion of land for future self-storage use, five self-storage buildings, and parking. The five buildings will comprise of a single three-story 86,400 square-foot building and four single-story buildings of an average of 2,900 square feet. The site will be accessed by a southern driveway proposed off Malabar Road NW.

The buildings will be approximately 150 feet from the existing residential homes to the west; however, staff recommends a 6-foot opaque wall or fence along the north, east, and west property lines. City code also requires any lighting to be shielded and/or directed downward to avoid creating a nuisance to the adjacent properties.

The self-storage facility is a permitted use by Conditional Use. City Council has the authority to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to approve Case CU-6-2022, subject to the staff comments contained in the staff report.

### **Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the staff comments contained in the staff report.

**ATTACHMENTS:****Description**

Case CU-6-2022 - Staff Report - Revised

Case CU-6-2022 - Site-Sketch

Case CU-6-2022 - Application

Case CU-6-2022 - Diagrams - Submitted at 02-02-2022 P&Z

Case CU-6-2022 - Board Minutes

Resolution 2022-11

Resolution 2022-11, Exhibit A

Resolution 2022-11, Exhibit B

## **RESOLUTION 2023-07**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2022-11, SECTION 3, BY EXTENDING THE COMMENCEMENT PERIOD OF THE CONDITIONAL USE GRANTED FOR A SELF STORAGE FACILITY IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO MALABAR ROAD, IN THE VICINITY WEST OF ST. JOHNS HERITAGE PARKWAY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 3, 2022, the City of Palm Bay granted a conditional use through Resolution 2022-11 to Willard Palmer for a self-storage facility in CC (Community Commercial District) zoning, and

**WHEREAS**, an additional one (1) year extension to the commencement period for the conditional use is being requested by Willard Palmer.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, that:

**SECTION 1.** The City Council of the City of Palm Bay hereby amends Resolution 2022-11, Section 3, to read as follows:

"Section 3. The conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of site plan approval. Failure to obtain site plan approval within two (2) years shall void the conditional use."

**SECTION 2.** The effective date of the commencement period, as amended, for the conditional use shall be determined from the effective date of Resolution 2022-11, enacted on March 3, 2022.

**SECTION 3.** This Resolution shall be recorded in the Public Records of Brevard County at the applicant's expense.

**SECTION 4.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2023- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2023.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Applicant: Willard Palmer  
Case: CU-6-2022

cc: (date) Applicant  
Case File  
Brevard County Recording





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**DATE:** 3/2/2023

**RE:** Consideration of submitting the design phase for widening of St. Johns Heritage Parkway, from Malabar Road to the northern city limit, for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding. (AGENDA REVISION)

Based on recent findings from development traffic studies and from the City's NW Quadrant traffic study, the St. Johns Heritage Parkway (SJHP) from Malabar Road to the northern City Limits will need to be widened from 2 to 4 lanes for the near-term approved projected traffic. The SJHP was only designed and constructed for the existing two travel lanes. The required right of way was purchased for the four lane facilities with utilities set back from the roadway. In addition, the city recently approved the design of the needed left turn lane and traffic signal on SJHP at Emerson Drive.

Currently, staff is coordinating with the Space Coast Transportation Planning Organization (TPO) and FDOT in programming funds for the design phase. The preliminary estimate for the design phase is \$3.3 million. Staff is recommending the submittal of the design phase for the SJHP widening for the FY 2023 Call for Projects funding. Once the design has been completed, the future plan would be to resubmit for additional TPO Call for Projects funding to cover the construction phase which will also include using city Traffic Impact Fees and any proportionate fair share identified for the construction.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

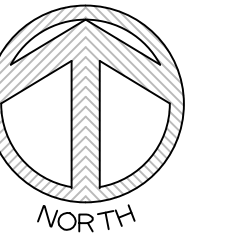
Motion to request for City Council to approve the submittal of design phase for the SJHP widening from the Malabar Road to the northern city limit for FY 2023 TPO Call for Projects funding.

**ATTACHMENTS:**

**Description**

location map





**ST. JOHNS HERITAGE PARKWAY  
ROAD WIDENING 2 TO 4 LANES FROM  
MALABAR RD TO NORTH OF EMERSON  
DRIVE AT MTDD C-54 CANAL 3.0 MILES**



REV. NO.	DATE	BY	REVISION

DESIGNED BY FTW
DRAWN BY SWM
CHECKED BY FTW



**CITY OF PALM BAY  
PUBLIC WORKS DEPARTMENT**  
1050 MALABAR ROAD S.W.  
PALM BAY, FLORIDA 32907  
(321) 953-8996

**ST. JOHNS HERITAGE PKWY  
ROAD WIDENING (MALABAR RD TO EMERSON DR NW)  
CONCEPTUAL PLAN**

DATE FEB. 2023
SCALE
HORIZ: 1" = 750'
VERT: 1" = 750'

FRANK T. WATANABE P.E. NO. 66735
DATE

PROJECT NUMBER
SHEET 1 of 1