



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Regular Meeting No. 2016-01
January 6, 2016 – 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting No. 2015-12; December 2, 2015

ANNOUNCEMENTS:

OLD BUSINESS:

1. FS-3-2015 – PALLADIO DEVELOPMENT, LLC (STEPHEN STRELECKI)

Final subdivision approval for a proposed 5-lot single-family residential development called Palladio Subdivision in an RS-2, Single Family Residential District.

Tract J, Port Malabar Unit 13, Section 36, Township 28, Range 36, Brevard County, Florida, containing 1.38 acres, more or less. (Located in the vicinity of the southeast corner of Ontario Street NW and Calcutta Avenue NW)

2. PD-16-2015 – ZONS DEVELOPMENT, LLC (PAUL A. PALUZZI)

A planned development request for a proposed Regional Activity Center Planned Development Concept Plan in conjunction with a change in zoning from a GU, General Use District (Brevard County) to an RAC, Regional Activity Center District.

Tax Parcel 1 of Section 2, Township 30, Range 37; Tax Parcel 250 of Section 1, Township 30, Range 37; Tax Parcel 250 of Section 12, Township 30, Range 37; Tax Parcel 2 of Section 11, Township 30, Range 37, Brevard County, Florida, containing 723.06 acres, more or less. (Located east of Interstate 95, in the vicinity of the proposed Interstate 95 Interchange in southeast Palm Bay between Grant Road and Micco Road)

SCHOOL COORDINATION BUSINESS:

NEW BUSINESS:

1. CP-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

A Comprehensive Plan Future Land Use Map Amendment is requested from Residential 1:2.5 (Brevard County) to Rural Single Family Use.

Tax Parcels 1 and 9, Section 21, Township 30, Range 37, Brevard County, Florida, containing 244.42 acres, more or less. (Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision)

2. CPZ-1-2016 – ROY WAYNE YATES (KIM REZANKA, REP.)

A zoning amendment request from an AU, Agricultural Residential Classification (Brevard County) and an AGR, Agricultural Classification (Brevard County) to a GU, General Use Holding District.

Tax Parcels 1 and 9, Section 21, Township 30, Range 37, Brevard County, Florida, containing 244.42 acres, more or less. (Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision)

3. T-2-2016 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to modify the Planned Unit Development District (PUD) Ordinance.

OTHER BUSINESS:

ADJOURNMENT:

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

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

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

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING NO. 2015-12

Held on Wednesday, December 2, 2015, 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.

Mr. Bob Williams called the meeting to order at approximately 7:00 p.m.

Mr. Conroy Jacobs led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRMAN:	Bob Williams	Present
VICE CHAIRMAN:	Adam Hill	Present
MEMBER:	Samuel Artley	Present
MEMBER:	Conroy Jacobs	Present
MEMBER:	Leeta Jordan	Present
MEMBER:	Martha Melendez	Absent (Excused)
MEMBER:	William Pezzillo	Present
MEMBER:	Marty Piatkowski	Present
MEMBER:	Philip Weinberg	Present
APPOINTEE:	Wendall Stroder	Present

The absence of Ms. Melendez was excused.

CITY STAFF: Present were Mr. Stuart Buchanan, Growth Management Director; Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Robert Loring, Planner; Ms. Chandra Powell, Growth Management Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2015-11. Motion by Mr. Pezzillo, seconded by Mr. Weinberg to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

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

OLD BUSINESS:

1. FS-3-2015 – PALLADIO DEVELOPMENT, LLC (STEPHEN STRELECKI)

Mr. Murphy announced that since a plat had not been submitted by the applicant, a second continuance was required to hear Case FS-3-2015 at the January 6, 2016 Planning and Zoning Board meeting. No board action was required to continue the case.

2. V-27-2015 – BONNIE KENNEDY

Mr. Loring presented the staff report for Case V-27-2015. The applicant had requested a variance to allow a proposed detached garage to encroach 4.9 feet into the 25-foot front setback, 3 feet into the 10-foot rear setback, and 7.2 feet into the 8-foot side interior setback in an RS-3, Single-Family Residential District as established by Section 185.035(F)(7)(a)(b)(d) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request as required by Section 169.009, City of Palm Bay Code of Ordinances.

Mr. Pezzillo asked if requiring the applicant to move the well on the site would be considered a self-induced hardship since City water and sewer were available. Mr. Loring clarified that the well on the property was for irrigation, and that the applicant would incur the expense of moving the well.

Mr. Bruce Moia, president of MBV Engineering, Inc. (representative for the applicant), described how the odd-shaped property and the home built in 1939 met the intentions of a variance. The driveway for the proposed garage already existed, so there would be no further surface encroachment into the side property line. Locating the garage elsewhere onsite would be impractical because of the drop off into the Turkey Creek and the mature oak trees on the lot. The applicant wanted a garage for enclosed storage typical for a residence. He said that the north neighbor did not object to allowing the subject garage to abut their existing garage.

Mr. Pezzillo questioned the large size of the requested garage. Mr. Moia remarked that the applicant owned a boat and automobiles; the existing slab was equipped to support the proposed structure; and the neighboring garage to the north was even larger.

Mr. Jacobs asked if landscaping could be planted at the north side of the site. Mr. Moia noted that there was less than a foot of space on the north side of the property.

Mr. Weinberg asked if the garage could be moved closer to the home as suggested by staff. Mr. Moia explained that there was a drop off from the driveway with stairs to descend to the house. He submitted a photograph that depicted the area.

Mr. Piatkowski wanted to know when the slab was installed and if the garage could be placed on the south side of the home. Mr. Moia answered that the slab was permitted in 2007. He said that the south side of the home dropped down to the Turkey Creek; trees would have to be removed, and the garage would block the applicant's view of the river.

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

Motion by Mr. Hill, seconded by Mr. Jacobs to submit Case V-27-2015 to City Council for approval of a variance to allow a proposed detached garage to encroach 4.9 feet into the 25-foot front setback, 3 feet into the 10-foot rear setback, and 7.2 feet into the 8-foot side interior setback in an RS-3, Single-Family Residential District as established by Section 185.035(F)(7)(a)(b)(d) of the Palm Bay Code of Ordinances with the condition that all exterior light fixtures would be low intensity and an effort would be made to add landscaping to address privacy, noise, and glare. The motion carried with members voting as follows:

Mr. Williams	Aye
Mr. Hill	Aye
Mr. Artley	Aye
Mr. Jacobs	Aye
Ms. Jordan	Aye
Mr. Pezzillo	Aye
Mr. Piatkowski	Nay
Mr. Weinberg	Aye

City Council will hear Case V-27-2015 on December 17, 2015.

SCHOOL COORDINATION BUSINESS:

1. PD-16-2015 – ZONS DEVELOPMENT, LLC (PAUL A. PALUZZI)

Mr. Murphy informed the board that the applicant for Case PD-16-2015 had requested a continuance to the January 6, 2016 Planning and Zoning Board meeting. Board action was required to continue the request.

By unanimous consent, the board continued Case PD-16-2015 to the January 6, 2016 Planning and Zoning Board meeting.

2. PUD-19-2015 – FALLS OF PALM BAY BUILDERS, LLC (MIKE EVANS)

Mr. Murphy presented the staff report for Case PUD-19-2015. The applicant had requested Final Planned Unit Development (PUD) approval for a proposed 95-lot single-family residential development called The Falls at Palm Bay. Staff recommended Case PUD-19-2015 for approval subject to the staff report and the adoption of the amended PUD ordinance.

Mr. Jacobs questioned whether adjustments would be made to address the shortfalls in the front and side setbacks. He suggested smaller sized homes. Mr. Murphy explained how only the requested setbacks could accommodate the proposal since the planned 2,200 square foot building was configured to fit the confines of a prior project approved eight years ago for the site. Existing lot dimensions, previously installed roads, water and sewer lines, and a pond had to be worked around. Decreased home sizes would be at the discretion of the developer and potential homebuyers.

Mr. Pezzillo remarked on the need to obtain several variances for the development. Mr. Murphy stated that a waiver clause in the PUD ordinance would allow City Council to approve the road and sidewalks as is, and an amendment to the PUD would resolve the remaining deviations so that variances would not be necessary for the lots.

Mr. Piatkowski asked about problems that could result from allowing a 24-foot wide road right-of-way instead of a standard 50-foot right-of-way width. Mr. Murphy answered that private developments were able to accommodate smaller roads and their related infrastructure without a problem. Local City streets were paved 20-feet wide.

Mr. Bruce Moia, president of MBV Engineering, Inc. (project engineer and representative for the applicant), explained how upgrades were necessary for the proposed development, and that the density requested was needed to make the project viable. He explained that the reduced road width would not be noticeable once the project was complete. Each of the subject development's single-family home models would fit the 40-foot by 70-foot wide pads created under the previous townhome project. Waivers would be requested to limit the sidewalks to the sides of the development and near the proposed amenities to stay within the inherited layout.

Mr. Jacobs commented that townhomes had offered the optimum density for helping to fund development infrastructure improvements for the site. Mr. Moia replied that the subject area was better suited for single-family homes. Mr. Murphy added that the single-family development would generate higher Transportation Impact Fee revenue than the previous townhome proposal. Mr. Jacobs noted that the project would be located between two multi-family developments in the vicinity.

Mr. Pezzillo asked why the Florida Department of Environmental Protection (FDEP) had to recertify the utility lines when it was Palm Bay Utility Department's responsibility to authorize line adequacy and service. Mr. Moia explained that the utility lines were constructed under the prior PUD but had not received FDEP approval. The lines had sat unused for ten years and had not been flushed or checked for infiltration. The lines, their recertification and connection fees, and a bond would now be taken care of at the current developer's expense.

Mr. Hill asked whether all conditions in the staff report were acceptable with the exception of the sidewalk requirement. Mr. Moia answered that this was correct.

Mr. Hill wanted to know if additional landscaping would be installed to buffer the residential areas to the south and to the east and whether lighting and signage for the site would be consistent with the surrounding area. Mr. Moia confirmed that in addition to the existing block wall, more landscaping would be planted. He said that the development would be a gated, deed restricted community. The signage was in place and lighting would be to code.

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

Motion by Mr. Piatkowski, seconded by Mr. Artley to submit Case PUD-19-2015 to City Council for Final Planned Unit Development (PUD) approval of a proposed 95-lot single-family residential development called The Falls at Palm Bay. The motion carried with members voting as follows:

Mr. Williams	Aye
Mr. Hill	Aye
Mr. Artley	Aye
Mr. Jacobs	Nay
Ms. Jordan	Aye
Mr. Pezzillo	Aye
Mr. Piatkowski	Aye
Mr. Weinberg	Aye

3. PS-2-2015 – BAYRIDGE WEST, LLC (CHARLES GENONI)

Mr. Murphy presented the staff report for Case PS-2-2015. The applicant had requested a preliminary subdivision to allow a proposed 99-lot single-family residential development called Bayridge Subdivision in an SRE, Suburban Residential Estate District. Staff recommended Case PS-2-2015 for approval subject to the staff report.

Mr. Jacobs left the room at this time and rejoined the meeting later where indicated.

Mr. Piatkowski asked if the stormwater management tract shown on the submitted plan was a low-lying wetland or would it be used for stormwater retention. Mr. Murphy answered that the pond would be used for stormwater retention.

Mr. Hill questioned whether the applicant was in agreement with the conditions of the staff report and if landscaping and shielded lighting were part of the proposal. Mr. Charles Genoni (applicant) replied that he would comply with the staff report. There would be a landscaped subdivision entrance, but there was no landscape plan at the present phase.

The floor was opened for public comments.

Mr. Jacobs rejoined the meeting at this time.

Mr. Bill Battin (resident at Ocean Spray Street SW) spoke against the request. He said that since the subject area was in a floodplain, he was concerned with the drainage overflow that 95 homes on less than 40 acres would cause, and there was no front drainage shown along Gaynor Drive SW. He did not want there to be another failed start up project at the site. He mentioned how the earthen berm had been a major issue for the neighborhood, and that the new berm location desired by the applicant had been tried unsuccessfully. A traffic study had determined that the best position for the berm was at its current location. He was pleased that the development's density had been reduced by the subject proposal.

Mr. Murphy noted that the development plans indicated how the drainage outfall would flow west into Melbourne-Tillman Water Control District Canal No. 13 and would be addressed further during the final subdivision review.

Ms. Lisa Enlow (resident at Gantry Street SW) spoke against the request. She said that the neighborhood had fought to obtain the current placement of the berm. Road studies, vehicle counts, and police statements had confirmed that the current position of the berm was the best location. She suggested that Bombardier Boulevard SW be used instead of Gaynor Drive if an access north of the berm was desired. She described how wild pigs on the site had caused problems in the neighborhood when the site was cleared by the previous developer.

The floor was closed for public comments and there were no letters in the file.

Motion by Mr. Hill, seconded by Mr. Jacobs to submit Case PS-2-2015 to City Council for preliminary subdivision approval to allow a proposed 99-lot single-family residential development called Bayridge Subdivision in an SRE, Suburban Residential Estate District per the staff report and that there would be coordination with the area residents regarding the earthen berm. The motion carried with members voting unanimously.

4. CP-12-2015 – CITIZENS NATIONAL BANK (JASON STEELE, REP.)

Mr. Buchanan presented the staff report for Case CP-12-2015. The applicant had requested a Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. A companion rezoning application had been submitted by the applicant.

Mr. Jacobs remarked on the proposed density of 22 units per acre for the subject site. Mr. Buchanan explained that the maximum density allowed by the newly created Bayfront Mixed Use (BMU) land use category recently submitted for state adoption was 40 units per acre, but the typical design of a three-story, multi-family apartment complex ranged between 22 and 25 units per acre. The site, however, could not architecturally accommodate 40 units per acre.

Mr. Piatkowski remarked on how the site would be surrounded by non-BMU properties, and he wanted to know if high-speed trains coming through the area would be an issue. Mr. Buchanan explained that in the late 1980s all properties abutting Florida East Coast Railroad lands in Florida were converted to industrial. The subject site had remained vacant under the Industrial land use. He described how the developer could use materials and the building's layout to make the apartment complex into a sound barrier.

Mr. Jason Steele (applicant) was present.

The floor was opened for public comments.

Mr. Larry Bailey (resident of Shire Mobile Home Park) spoke against the request. He wanted to know how the site would be accessed. Mr. Buchanan answered that the access roadway would be off of Robert J. Conlan Boulevard NE. Mr. Pezzillo asked if the road entrance would be at the lower end of Robert J. Conlan Boulevard. Mr. Buchanan indicated that this was correct and that a deceleration lane could be installed at the bottom curve of Robert J. Conlan Boulevard. Existing median breaks and road alignments would also be looked into.

The floor was closed for public comments and one letter of inquiry was in the file.

Motion by Mr. Piatkowski, seconded by Mr. Weinberg to submit Case CP-12-2015 to City Council for approval of a Comprehensive Plan Future Land Use Map amendment from Industrial Use to Bayfront Mixed Use. The motion carried with members voting unanimously.

5. CPZ-12-2015 – CITIZENS NATIONAL BANK (JASON STEELE, REP.)

Mr. Buchanan presented the staff report for Case CPZ-12-2015. The applicant had requested a zoning amendment to change from an LI, Light Industrial and Warehousing District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District. The companion land use application was approved by the board.

Mr. Hill stressed that the developer for the subject site should keep in mind that the residents of the Shire Mobile Home Park south of the property were accustomed to the privacy offered by the wooded area that also acted as a wind buffer.

Mr. Jacobs asked about staff criteria for the land use request. Mr. Buchanan answered that there was no criteria attached to the land use request. He added that the site was not on an arterial roadway and water and sewer were available.

Mr. Jason Steele (applicant) was present.

The floor was closed for public comments and one letter of inquiry was in the file.

Motion by Mr. Pezzillo, seconded by Mr. Hill to submit Case CPZ-12-2015 to City Council for approval of a zoning amendment to change from an LI, Light Industrial and Warehousing District and an HI, Heavy Industrial District to a BMU, Bayfront Mixed Use District. The motion carried with members voting unanimously.

NEW BUSINESS:

1. V-29-2015 – STEVE SMOLKO

Mr. Loring presented the staff report for Case V-29-2015. The applicant had requested a variance to allow an existing pool and proposed screen room to encroach 4 feet into the 10-foot rear setback and 2 feet into the 8-foot side interior setback in an RS-2, Single-Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request as required by Section 169.009, City of Palm Bay Code of Ordinances.

Mr. Pezzillo noted that there was no permit for the pool. Mr. Loring commented that there had been a permit; however, a detailed record was no longer on file with the Building Division as the record had surpassed its ten-year retention period for disposal.

Mr. Steve Smolko (applicant) stated that he was in agreement with all staff comments.

Mr. Piatkowski asked when the applicant had purchased the subject home and he wanted to know when the pool was installed. Mr. Smolko answered that the pool was in place when he purchased his property about two years ago, and that the pool was likely installed around 1980 when the home was built.

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

Motion by Mr. Hill, seconded by Mr. Piatkowski to submit Case V-29-2015 to City Council for approval of a variance to allow an existing pool and proposed screen room to encroach 4 feet into the 10-foot rear setback and 2 feet into the 8-foot side interior setback in an RS-2, Single-Family Residential District as established by Section 185.118(A)(3) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

City Council will hear Case V-29-2015 on December 17, 2015.

2. V-30-2015 – DEREK HINDLE

Mr. Loring presented the staff report for Case V-30-2015. The applicant had requested a variance to allow relief from the two-car garage requirement for a proposed reconstructed home in an RS-2, Single Family Residential District as established by Section 185.034(F)(8) of the Palm Bay Code of Ordinances. The board had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request as required by Section 169.009, City of Palm Bay Code of Ordinances.

Mr. Pezzillo inquired whether a garage existed on the subject home prior to the fire damage and if the property could accommodate a two-car garage. Mr. Loring replied that the original home had a one-car garage, and that the applicant was seeking to rebuild the home to its original layout. However, a home destroyed by fire was required to meet the codes existing when reconstructed. He commented that there was no room for a two-car garage on the site without reconfiguring the layout of the home.

Mr. Derek Hindle (applicant) submitted photos of the block structure remaining on the property with the original single-car garage. He said that several homes in the neighborhood had single-car garages.

Mr. Murphy noted that shifting the home east to accommodate a two-car garage would infringe upon the existing living space and a shift to the west would require a variance to encroach into the side interior setback.

Mr. Piatkowski asked if the applicant had owned the site before the fire. Mr. Hindle answered that he had purchased the property after the fire.

The floor was opened and closed for public comments; there were no comments from the audience, and there was one letter in the file in support of the request.

Motion by Mr. Pezzillo, seconded by Mr. Artley to submit Case V-30-2015 to City Council for a variance to allow relief from the two-car garage requirement for a proposed reconstructed home in an RS-2, Single Family Residential District as established by Section 185.034(F)(8) of the Palm Bay Code of Ordinances per the staff report. The motion carried with members voting unanimously.

City Council will hear Case V-30-2015 on December 17, 2015.

3. CU-20-2015 – AMERCO REAL ESTATE COMPANY (DAVID POLLOCK)

Mr. Murphy presented the staff report for Case CU-20-2015. The applicant had requested a conditional use to allow a proposed self-storage facility in a CC, Community Commercial District. The board had to determine if the request met criteria for Sections 185.087 and 185.088(H) of the Palm Bay Code of Ordinances.

Mr. Pezzillo wanted clarification on the parking spaces designated for the proposed self-storage facility. Mr. Murphy noted the submitted plan for the project delineating the parking spaces assigned to the facility.

Mr. Jacobs inquired about the locations proposed for truck display, and Ms. Jordan asked where staff would prefer the truck displays to be located. Mr. Murphy indicated the areas where the applicant wanted their front-line displays to face Babcock Street NE and Palm Bay Road NE. Staff would prefer the truck displays to be set east away from the roads as the U-Hauls would still be readily identifiable onsite, and displaying the trucks near the roads would not visually enhance the roadway frontage.

Mr. Weinberg asked about the three additional buildings proposed for the project. Mr. Murphy explained the building locations as shown on the plans and their associated self-storage, retail, and office uses.

Mr. Jacobs noted that the proposal appeared to encroach into the existing McDonald's Restaurant area. Mr. Murphy remarked that the proposal had taken into account future reconstruction modifications planned for the McDonald's and Boston Market outparcels.

Mr. Pezzillo questioned why the other shopping center businesses were not shown on the plans. Mr. Murphy answered that the subject proposal did not involve any other business. The remaining portion of the shopping center was in separate ownership.

As a former member of the committee that prepared a corridor study of Palm Bay Road for the Space Coast Transportation Planning Organization, Mr. Jacobs suggested consideration be given to eliminating one of the two Palm Bay Road access points for safety purposes. Mr. Murphy stated that he was not aware of the study; however, the existing driveways had functioned well for 36 years, and the self-storage facility would generate much less traffic than the former Kmart store. He said that the State had not eliminated either of the openings when Palm Bay Road was six-laned five years ago.

Mr. Cal Conner, president of U-Haul Company of Eastern Florida (representative for the applicant), expressed excitement in having corporate U-Haul join the Palm Bay business community. He and many of his executives resided in Brevard County and Palm Bay. He described U-Haul's implementation of its reuse development program at the proposed location and showed examples of successful U-Haul reuse projects of similar size and on former Kmart sites. In regards to the staff report, he agreed that the number of handicap parking spaces would need to be revised per the staff report; that the existing landscaping and buffering at the property was adequate but would be better maintained by U-Haul; and he emphasized the importance of having the front-line display of the facility equipment for advertisement. He noted that Building D was placed on the site plan in error and would not be a part of the project, so traffic flow would not be impeded. He agreed to eliminate the display parking areas from where Building D had been proposed and from along Palm Bay Road. The subject location was also under consideration for his new headquarters.

Mr. Williams wanted to know the average amount of vehicles that would be on display. Mr. Conner answered that approximately 15 to 20 vehicles would be on static display at any given time.

Mr. Pezzillo asked if the rear Palm Bay Road access would still be used for receiving. Mr. Conner confirmed that U-Haul and other businesses in the shopping center would continue to use the back access for receiving and ground loading.

Mr. Jacobs stated that development in the City was welcome; however, the proposed front-line truck display would not be aesthetically pleasing on a major roadway. He suggested relocating the display areas elsewhere on the site to eliminate all front-line display, and signage would promote the business. Mr. Conner responded that he was not in favor of completely eliminating front-line display from the property, but he was willing to consider the suggestion.

Mr. Williams asked if landscaping would be added to the parking lot medians, and he recommended buffering the display areas with landscaping. Mr. Murphy replied that there were trees in the landscape islands, but gravel had replaced the grass strips as part of the drainage system beneath the pavement. The landscape plan for the project would save trees where possible and add trees to any new parking lot island. Mr. Conner agreed to landscape the display areas.

Mr. Pezzillo and Mr. Williams questioned whether the applicant would continue to permit used-car sales events to occur in the parking lot. Mr. Conner answered that the activity would no longer be allowed at the site. U-Haul wanted to be a good neighbor to the area residents who attended the Citizen Participation Plan (CPP) meeting and spoke against the constant used-car sales events. The project would also bring 30 to 50 jobs to the area. Mr. David Pollock (applicant) confirmed that the used-car sales activity would no longer occur at the property. He emphasized how the facility would be a U-Haul corporate-owned center, which was why the display areas were important. The large, box-type building was set at least 600 feet from the road, so the displays were needed to make the overall site work. He stated his willingness to reduce the requested display areas by 50 percent; however, corporate standards and operations were proven successful.

Mr. Hill asked if there would be any no-access zones. Mr. Pollock answered that there would not be any no-access areas since the property was contiguous to adjacent businesses in the shopping center and traffic would need to flow.

Mr. Piatkowski asked about the staging areas and how the facility would operate. Mr. Pollock and Mr. Conner explained the operation of the facility and its security.

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

Motion by Mr. Weinberg, seconded by Mr. Piatkowski to submit Case CU-20-2015 to City Council for approval of a conditional use to allow a proposed self-storage facility in a CC, Community Commercial District, subject to the staff report; with the condition that a total of six handicap parking spaces be provided; and that the front-line display areas be moved closer to the main building away from Babcock Street NE and Palm Bay Road NE.

Discussion ensued regarding the display sites.

Mr. Jacobs recommended setting the front-line display areas 30 feet back from their proposed locations. Mr. Artley said that the requested front-line display areas should be permitted but with enhanced landscaping to serve as a buffer. Ms. Jordan suggested allowing the requested front-line display areas with a reduced number of vehicles and setting the remaining frontage displays back by 30 feet. Mr. Hill was in favor of more landscape buffering for aesthetics.

Mr. Weinberg said that based on the comments by Mr. Conner, the existing landscaping should be sufficient.

Motion by Mr. Weinberg, seconded by Mr. Piatkowski to amend the motion to submit Case CU-20-2015 to City Council for approval of a conditional use to allow a proposed self-storage facility in a CC, Community Commercial District, subject to the staff report; with the condition that a total of six handicap parking spaces be provided; and to modify the front-line display condition to require the front-line display areas on Babcock Street NE and on Palm Bay Road NE to be moved a minimum of 30 feet back from where shown on the site plan. The motion carried with members voting unanimously.

OTHER BUSINESS:

1. The Planning and Zoning Board was advised of City Council's recent adoption of an ordinance to change the composition of advisory boards and committees effective February 1, 2016.
2. The board was reminded to follow meeting protocols.
3. Well wishes for Christmas and the New Year were shared.

ADJOURNMENT:

The meeting was adjourned at approximately 9:38 p.m.

Bob Williams, CHAIRMAN

Attest:

Chandra Powell, SECRETARY



MEMO TO: PLANNING AND ZONING BOARD MEMBERS

FROM: PATRICK J. MURPHY, ASSISTANT DIRECTOR

DATE: JANUARY 6, 2016

SUBJECT: CASE NO. FS-3-2015 (PALLADIO)

The applicant has not completed all of the necessary application submittal requirements and thus cannot be heard at the January 6, 2016 Planning and Zoning Board Meeting. As a result, staff is administratively continuing the request to the February 3, 2016 Board Meeting. The Board will not need to take action on this request.

PJM

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

- PROPOSAL:** A Zoning Map Amendment and Concept Plan Approval are requested to change from the GU, General Use District (Brevard County) to the RAC, Regional Activity Center District.
- LOCATION:** The property is located east of and adjacent to Interstate 95, where the future south interchange of I-95 and the St. Johns Heritage Parkway SE is located. Specifically; the subject property is Tax Parcel 1 of Section 2; Tax Parcel 250 of Section 1; Tax Parcel 250 of Section 12; and Tax Parcel 2 of Section 11; all of which are located in Township 30 south and Range 37 east, Brevard County, Florida.
- APPLICANT:** Zons Development, LLC. (Paul Paluzzi, Manager)

SITE DATA

- PRESENT ZONING:** GU, General Use District (Brevard County)
- ACREAGE:** 723.06 acres (\pm)
- DENSITY:** A Maximum of 1,260 Dwelling Units (per Ordinance No. 2010-25)
- ADJACENT ZONING
& LAND USE:**
- | | | |
|---|----|--|
| N | -- | GU, General Use District (Brevard County); Vacant Land |
| E | -- | GU, General Use District (Brevard County); Vacant Land |
| S | -- | GU, General Use District (Brevard County); Vacant Land |
| W | -- | GU, General Use District (Brevard County); Interstate 95 |
- WATER & SEWER:** City Water & Sewer Required
- FLOOD ZONE:** Approximately 50% or more of the subject property is located in a Special Flood Hazard Area (Zone A). A stormwater calculation will be required for development
- COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Yes

BACKGROUND:

1. The property is located east of and adjacent to Interstate 95, where the future south interchange of I-95 and the St. Johns Heritage Parkway SE is located. Specifically; the subject property is Tax Parcel 1 of Section 2; Tax Parcel 250 of Section 1; Tax Parcel 250 of Section 12; and Tax Parcel 2 of Section 11; all of which are located in Township 30 south and Range 37 east, Brevard County, Florida.
2. The adjacent zoning and land uses are as follows:

<u>NORTH:</u>	GU, General Use District (Brevard County); Vacant Land
<u>EAST:</u>	GU, General Use District (Brevard County); Vacant Land
<u>SOUTH:</u>	GU, General Use District (Brevard County); Vacant Land
<u>WEST:</u>	GU, General Use District (Brevard County); Interstate 95
3. The applicant is requesting a Zoning Map Amendment to change from the GU, General Use District (Brevard County) to the RAC, Regional Activity Center District and approval of a Preliminary Development Plan (PDP) for a development name "Emerald City". The applicant for this request is Paul Paluzzi, Manager of Zons Development, LLC. The subject property is approximately 723.06 acres.
4. Pursuant to the RAC zoning category, approval occurs in two stages: Concept Plans (PDP) are approved for the overall development and at the same time, or at a later date, Final Development Plans are approved showing the details for phases of the project as they are ready to construct. Approval of the PDP results in rezoning of the site to the RAC, Regional Activity Center District on the Zoning Map. Development of the site cannot occur until a Final Development Plan is approved by City Council.
4. The site contained in this request received approval for the Regional Activity Center land use category in the Comprehensive Plan on March 15, 2011 (Ordinance No. 2010-25). The requested zoning district is the companion zoning for this land use land use category.

ANALYSIS:

1. The property is presently vacant. In the southwest corner of the site is stormwater retention pond owned and maintained by the Florida Department of Transportation. This pond is not a part of the request. The site is located east of and adjacent to Interstate 95 and north and south of the proposed St. Johns Heritage Parkway.
2. The "Emerald City Concept Plan" plan creates categories, uses, densities and intensities to provide consistency with the Regional Activity Center Use, allowing a maximum residential use of 1,260 dwelling units and 1,250,000 square feet of non-residential uses. The plan identifies three (3) categories: Workplace; Urban Living; and Open Space.

Workplace:

The Workplace Area offers opportunities for large neighborhood and regional retailers, as well as professional office, research, industrial and development users to create a job center for the community's residents and the highly-trained workforce within the city. This use category is where the non-residential uses would be developed. It also allocates 252 multi-family units at a maximum 30 dwelling units per acre.

Urban Living:

The Urban Living Area provides a mix of residential products to suit a range of life stages; working professionals, young families, retirees, and senior's aging-in-place. This use category is allocated 330 single family units at a maximum of 9 units per acre and 678 multi-family units at a maximum of 30 units per acre.

Open Space:

The Open Space areas are divided into two (2) categories; Activity Based and Resource Based lands. The design for Emerald City features compact neighborhoods allowing the preservation and protection of larger areas for nature and promoting environmental stewardship of the land. This category is allocated 46 acres of Activity Based uses, which may include parks, a nature center, playing fields, walking/biking trails and other recreational uses; and 251 acres of Resource Based uses, which may include conservation, preservation and nature walk areas.

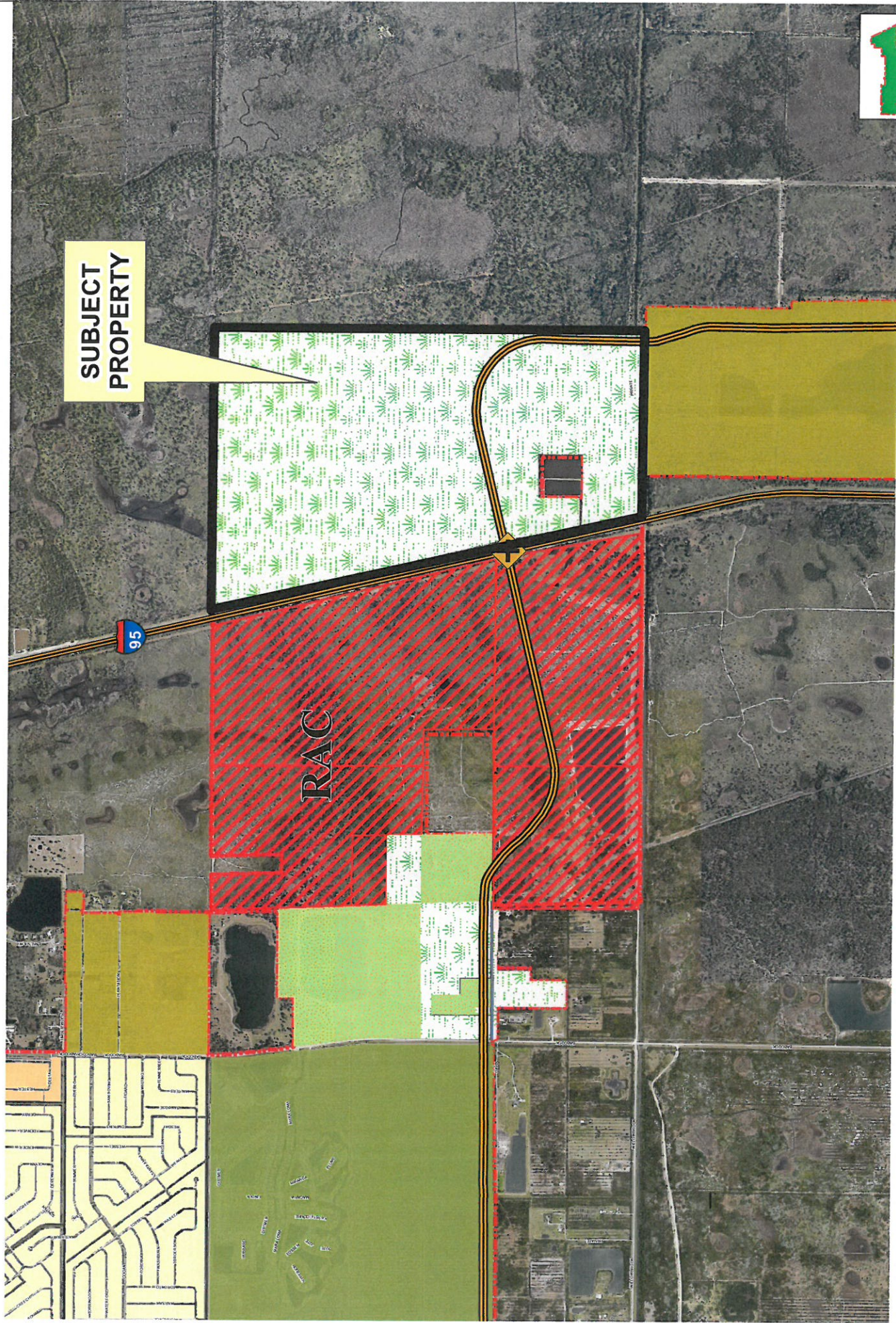
3. The Schedule of Uses and Conceptual Design Standards were provided and appear adequate to control development of the Final Development Plans. These guidelines are designed to effectively guide the future development towards the Smart Growth patterns envisioned by the Regional Activity Center category. The overall standards promote compact development, mixed use, sustainability and coordinated project and site design. The application is thus consistent with the policies and objectives of the Palm Bay Comprehensive Plan Regional Activity Center Use land use category.

STAFF RECOMMENDATION:

A motion to approve the "Emerald City Regional Activity Center Concept Plan" as presented and to rezone the subject site to the Regional Activity Center District.

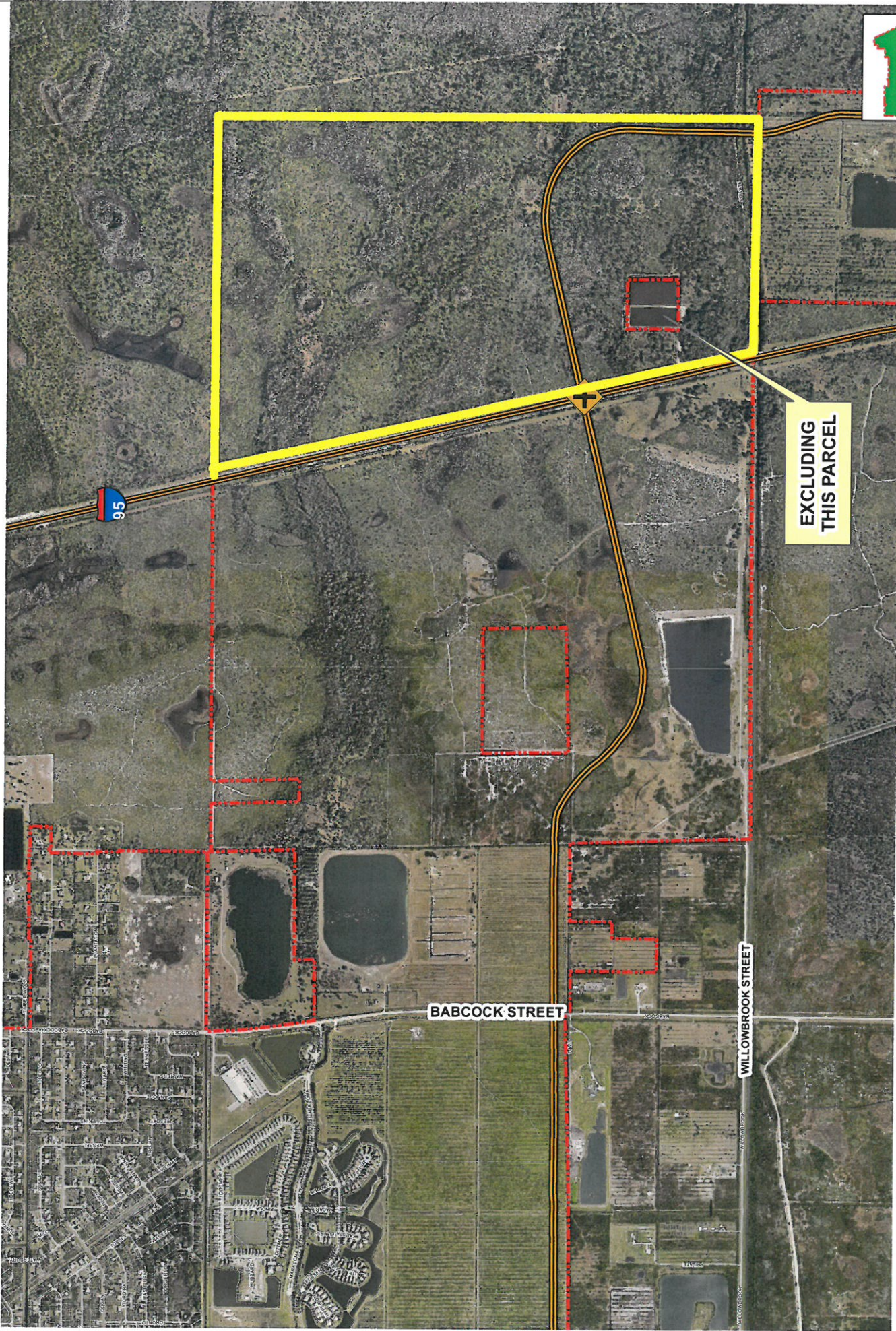


**SUBJECT
PROPERTY**



Map for illustrative purposes only. Not to be construed as binding or a warranty.
Map created by Paul and Christopher Chatham

CASE NO. PD-16-2015



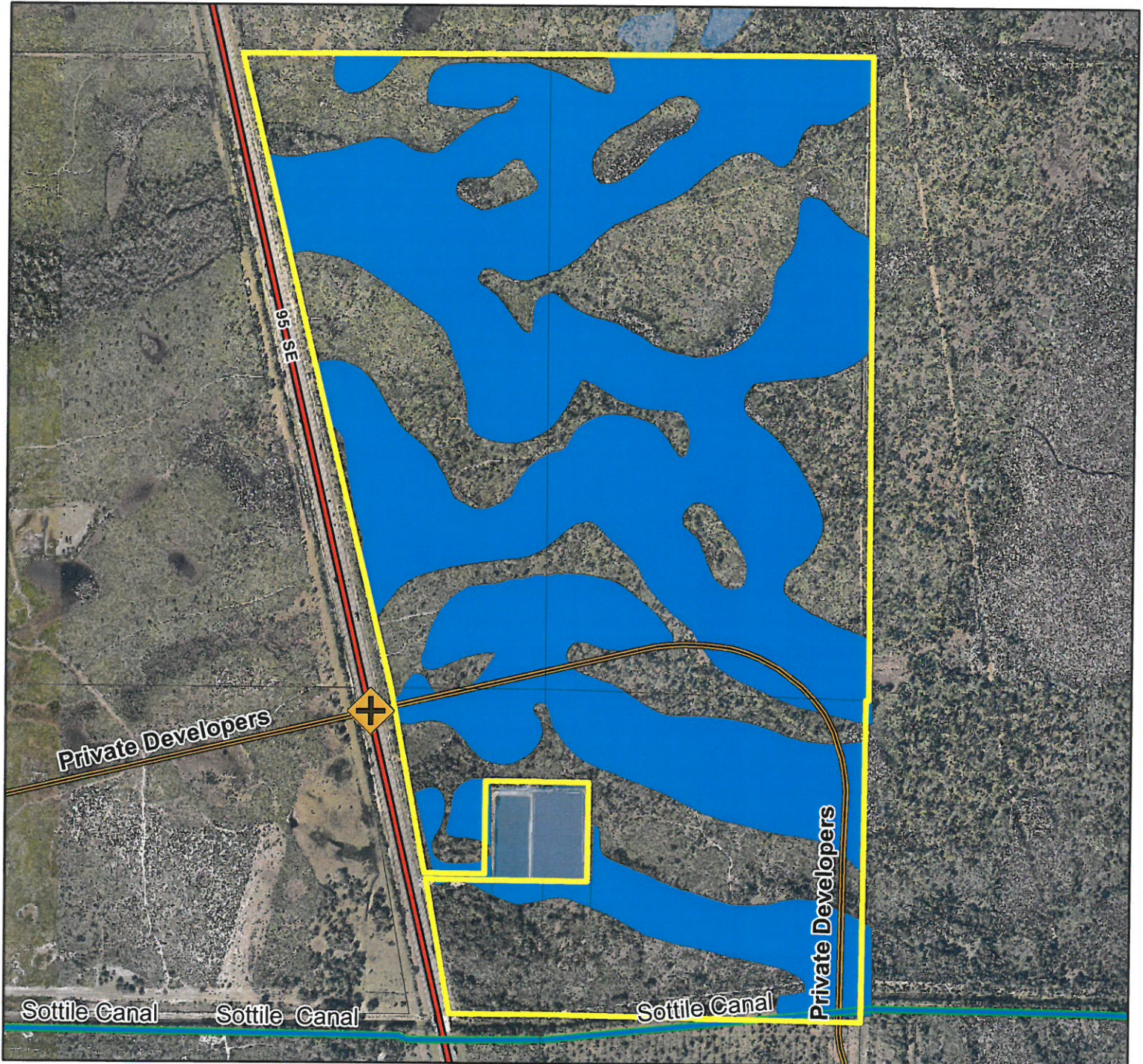
EXCLUDING
THIS PARCEL

CASE NO. PD-16-2015



Map for Bidding and Construction. Not to be construed as a warranty or as a contract.
Map created by the Land Development Division

FLOODZONE DETERMINATION



CITY LIMITS

JIM WILLIAMS CFM
FLOODPLAIN ADMINISTRATOR
CITY OF PALM BAY
321-733-3042 willij@palmbayflorida.org

FLOODZONES

AE = BASE FLOOD ELEVATION (BFE) ESTABLISHED FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE
 A = NO BASE FLOOD ELEVATION (BFE) ESTABLISHED HIGHEST FLOOD INSURANCE RATE FLOOD INS. MANDATORY FOR FEDERALLY INSURED MORTGAGE

FW = FLOODWAY - NO CONSTRUCTION ALLOWED
 X = AREA'S OUTSIDE 500 YEAR FLOODPLAIN
X-500 = AREA'S OF 500 YEAR FLOOD .2 % CHANCE OF FLOODING IN ANY GIVEN YEAR

FEMA LOMA - LOMR- OAS

LOMA CASE NO.
 LOMR-F LOMA DATE
 OUT AS SHOWN
 DECLINED

X ZONES ARE NOT REQUIRED TO CARRY FLOOD INSURANCE, BUT QUALIFY FOR "PREFERRED RISK" POLICIES AND THE RATES ARE LOWER THAN "A" OR "AE" ZONES

NARRATIVE

The 723 acres owned by Brevard Landvest LLC known as "Emerald City" was designated as a Regional Activity Center Use by City of Palm Bay Ordinance No. 2010-25 and by the State of Florida Department of Community Affairs on March 15, 2011. The property is located at the future intersection of Interstate 95 and St. Johns Heritage Parkway in Palm Bay, Florida. The project has been developed using urban planning principals to appeal to a broad spectrum of people who place high value on natural beauty, social venues, workplace community living and sustainability. The project is designed with pedestrian friendly streets within both the residential and commercial areas, providing connectivity, walkability and promoting an active lifestyle.

The Planned Development Concept Zoning Plan creates the categories, uses, densities and intensities to provide consistency with the Regional Activity Center Use allowing a maximum residential use of 1,260 dwelling units and 1,250,000 square feet non-residential uses.

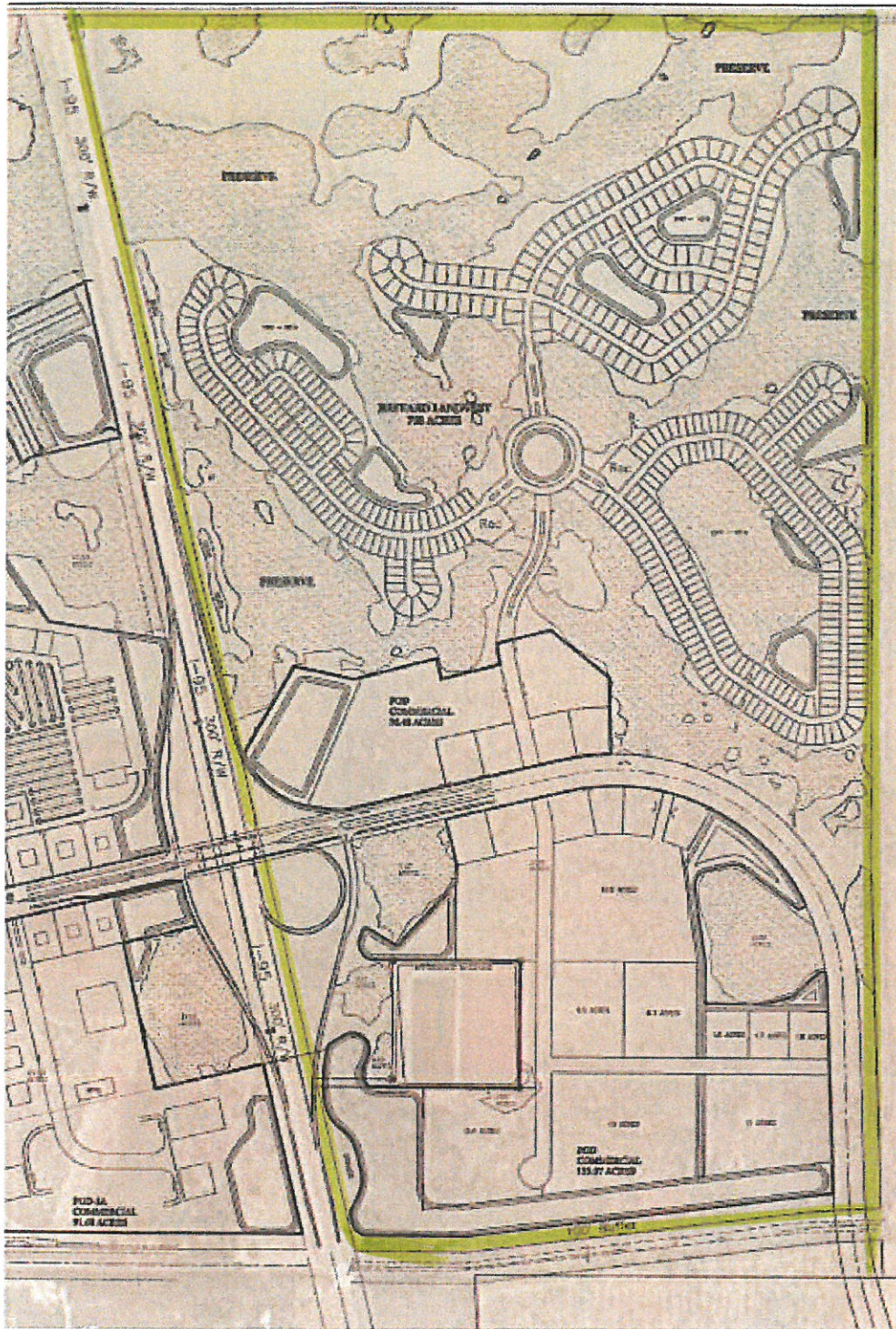
Emerald City will include three (3) Zoning Use Categories in the Brevard Landvest property east of Interstate 95; A. Workplace, C. Urban Living and D. Open Space.

A. The Workplace area offers opportunities for large neighborhood and regional retailers, as well as professional office, research, industrial and development users to create a job center for the community's residents and the highly trained workforce within the City. This use category is allocated 1,250,000 square feet for Commercial, Office, Industrial and Office uses, and 252 Multifamily units at a maximum 30 dwelling units per acre.

B. The Urban Living area provides a mixed of residential products to suit a range of life stages; working professionals, young families, retirees, and seniors aging-in-place. This use category is allocated 330 single family units at a maximum 9 units per acre and 678 multifamily units at a maximum 30 units per acre.

C. The Open Space areas are divided into two categories, Activity Based and Resource Based lands. The design for Emerald City features compact neighborhoods allowing the preservation and protection of larger areas for nature and promoting environmental stewardship of the land. This use category is allocated 46 acres for Activity Based uses, which may include parks, nature center, playing fields, walking, biking trails and other recreational uses; and 251 acres Resource Based uses which may include conservation, preservation and nature walk areas.

BOVARD RAC CONCEPT PLA



1"=100' 0' 400' 800'



**CONSTRUCTION
ENGINEERING
GROUP**

WE ARE THE WAY
www.cengr.com
consulting engineers architects 1985/2007

Use Categories	Total Square Footage	Total Dwelling Units (Du's)	Acres	Total Acreage
WORKPLACE				272
Commercial/Office/Industrial	1,250,000			
URBAN LIVING				154
Single Family		330		
MultiFamily		930		
OPEN SPACE				297
Activity Based			46	
Resource Based			251	
roads/utilities				
TOTAL	1,250,000	1,260		723

CONSISTENCY WITH CITY OF PALM BAY ORDINANCE NO. 2010-25
BREVARD REGIONAL ACTIVITY CENTER

1. Brevard Landvest, LLC, its owners and assigns shall maintain consistency with City of Palm Bay Comprehensive Plan Regional Activity Center Goals, Objectives and Policies.
2. The Brevard RAC Concept Master Land Use Plan has been made part of the City's Future Land Use Map Series, Map #22.
3. The Brevard RAC project acreage is 723 acres. The boundary lines or acreages shown on the adopted Concept Master Plan may be adjusted based on final permitting and dedication of lands to the City of Palm Bay and/or Brevard County for rights-of-way for the Palm Bay Parkway (aka St. Johns Heritage Parkway), the Interstate 95 Interchange and the Sotille Canal, provided the acreage requirements of the RAC policies are complied with.
4. The total number of residential dwelling units shall not exceed 1,260 dwelling units and the total square footage of non-residential use shall not exceed 1,250,000 square feet.
5. The Brevard Landvest Development Conceptual Zoning Plan includes the following maximum densities and intensities:

Use Categories	Total Square Footage	Total Dwelling Units (Du's)	Acres	Total Acreage
WORKPLACE				272
Commercial/Office/Industrial	1,250,000			
URBAN LIVING				154
Single Family		330		
MultiFamily		930		
OPEN SPACE				297
Activity Based			46	
Resource Based			251	
roads/utilities				
TOTAL	1,250,000	1,260		723

The net buildable acreage is 472 acres, calculated as 723 acres (Total Project Acreage) less 251 acres (Resource Based Open Space.)

6. The location of uses 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 policies.



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

1) NAME OF APPLICANT (Type or print) Zons Development, LLC % Paul A. Paluzzi, Manager

ADDRESS 605 S. Fremont Avenue

CITY Tampa STATE FL ZIP 33606

PHONE # 813-514-1776 #21 FAX # 813-514-1854

E-MAIL ADDRESS paul@zonsdevelopment.com

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION

see attached

SECTION 1, 2, 11, 12 (portions) TOWNSHIP 30 South RANGE 37 East

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 723.06 acres

4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) GU - General Use District

5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): RAC - Regional Activity Center

6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? No

7) JUSTIFICATION FOR REZONING: Consistency with Regional Activity Center (RAC) Land Use,

8) PRESENT USE OF THE PROPERTY: Agricultural Cattle Grazing

Ordinance No. 2010-25

9) INTENDED USE OF PROPERTY: Residential, Commercial, Office, Retail and Industrial Uses

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

XX *\$600.00 Application Fee. Make check payable to "City of Palm Bay."

XX Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 2

XX A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here: Brevard County Property Appraiser, Dana Blickey, CFA

 Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

XX WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.

XX IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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 REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

8/31/15

Printed Name of Applicant

Paul A. Paluzzi

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

LLC RESOLUTION AND AFFIDAVIT

I, Walter Forrer, the sole member of Brevard Landvest LLC ("Company"), upon oath do hereby certify, that the following statements are true and correct:

1. The Company is a manager managed limited liability company. The Manager of the LLC is Nick Dionisio. There is not now and there never has been an operating agreement prepared in connection with the Company.
2. The Company, by and through the sole member has or will be entering into that certain Vacant Land Contract and Addendum (collectively the "Contract") by and between the Company, as the seller and Zons Development LLC and/or assigns, as the buyer dated _____, 2014.
3. By appropriate action, approved by the sole member of the Company, the following resolutions were unanimously adopted:

"Be it resolved as follows:

That the sole member authorizes Paul Paluzzi to execute any and all documents on behalf of the Company concerning the taking of any action and the execution of any documents as authorized pursuant to paragraph m) of the Addendum entitled "Cooperation" including but not limited to taking any action and the execution of documents necessary or required in connection with obtaining any of the Entitlements as defined in the Addendum (hereinafter the "Approved Action") all in connection with the property described on the attached Exhibit "A" ("Property") pursuant to the Contract.

That Paul Paluzzi may do and perform each and every act and thing whatsoever requisite, necessary, and proper to be done in connection with the Approved Action described above as well as doing any and all things requisite, necessary and proper on behalf of the Company, with full power of revocation, hereby ratifying and confirming all that Paul Paluzzi shall lawfully do or cause to be done by virtue of this Resolution and the rights and powers herein granted.

To sign, endorse, execute, acknowledge, deliver, receive, and possess such applications, agreements, documents and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

The undersigned sole member consents to the execution of any such documentation by Paul Paluzzi, as an agent of the Company for the limited purposes provided herein.

The Company has not been dissolved or annulled, and no proceeding is pending, nor any action filed for dissolution or annulment of the same.

I/We each have read all of the provisions of this resolution and I/We each, jointly and severally, and on behalf of the Company, certify and agree to its terms.

{5832-64 00838282.DOC;1 10/1/2014}



The foregoing Resolution is outstanding and in full force and effect and has not been modified, amended or rescinded in any particular."

FURTHER AFFIANT SAYETH NOT.

Signed, sealed and delivered
in the presence of:

Affiant:

Brevard Landvest LLC, a Florida limited liability company,

Witness #1 Signature

W. Rodgers Newton

Witness #1 Printed Name

W. Rodgers Newton

Witness #2 Signature

William R. Newton

Witness #2 Printed Name

By:

Walter Forrer, sole member

By: John D. Copanos as
agent for Walter Forrer

John D. Copanos

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 20th day of October, 2014,
by John D. Copanos, as the authorized agent of Walter Forrer, the sole member of Brevard
Landvest LLC.

Notary Public: Susan M. Messenger
Print Name: SUSAN M. MESSINGER
My Commission Expires: 2/16/2018



Personally Known P (OR) Produced Identification. _____
Type of identification produced _____

I/We each have read all of the provisions of this resolution and I/We each, jointly and severally, and on behalf of the Company, certify and agree to its terms.

The foregoing Resolution is outstanding and in full force and effect and has not been modified, amended or rescinded in any particular."

Brevard Landvest LLC, a Florida limited liability company,

By: 
Walter Forrer, sole member

Kanton St.Gallen
Departement des Innern

Amt für Handelsregister und Notariate
Amtsnotariat Buchs



Buchs SG, 23. September 2014

Amtsnotariat Buchs
Bahnhofstrasse 2
8470 Buchs SG
T 058 229 76 92
Info.amnbu@sg.ch
www.amnbu.sg.ch

BB.2014.1118

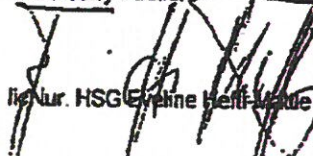
Attestation of signature

Mr. Forrer Walter, born 27.03.1941, from Sennwald-Frümsen und Sevelen, resident at Sandstrasse 8, 7310 Bad Ragaz,

has signed in my presence the signature hereover in his own hand. Based on this, I hereby certify the signature as true and correct.

This certification is limited to the attestation of the signature only and does not refer to the content of the document, for which the Amtsnotariat assumes no responsibility.

The Notary Public:


Herrn. HSG Evelyn Heft-Mühle



2/2



DATE: January 6, 2016
CASE #: CP-1-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: Assignment of Rural Single Family Use to proposed voluntary annexation.
LOCATION: Southwest corner of Babcock Street and Micco Road intersection
APPLICANT: Roy Wayne Yates represented by Kim Rezenka, Esq.

SITE DATA

PRESENT ZONING: County Agriculture (AGR) and Agricultural Use (AU)

LAND USE

DESIGNATION: County Residential 1:2.5

ACREAGE: 244.419

ADJACENT ZONING

& LAND USE:

- N** -- County Residential 1:2.5/Agricultural Use
- E** -- County Public Conservation/Government Managed Lands (P)
- S** -- Unassigned City/Calmet Farms
- W** -- Unassigned City /Calmut Farms

BACKGROUND:

1. The property is located at the Southwest corner of Babcock Street and Micco Road intersection.
2. The adjacent zoning and land uses are as follows:

North: County Rural Residential/Single Family Residential Subdivision
East: County Agricultural Use/Vacant
South: Unassigned City/Vacant
West: Unassigned City/Vacant
3. The subject property is currently an operating borrow pit of 5 acres.
4. The applicant is requesting a Comprehensive Plan Future Land Use Map Amendment to change from County Agriculture to Rural Single Family Use.

ANALYSIS:

Availability of Public Facilities and Services:

1. Potable Water: Not available.
2. Sanitary Sewer: Not available.
3. Solid Waste: Available.
4. Parks & Recreation: N/A
5. Drainage: Onsite Drainage Required as per Land Development Regulations.
6. Transportation: Proposed amendment includes no change from existing County trip generation.
7. Public Schools: N/A

Environmental Resources:

The subject property is vacant, cleared land with an operating borrow pit.

Coastal High Hazard Zone:

The subject property is not located within the original Coastal High Hazard Zone or within the current surge area.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property:

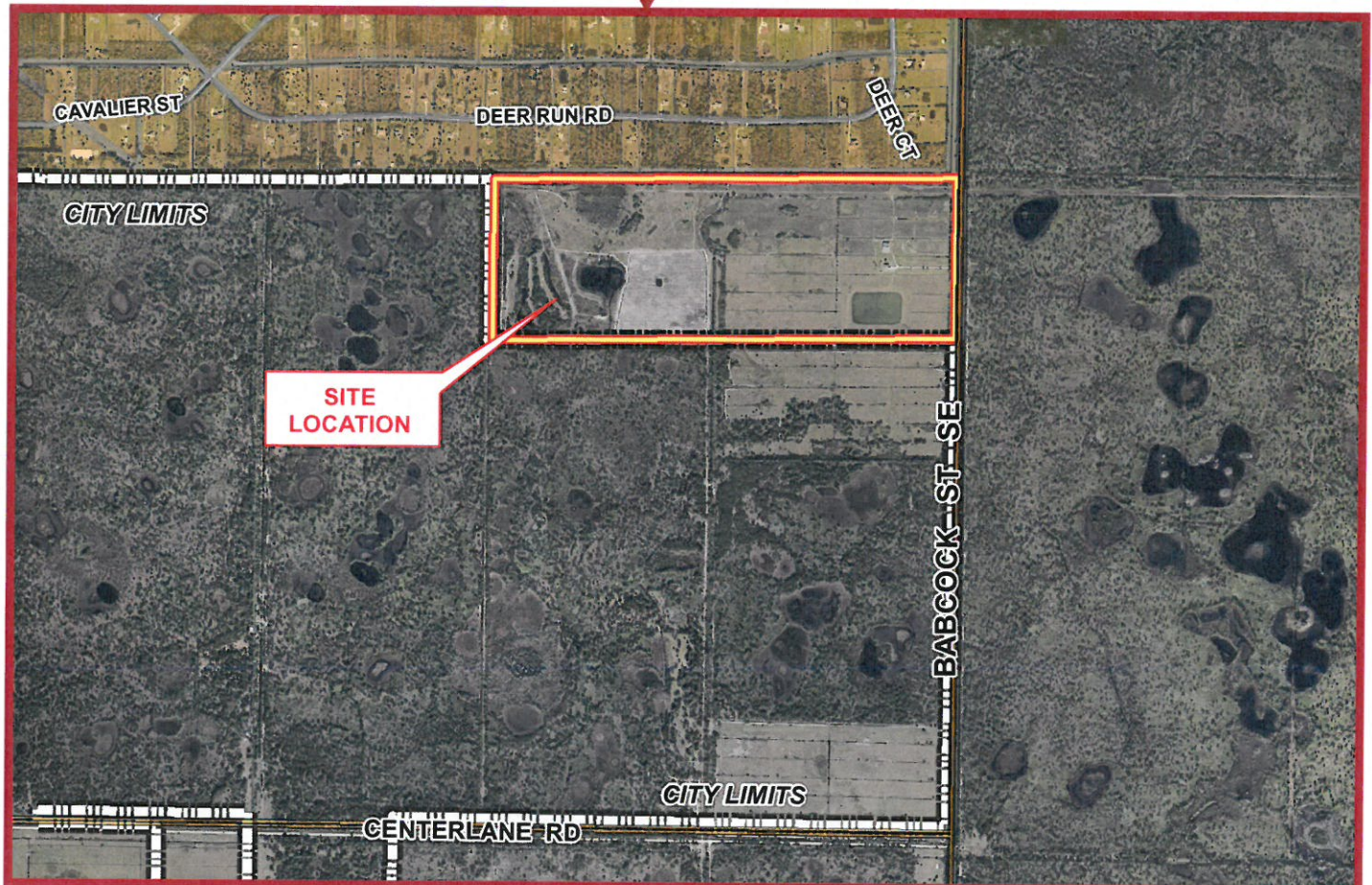
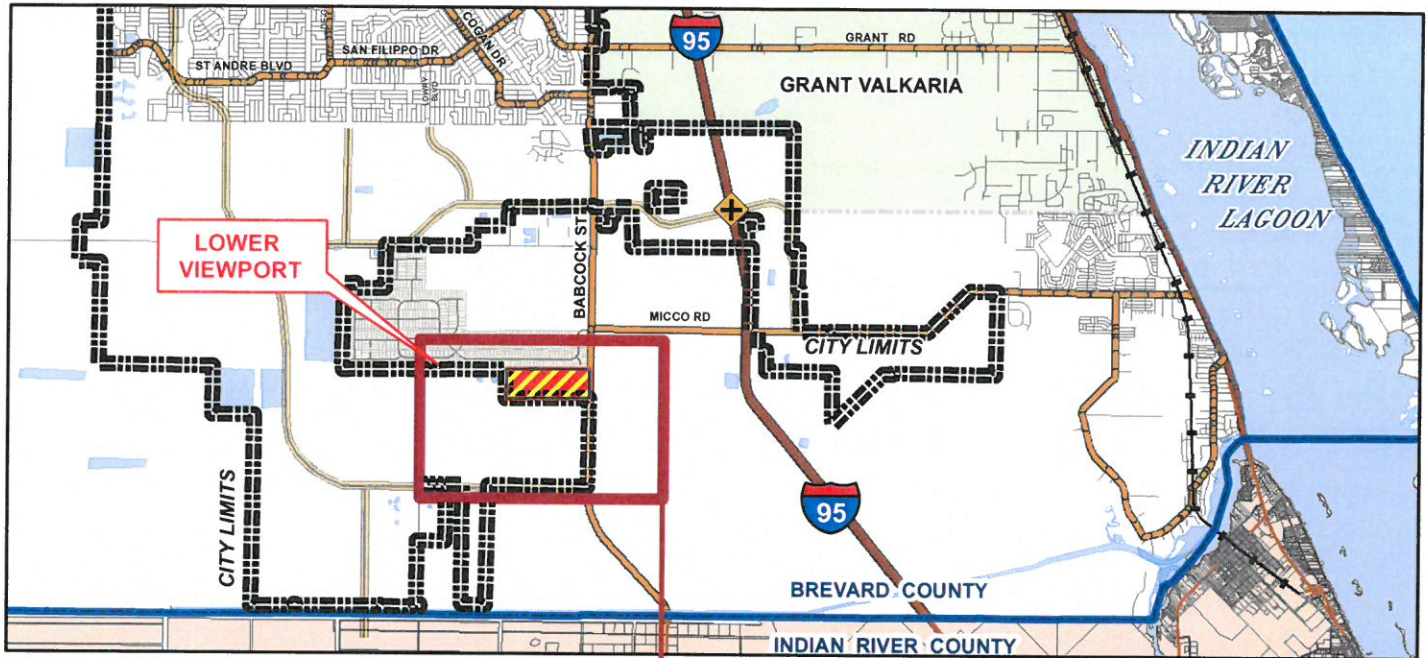
COMPREHENSIVE PLAN REQUIREMENTS:

The proposed amendment is for the assignment of City Future Land Use of Rural Single Family Residential on 244.419 acres from County Residential 1:2.5 and Agricultural Use.

STAFF CONCLUSION:

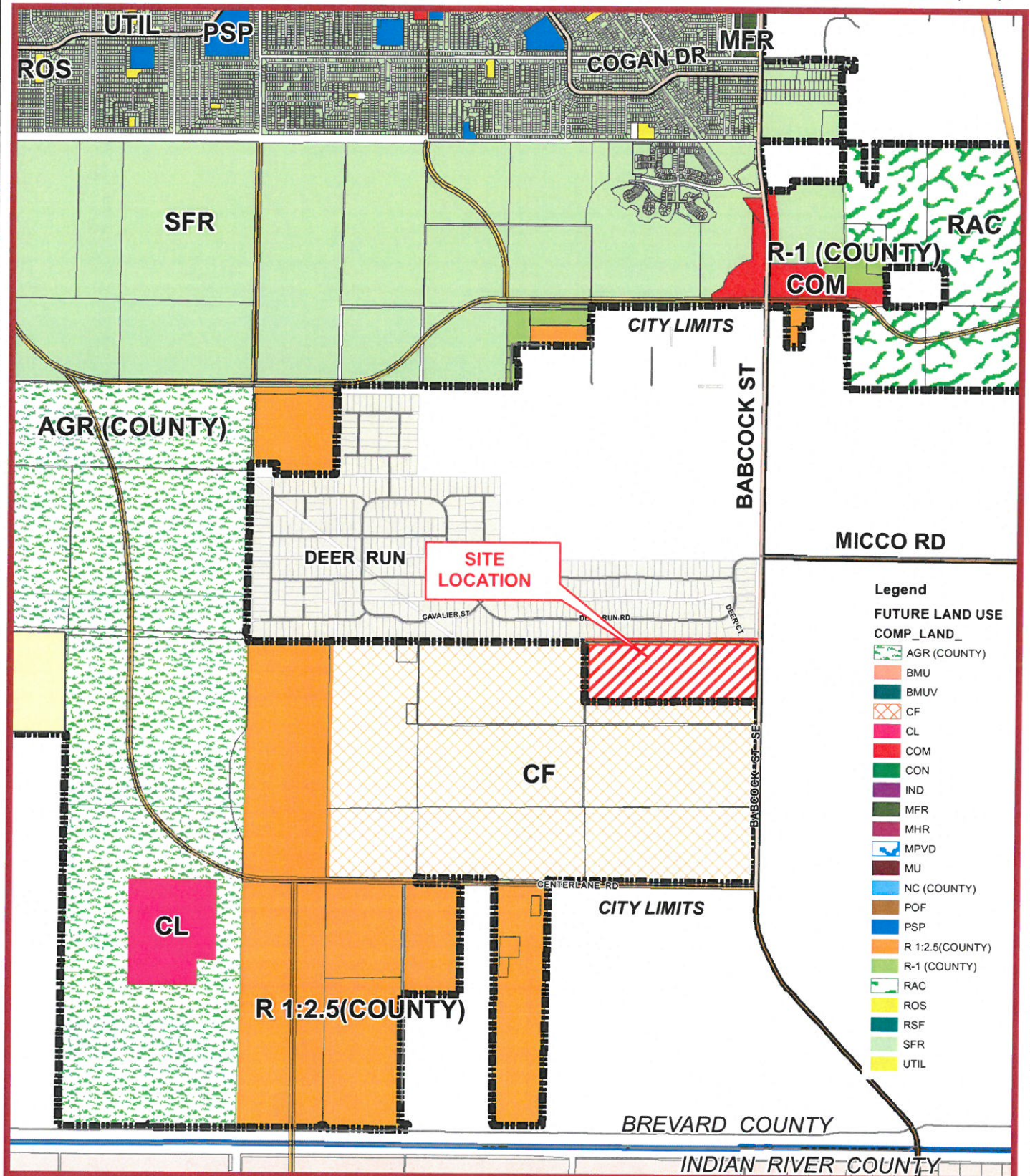
Motion to approve assignment of City Future Land Use of Rural Single Family Residential to 244.419 acres.

LOCATION MAP



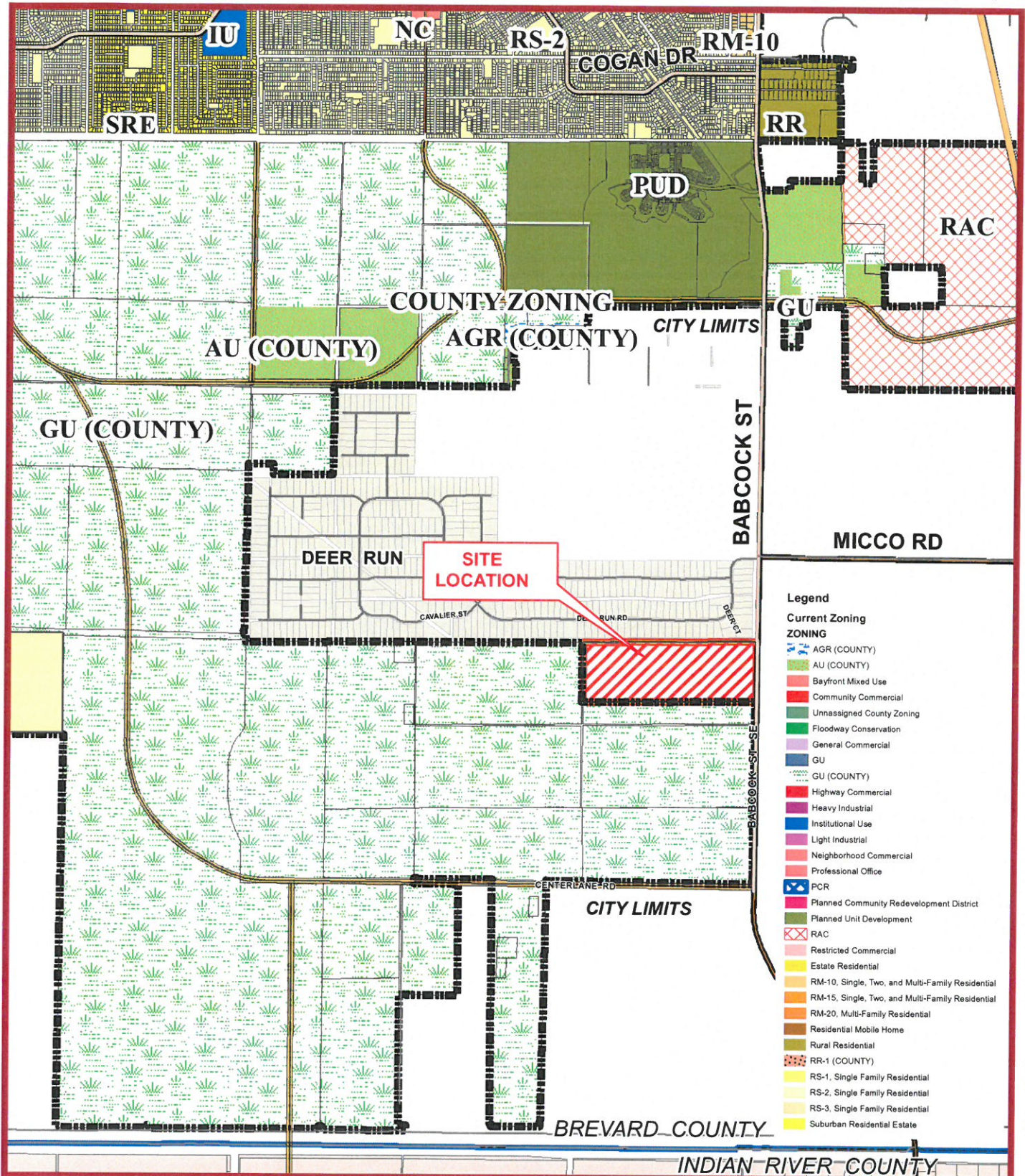
CP-1- 2016 and CPZ-1- 2016

Future Land Use



CP-1- 2016 and CPZ-1- 2016

Zoning



Legend

Current Zoning

- AGR (COUNTY)
- AU (COUNTY)
- Bayfront Mixed Use
- Community Commercial
- Unassigned County Zoning
- Floodway Conservation
- General Commercial
- GU
- GU (COUNTY)
- Highway Commercial
- Heavy Industrial
- Institutional Use
- Light Industrial
- Neighborhood Commercial
- Professional Office
- PCR
- Planned Community Redevelopment District
- Planned Unit Development
- RAC
- Restricted Commercial
- Estate Residential
- RM-10, Single, Two, and Multi-Family Residential
- RM-15, Single, Two, and Multi-Family Residential
- RM-20, Multi-Family Residential
- Residential Mobile Home
- Rural Residential
- RR-1 (COUNTY)
- RS-1, Single Family Residential
- RS-2, Single Family Residential
- RS-3, Single Family Residential
- Suburban Residential Estate

CP-1- 2016 and CPZ-1- 2016



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmabayflorida.org

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) Roy Wayne Yates
ADDRESS 9400 S. Babcock St.
CITY Fellsmere STATE FL ZIP 32948
PHONE # 321-508-5670 FAX # NA
E-MAIL ADDRESS NA
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See Attached

SECTION 21 TOWNSHIP 30 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 244.419
- 4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): AV + AG12 (county zoning)
- 5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: GU - General use
- 6) PRESENT USE OF THE PROPERTY: Agriculture (cattle grazing, burrow pit)
- 7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: SF home & pole barn ^{Single Family residence}
- 8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION:
Yes

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN AMENDMENT APPLICATION
PAGE 2 OF 3

- 9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary): Annexation into City palm Bay
- 10) SPECIFIC USE INTENDED FOR PROPERTY: Agricultural use and expansion of existing borrow pit
- 11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
- ☒ NA *\$1,000 Application Fee. Make check payable to "City of Palm Bay."
 - ☒ NA Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).
 - ☒ NA A listing of legal descriptions (for land use amendments) 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: _____
 - ☒ Pending Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.
 - ☒ Pending Citizen Participation Plan (for land use amendments of more than five acres in size). Refer to Section 169.005 of the Land Development Code for guidelines.
 - ☒ NA WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN AMENDMENT.
 - ☒ ✓ IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN AMENDMENT APPLICATION
PAGE 3 OF 3**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE 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 AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Roy Wayne Yates

Date

11/30/15

Printed Name of Applicant

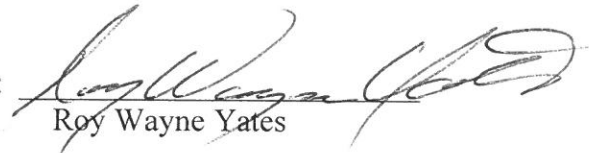
Roy Wayne Yates

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

AUTHORIZATION TO ACT AS APPLICANT

Roy Wayne Yates, authorizes Kim Rezanka and the Law Firm of Dean Mead to act as Applicant, representing it in Public Hearings in Palm Bay pertaining to land use issues, including but not limited to Annexation, Future Land Use, Zoning and CU-1-2016, relating to property located at 9400 S. Babcock Street, Fellsmere, Florida.

By:


Roy Wayne Yates

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22nd day of December, 2015, by Roy Wayne Yates.

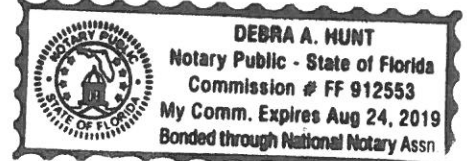


NOTARY PUBLIC

My commission expires:

- ☐ Personally Known
☒ Produced Identification

Type of Identification Produced: FL Driver's License



321-259-8900
7380 Murrell Rd, Ste 200
Viera, FL 32940
krezanka@deanmead.com



DATE: CPZ-1-2016
CASE #: January 6, 2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

APPLICATION

PROPOSAL: A zoning assignment from an AU, Agricultural Residential Classification (Brevard County) and an AGR, Agricultural Classification (Brevard County) to a GU, General Use Holding District.

LOCATION: Located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision.

APPLICANT: Roy Wayne Yates

SITE DATA

PRESENT ZONING: AU, Agricultural Residential and AGR, Agricultural (Brevard County)

ACREAGE: 244.42 +/-

DENSITY: Maximum residential density of one (1) unit per five (5) acres

ADJACENT ZONING

& LAND USE:

N -- AU, Agricultural Residential; Deer Run Subdivision
E -- AU, Agricultural Residential; Babcock Street SE
S -- GU, General Use; Vacant Land
W -- GU, General Use; Vacant Land

WATER & SEWER: Private well & septic

FLOOD ZONE: Floodzone X, outside the 500-year floodzone

COMPLIANCE WITH THE COMPREHENSIVE PLAN:

Yes, subject to the approval of CP-1-2016

BACKGROUND:

1. The property is located west of and adjacent to Babcock Street SE, south of the Deer Run Subdivision. Specifically, the property is Tax Parcels 1 and 9, Section 21, Township 30 South, Range 37 East, Brevard County, Florida, containing 244.42 acres, more or less.
2. The adjacent zoning and land uses are as follows:

North: AU, Agricultural Residential; Deer Run Subdivision
East: AU, Agricultural Residential; Vacant Land (across Babcock Street SE)
South: GU, General Use; Vacant Land
West: GU, General Use; Vacant Land
3. The applicant is requesting assignment of the City of Palm Bay's General Use Holding Zoning District. The applicant for this request is Roy Wayne Yates.

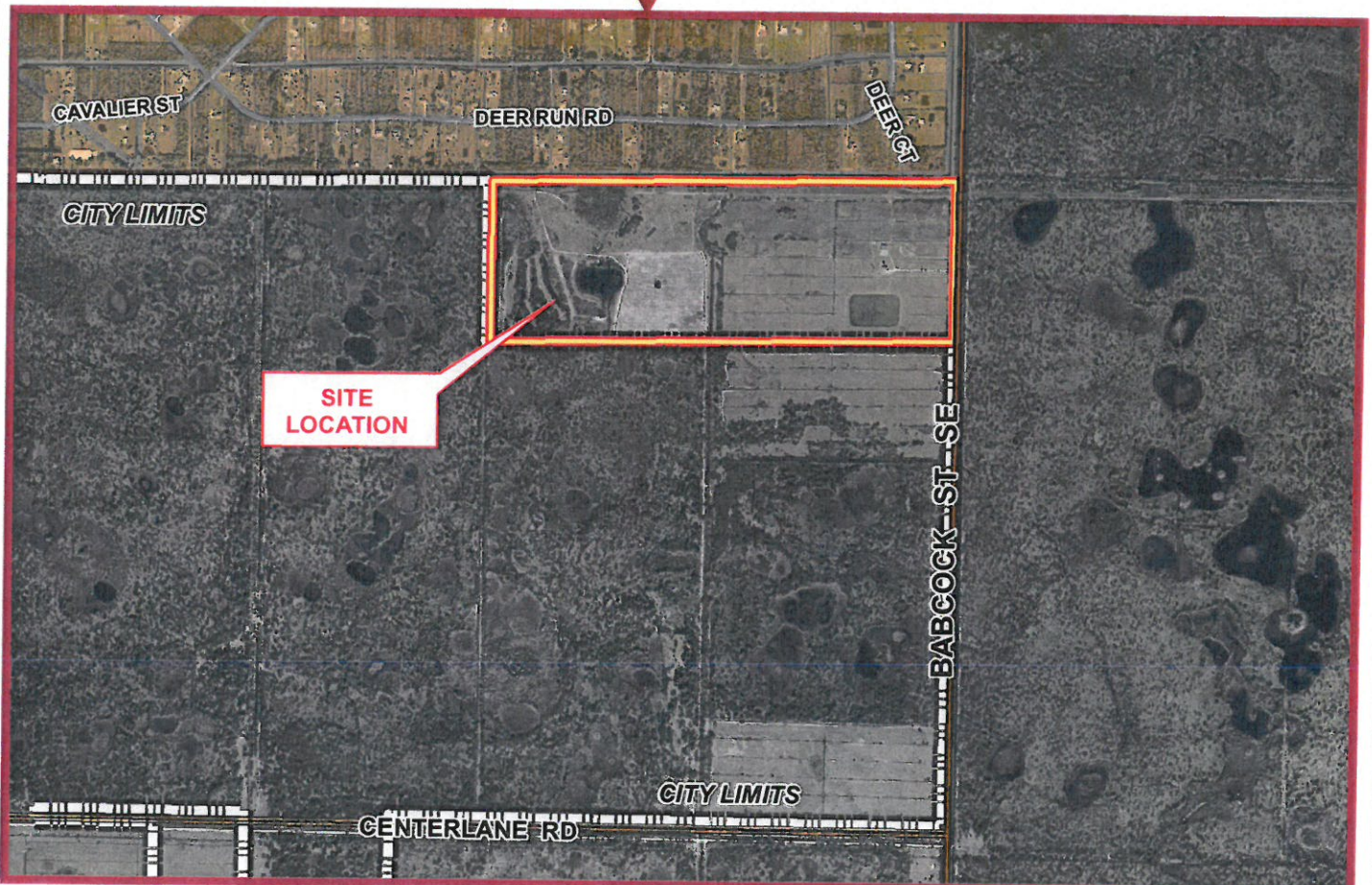
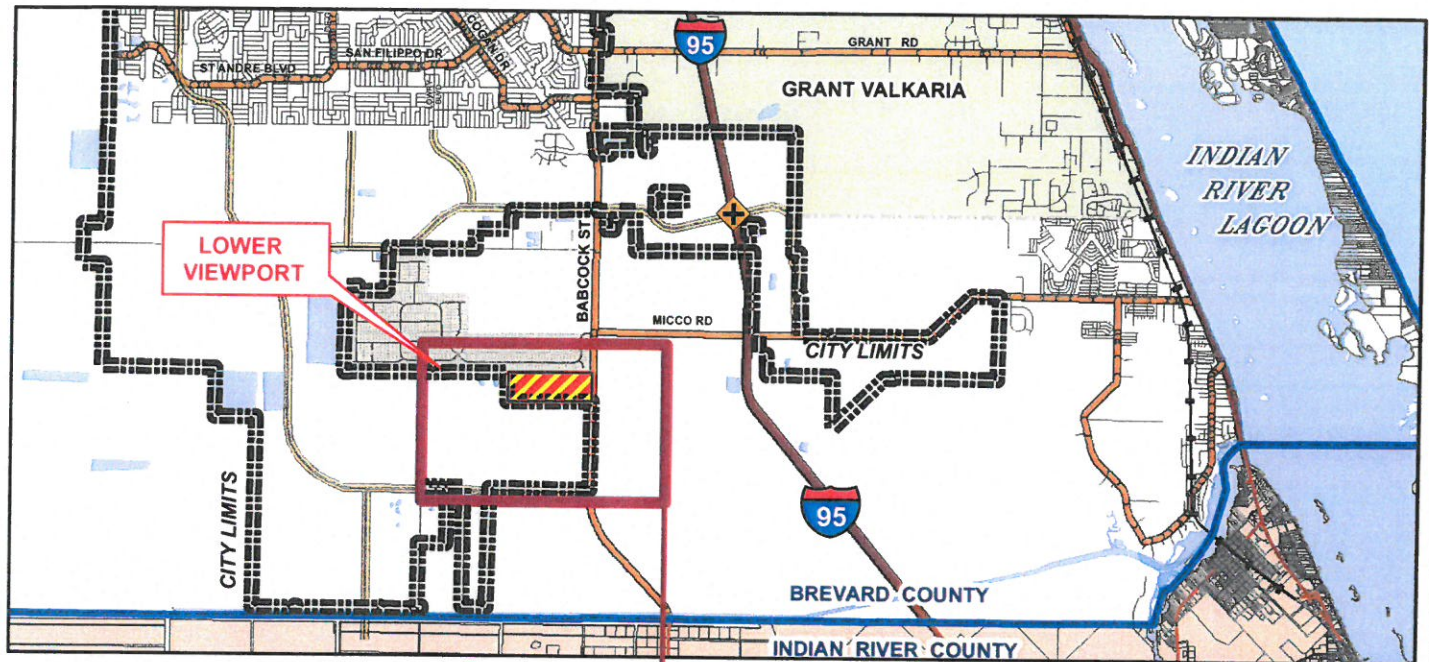
ANALYSIS:

1. The GU District is intended to be applied to large undeveloped or sparsely developed areas which are capable of supporting single-family dwellings at very low densities without extensive infrastructure improvements and/or for agricultural activities.
2. The primary access to the property will be from Babcock Street. The proposed zoning includes no change from existing Brevard County trip generations.
3. The request for this zoning district has been submitted in order to be consistent and compatible with the proposed Future Land Use category of Rural Single Family Residential Use.

STAFF CONCLUSION:

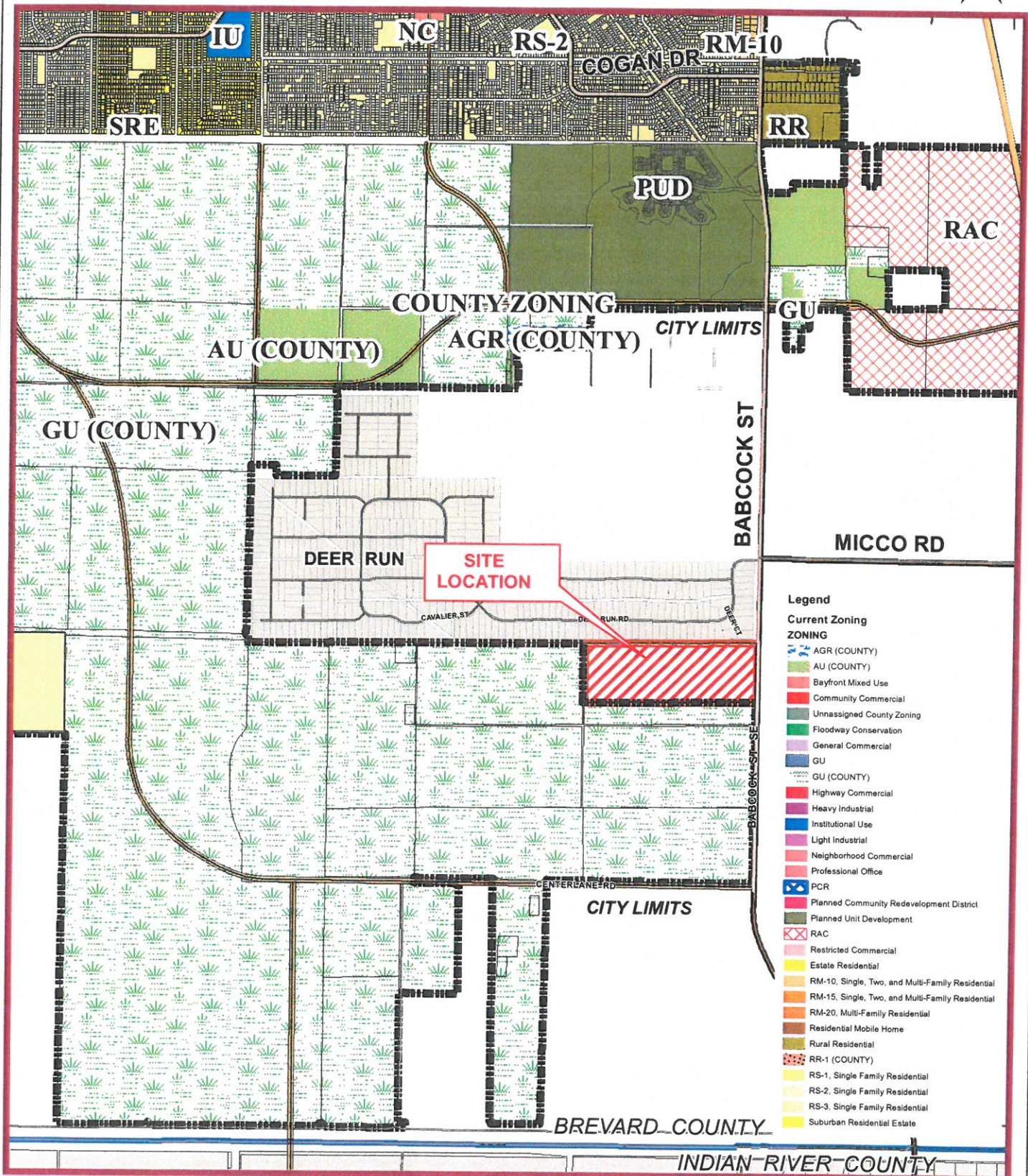
The Board and City Council must determine if the requested zoning category is compatible with the requested Future Land Use category identified in Case No. CP-1-2016.

LOCATION MAP



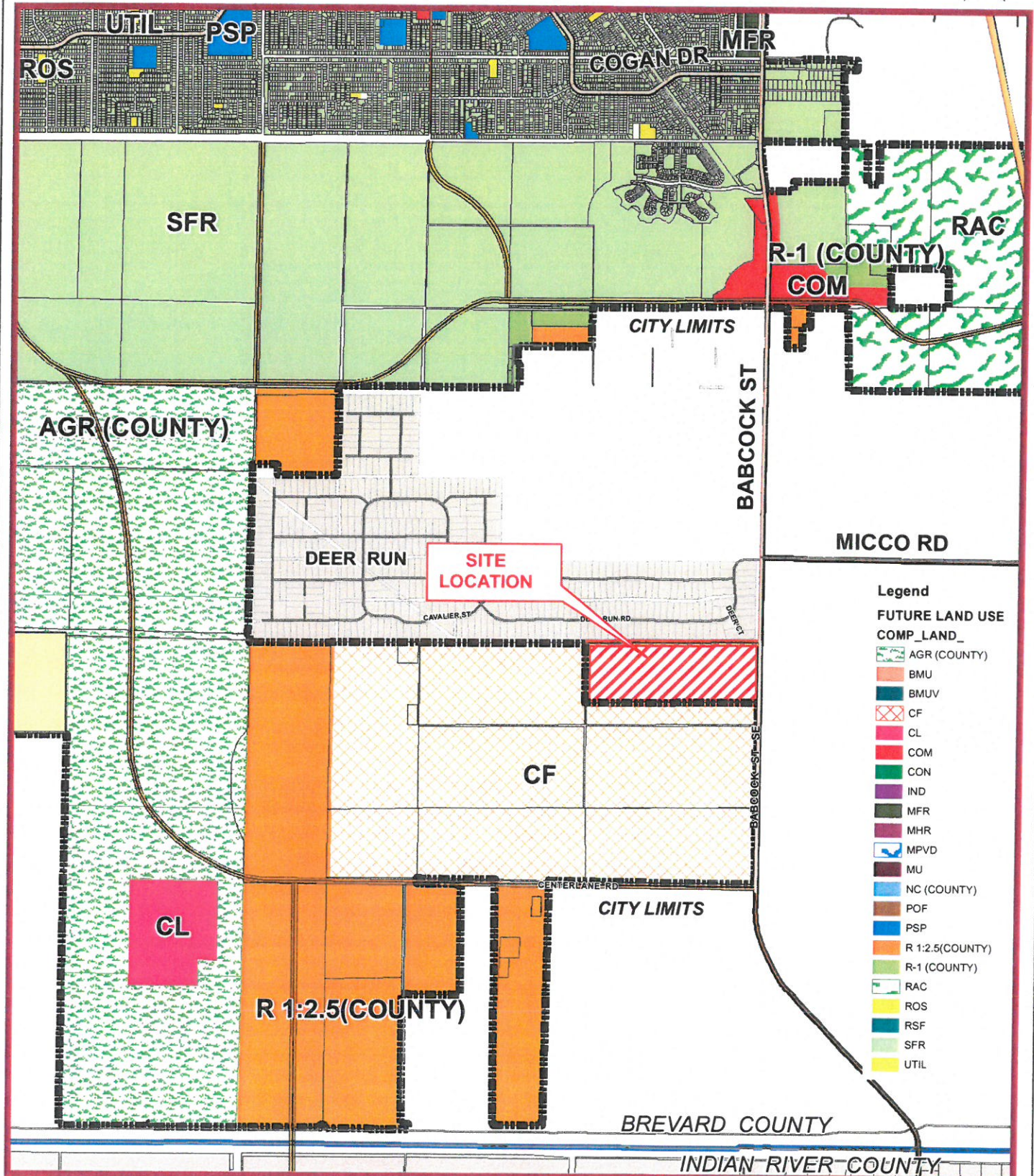
CP-1- 2016 and CPZ-1- 2016

Zoning



CP-1- 2016 and CPZ-1- 2016

Future Land Use



CP-1- 2016 and CPZ-1- 2016

DEER RUN

[illegible][illegible]

ANGELA A. ASBOTT, P.A. &
SAMUEL A. BLOCK, P.A. &
AMERICAN PIONEER TITLE INSURANCE COMPANY &
ROY WAYNE YATES, TRUSTEE OF THE ROY WAYNE YATES
REVOCABLE TRUST-1983 &
ANGELA A. ASBOTT, P.A. &

KANE LAND SURVEYING

1. RARE PROFESSIONAL LAND SURVEYOR
KEYOR AND MAPPER L.S. No. 4029
505 DISTRIBUTION DRIVE
MELBOURNE, FLORIDA 32904
(407) 676-0427

LEGAL DESCRIPTION:

A PARCEL OF LAND LING IN SECTION 21, TOWNSHIP 30 SOUTH, RANGE 7 EAST, BUNG WERE PARTICULAR DESCRIBED AS FOLLOWS:

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD

CERTIFICATION: THE ATTACHED SURVEY WAS DONE UNDER MY
HONEST OPINION THAT THE ASSAULT WEAPON STANDARDS SET FORTH BY
SECTION AND MEETS THE ASSAULT WEAPON STANDARDS SET FORTH BY
THE FLORIDA BOARD OF CRIMINOLOGY. LAB SAMPLES IN COMPLIANCE
2027-8 FLORIDA ASSAULT WEAPON PURCHASER TO SECTION 472.007

Michael J. Kane

STATE OF FLORIDA NO. 13 40289



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

REZONING APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) Roy Wayne Yates
ADDRESS 9400 South Babcock Street
CITY Fellsmere STATE FL ZIP 32948
PHONE # 321-508-5670 FAX # NA
E-MAIL ADDRESS NA
- 2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION
See Attached
SECTION 21 TOWNSHIP 30 RANGE 37
- 3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 244.419
- 4) ZONE CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.): AU & AGR County Zoning
- 5) ZONE CLASSIFICATION DESIRED (ex.: IU, LI, etc.): GU (General Use)
- 6) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY? Yes
- 7) JUSTIFICATION FOR REZONING: Annexation from Brevard County to City of Palm Bay
- 8) PRESENT USE OF THE PROPERTY: Agricultural (cattle grazing, borrow pit) and one single-family residence
- 9) INTENDED USE OF PROPERTY: Agricultural (cattle grazing, borrow pit) and one single-family residence
- 10) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
☒ *\$600.00 Application Fee. Make check payable to "City of Palm Bay."
☒ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)). Provide in PDF format if larger than 11" x 14".

CITY OF PALM BAY, FLORIDA
REZONING APPLICATION
PAGE 2 OF 2

X A listing 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 can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at <https://www.bcpao.us/paohome.asp>) List shall be legible and the source of that information stated here: _____

Pendi Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

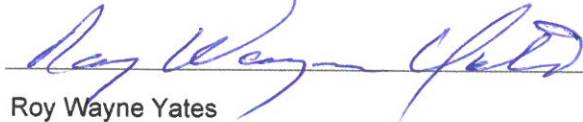
NA WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE REZONING.

X IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

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 REZONING APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date 11/30/2015

Printed Name of Applicant

Roy Wayne Yates

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

AUTHORIZATION TO ACT AS APPLICANT

Roy Wayne Yates, authorizes Kim Rezanka and the Law Firm of Dean Mead to act as Applicant, representing it in Public Hearings in Palm Bay pertaining to land use issues, including but not limited to Annexation, Future Land Use, Zoning and CU-1-2016, relating to property located at 9400 S. Babcock Street, Fellsmere, Florida.

By: _____

Roy Wayne Yates

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 22nd day of December, 2015, by Roy Wayne Yates.

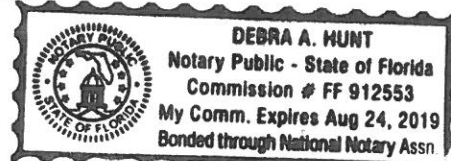
Debra A. Hunt

NOTARY PUBLIC

My commission expires:

- ☐ Personally Known
☒ Produced Identification

Type of Identification Produced: FL Driver's License



321-259-8900

7380 Murrell Rd, Ste 200

Viera, FL 32940

Krezanka@deanmead.com



DATE: January 6, 2016
CASE #: T-2-2016

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

TEXTUAL AMENDMENT APPLICATION

PROPOSAL: A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to modify the Planned Unit Development District (PUD) Ordinance.

CODE CITATION: Planned Unit Development (PUD) 185.060 thru 185.072

APPLICABILITY: Citywide

APPLICANT: City of Palm Bay - Department of Growth Management

**COMPLIANCE WITH THE
COMPREHENSIVE PLAN:** Proposed textual amendment is consistent with Future Land Use Element of the Comprehensive Plan

BACKGROUND:

The existing Planned Unit Development (PUD) zoning district was adopted in 1974 as part of the General Development Corporation (GDC) standardized Code for Florida communities. As a Code written to be applied for multiple GDC communities across a diverse range of locations in Florida, there were several generalities applied, irrelevant of the actual community it was applied upon. For example, references to beach frontage, mixed hotel development, and minimum acreage size tied to GDC land sale goals are a common throughout GDC communities.

With the passage of the Growth Management Act by the Florida legislature and the subsequent adoption of the City's first Comprehensive Plan, the City amended the PUD zoning district in 1989. This amendment was to recognize the adoption of the Comprehensive Plan, however, much of the original 1974 Code remained.

ANALYSIS:

The proposed amendments to the zoning district will address holdover Code references from the original 1974 GDC adoption, and update the 1989 Code amendment following the adoption of the City's 1st Comprehensive Plan. The proposed amendments will recognize the build out of original GDC subdivisions; current needs for redevelopment; and new development in areas annexed into the City post-GDC development.

The proposed amendments include providing flexibility for the Planning & Zoning Board and City Council to negotiate the Land Development Regulation elements of the individual district; changes in required minimum acreage; and removal of obsolete or incorrect references.

STAFF FINDINGS:

The proposed amendments will update the PUD zoning district to remove obsolete language and references, and promote inventive and negotiated development regulations consistent with the PUD zoning district's intent and purpose.

PLANNED UNIT DEVELOPMENT (PUD)

§ 185.060 DEFINITIONS.

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

COMMON OPEN SPACE. A parcel or parcels of land, or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to compliment the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the planned unit development.

DEVELOPER. Any person, firm, association, syndicate, partnership or corporation, who owns land which is developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.

DEVELOPMENT PLAN. The total site plan of a planned unit development drawn in conformity with the requirements of this subchapter. The development plan shall specify and clearly illustrate the location, relationship, design, nature, and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads and common open space.

DEVELOPMENT SCHEDULE. A comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.

FINAL DEVELOPMENT PLAN. The development plan approved by the City Council and recorded with the clerk of the circuit court of the county according to the provisions of this chapter.

FINAL DEVELOPMENT PLAN APPLICATION. The application for approval of the development plan and for approval of the required exhibits as specified in this chapter.

PLANNED UNIT DEVELOPMENT (PUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is ~~master~~ ~~totally~~ planned to provide for a variety of residential and compatible uses and common open space.

PRELIMINARY DEVELOPMENT PLAN APPLICATION. The application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this chapter.

PRELIMINARY DEVELOPMENT PLAN. The development plan approved by the City Council and filed with approval of the city of a planned unit development zone.

SITE. The actual physical area to be developed as a planned unit development, including the natural and created characteristics of the area.

STAGE. A specified portion of the planned unit development that may be developed as an independent entity that is delineated in the preliminary development plan and the final development plan, and specified within the development schedule.

ZERO-LOT LINE SINGLE-FAMILY DETACHED DEVELOPMENTS. Residential developments or single-family detached dwelling units where the dwelling units are placed on one (1) side lot line but where no two (2) dwelling units share a common side lot line and which meet all requirements of this subchapter.

('74 Code, § 25-132(a)) (Ord. 89-08, passed 4-27-89)

§ 185.061 PURPOSE AND INTENT.

(A) The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, setbacks, open space, and other Land Development Regulations, and open space from that required in any one (1) residential land use classification under the zoning regulations of the city. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned unit development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this subchapter, while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations.

(B) This subchapter is intended to establish procedures and standards for planned unit developments within ~~the incorporated areas of~~ the city in order that the following objectives may be attained:

(1) Accumulation of large areas of usable open spaces for recreation and preservation of natural amenities.

(2) Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.

(3) Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.

(4) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as, utilizing innovative techniques to enhance the visual character of the county.

(5) Efficient use of land which may result in smaller street and utility networks and reduce development costs.

(6) Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

(7) Simplification of the procedure for obtaining approval of proposed developments through simultaneous review of the city of proposed land use, site consideration, lot and setback considerations, public needs and requirements, and health and safety factors.

(8) Economical and efficient use of land, utilities and streets with resulting lower housing costs.

('74 Code, § 25-132(b)) (Ord. 89-08, passed 4-27-89)

§ 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a of [minimum of five \(5\) acres.](#)

(A) *Primary residential uses:* Single-family detached and multi-family residential dwelling units (including apartments) in semi-detached, attached, and multi-storied structures.

(B) *Secondary nonresidential uses:* Nonresidential uses of a religious, public or semipublic, cultural, recreational or commercial character and personal service centers, offices and professional centers providing services to residents of the planned unit development. Also included are public utility equipment and facilities. The nonresidential uses shall be compatible with and secondary to the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve.

(C) *Hotels, motels and restaurants.* Hotels, motels, and restaurants may be permitted upon a consideration of the following criteria:

~~(1) — The site of the planned unit development shall contain a minimum of **twenty (20)** acres.~~

~~(1)~~ (2) The total acreage used for the hotel, motel, and restaurant, including necessary parking, support buildings, grounds and appurtenances shall not be considered common open space and shall be included within the maximum total acreage percentage permitted under this subchapter for commercial uses.

(2) (3) The proposed streets and traffic flow and the streets, thoroughfares, and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel, motel and restaurant.

(3) (4) The proposed hotel, motel and restaurant use is compatible with the proposed primary residential uses, secondary nonresidential uses, and common open space within the planned unit development.

(4) (5) The proposed hotel, motel and restaurant use is compatible with the existing land use classification in the surrounding vicinity.

(5) (6) The area of the use shall be calculated as part of the total commercial acreage permitted, ~~and the density shall not exceed forty (40) units per gross acre as per specific area delineated on the development plan.~~

('74 Code, § 25-132(c)) (Ord. 89-08, passed 4-27-89)

§ 185.063 UNIFIED OWNERSHIP OR CONTROL.

The title to all land within a proposed site for a planned unit development shall be owned or controlled by a developer submitting the applications provided for under this subchapter. The term **CONTROLLED BY** shall be interpreted to mean that the developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. The consent shall contain a statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this subchapter and that the owners shall agree to be bound by the decision of the City Council in the event application is approved.

('74 Code, § 25-132(d)) (Ord. 89-08, passed 4-27-89)

§ 185.064 COMMON OPEN SPACE.

(A) All common open space shall be preserved for its intended purposes as expressed in the final development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space:

(1) Public dedication ~~to the~~ accepted by the city may be included in the calculation of the common open space. This method is subject to formal acceptance by the city in its sole discretion.

(2) Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.

(3) Retention of ownership, control and maintenance of all common open space by the developer.

(B) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(C) All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(D) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:

(1) The developer must establish the association or nonprofit corporation prior to the sale of any lots.

(2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development and the association or corporation shall not discriminate in its members or shareholders,

(3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of the land, any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.

('74 Code, § 25-132(e)) (Ord. 89-08, passed 4-27-89)

§ 185.065 LAND USE REGULATIONS.

(A) *Minimum size with commercial uses.* Shall conform with Section 185.062. ~~There shall be at least twenty (20) acres and at least two hundred (200) dwelling units of primary residential use.~~

(B) *Maximum density.* The average density permitted in each PUD shall be established by the City Council, upon recommendation of the Planning and Zoning Board. The criteria for establishing an average density includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use plan involving the area in question. In no case shall maximum density permitted exceed the underlying Future Land Use, ~~twelve (12) dwelling units per acre and in no case shall the overall number of dwelling units permitted in the PUD be inordinately allocated to any particular portion of the total site area.~~

(C) *Minimum common recreation and open space:* ~~two hundred and fifty-five percent (255%)~~ twenty-five (25%) of gross site acreage. **COMMON RECREATION AND OPEN SPACE** shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and

designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas including, but not limited to: Playgrounds, golf courses, ~~beach frontage~~, nature trails, non-public RV storage, stables, and lakes. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD. Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for such may not exceed three-fourths (3/4) of the required open space. All water areas included as part of the open space requirement, shall be permanent water bodies and shall be improved with docks or piers, ~~5:1~~ minimum sloped edge as per applicable City and State regulations extending at least twenty (20) feet into the lake, and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects and rodents.

(D) *Minimum lot area, frontage, and setbacks.*

(1) No minimum lot size shall be required within a PUD district with the exception of zero-lot line single-family detached developments. Any access driveway to individual lots must have minimum 16' of width.

(2) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The city shall be allowed access on privately owned roads, easements and common open space to insure the police and fire protection of the area to meeting emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the PUD.

(3) Minimum distances between structures shall be:

(a) Between structures of two (2) stories or less — ten (10) ~~fifteen (15)~~ feet.

(b) Between structures of three (3) stories — twenty (20) feet.

(c) Between structures of four (4) stories — thirty (30) ~~twenty-five (25)~~ feet.

(d) Between structures over four (4) stories — five (5) feet for each additional story (see § 185.087)

(e) Between structures of varying heights, the larger distance separation shall be required.

(4) ~~The A-minimum of twenty-five (25) feet~~ setback ~~shall be~~ required from the nearest part of any building wall to the edge of any public right-of-way or private street: and the A-minimum ~~twenty-five (25) foot~~ setback shall be maintained between the walls of all structures and the perimeter of the PUD will be included in the proposed development plan and approved by City Council.

(E) *Maximum length of structures:* two hundred (200) feet, unless an excess is specifically authorized by the Planning and Zoning Board.

(F) *Maximum commercial use area.* The maximum commercial area permitted within a PUD shall be fifteen percent (15%) ~~five percent (5%)~~ of the total gross acreage of the site. If the PUD contains more than five hundred (500) dwelling units, the maximum commercial area may be increased to twenty percent (20%) ~~seven percent (7%)~~ of the total gross acreage. The areas shall be situated and buffered so as not to create any detrimental effect on residential uses.

(G) *Minimum floor living area per unit:*

(1) Single-family dwellings — sixteen hundred (1,600) ~~eight hundred (800)~~ square feet.

(2) Multi-family dwellings:

(a) Efficiency — four ~~three~~ hundred ~~and fifty (350)~~ (400) square feet (may be reduced to three hundred and fifty (350) ~~two hundred and eighty (280)~~ square feet; provided, that the average living area square footage of the development is at least five hundred (500) square feet).

(b) One (1) bedroom — five hundred and fifty (550) square feet.

(c) Two (2) bedrooms — seven hundred and fifty (750) square feet.

(d) Three (3) bedrooms — nine hundred (900), plus one hundred (100) square feet per additional bedroom.

(e) Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.

(H) *Off-street parking.*

(1) Primary residential use.

(a) A minimum of two (2) enclosed parking spaces per single-family dwelling unit shall be provided. Multiple-family dwellings shall have a minimum of:

1. Two (2) parking spaces per three (3) ~~two (2)~~ or more bedroom dwelling unit;

2. One and one-half (1½) parking spaces per two (2) or one (1) bedroom dwelling unit;
and

3. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom development.

(b) A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.

(c) Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an

overhang may be permitted and the length of the stall thereby shortened to a minimum of sixteen (16) feet. Parking areas shall not be separated from structures by any public right-of-way. ~~Parking areas shall not be separated from structures to be served by any public right-of-way.~~

(2) Secondary nonresidential uses. Within commercial areas, one (1) space shall be provided for each two hundred (200) square feet of retail floor area. Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted and the length of the stall thereby shortened to a minimum of sixteen (16) feet:

(a) Restaurants — One (1) space for each three (3) seats, plus one (1) space for every employee.

(b) Hotels and motels — One (1) space for each guest room or rental unit, plus one (1) space for each two (2) employees.

(c) Other non-residential uses to be determined by the Planning and Zoning Board.

(3) Landscaping. Within all common parking areas, a minimum of fifty (50) square feet of landscaped area shall be provided per parking space and such landscaped areas shall be distributed throughout the parking area.

(I) *Underground utilities.* Within the PUD, all utilities including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site of the PUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The Planning & Zoning Board may require that substations be fenced and screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the PUD.

(J) *Development standards.* The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage dedicated to the public shall be in compliance with the requirements of the city's subdivision regulations set forth in Chapter 184 of this code of ordinances. ~~Design requirements with respect to streets, sidewalks and drainage~~ The development standards of this district may be waived by the City Council upon the recommendation of the Planning and Zoning Board ~~and the Department of Public Works.~~

(K) *Preservation of trees.* ~~In P planned unit developments shall be regulated by the adopted City Landscape previsions. where woods or scattered trees occur, all trees of four (4) inches diameter or larger shall be preserved unless they exist within:~~

~~—— (1) Proposed public or private easement or drainage facility.~~

~~—— (2) Proposed structure dimensions.~~

~~—— (3) Five (5) feet of a proposed structure.~~

—(4)— ~~Proposed driveway.~~

—(5)— ~~Proposed golf course or active recreational areas.~~

(L) *For zero-lot line single-family detached developments only.*

(1) Interior side yard. The dwelling unit shall be placed on one (1) interior side property line with a zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet excluding the connecting elements such as fences, walls and trellises. If side yard abuts a street, setback should be at least twenty-five (25) feet.

(2) Front setback. All dwelling structures shall be set back a minimum of twenty-five (25) feet from the front property line.

(3) Rear setback. All dwelling structures shall be set back a minimum of ten (10) feet from the rear property line. The placement of patios, pools, garden features and other similar elements should be addressed initially as part of the PUD process.

(4) Street frontage. Each lot shall have a clear direct frontage on public streets or to access ways complying with private street requirements.

(5) Platting requirements. Each dwelling unit shall be located on its own individually platted lot.

(6) Building heights. For a single-family dwelling only, the height shall not exceed two (2) stories and twenty-five (25) feet in height.

(7) Minimum lot area. The minimum lot area shall be four thousand and fifty (4,050) square feet, or forty-five (45) feet by ninety (90) feet.

(8) Minimum square footage of living spaces. For each unit, the minimum shall be one thousand six hundred (1,600) ~~eight hundred (800)~~ square feet of living space under heat and air conditioning, not including garage and covered porch area.

(9) Maximum building coverage. The maximum building coverage of the structure shall not exceed fifty percent (50%).

(10) Opening prohibited on zero-lot line side. The wall of the dwelling located on the lot line side shall have no ~~windows~~, doors, air conditioning units or any other type of openings which would detract from the side yard privacy of the adjacent dwelling; provided, however, that atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall the height of the roof line is provided on the zero-lot line. The wall shall be constructed of the same material as exterior walls of the unit.

(11) Maintenance and drainage easement. A perpetual four (4) foot wall maintenance easement shall be provided on the lot adjacent to the zero-lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be included in the covenants of

restrictions and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches. Measures shall be taken by the developer to direct runoff into the overall master drainage plan as submitted with the PUD.

('74 Code, § 25-132(f)) (Ord. 89-08, passed 4-27-89)

§ 185.066 PROCEDURE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN AND TENTATIVE ZONING.

The following procedures, applications, and exhibits shall be required when applying for tentative zoning approval of a preliminary plan:

(A) *Tentative development plan.* Before submission of a preliminary application for approval as a planned unit development zone, the developer and his registered engineer, architect, and site planner are encouraged to meet with the Planning and Zoning Board and City Planner ~~Director of the Public Works Division~~ and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from city personnel before entering into any binding commitments or incurring substantial expenses of site and plan preparation.

(B) *Preliminary development plan application.*

(1) Preliminary application. A preliminary application shall be submitted to the Planning and Zoning Board by the developer requesting approval of the site as a planned unit development zone. The preliminary application shall contain the name of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed planned unit development.

(2) Exhibits. The following exhibits shall be attached to the preliminary application:

(a) Vicinity map indicating the relationship between the planned unit development and its surrounding area including adjacent streets and thoroughfares.

(b) Development plan that shall contain, but not be limited to, the following information:

1. Proposed name or title of project, the name of the engineer, architect, and developer.

2. North arrow, scale (one (1) inch equals two hundred (200) feet or larger), date, and legal description of the proposed site.

3. Boundaries of tract shown with bearings, distances, closures, and bulkhead liner. All existing easements, section lines and all existing streets and physical features in and adjoining the project, and the existing zoning.

4. Names and locations of adjoining developments and subdivisions.

5. Proposed parks, school sites or other public or private open space.

6. Vehicular and pedestrian circulation systems including off-street parking and loading areas, driveways and access points.

7. Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary nonresidential uses, and the total number of dwelling units.

8. Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percentage of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.

9. Delineation of specific areas designated as a proposed stage.

10. General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity.

11. General location within site of each primary residential and secondary nonresidential use, and the proposed amount of land to be devoted to individual ownership.

12. Schematic drawing of the elevation and architectural construction of the proposed primary and secondary nonresidential structures.

13. The proposed method of dedication and administration of proposed common open space.

(c) Topographic data map drawn to scale of two hundred (200) feet to one (1) inch or larger by a registered surveyor and/or engineer showing:

1. The location of existing property lines both for private property and public property, streets, building, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains and any public utility easements.

2. Wooded areas, streams, lakes; marshes and any physical conditions affecting the site.

3. Existing contours based on current U.S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.

(3) Submittal.

(a) The PUD zoning application and preliminary development plan shall be submitted to the Land Development planning- D division at least forty-five (45) days prior to any scheduled meeting of the Planning and Zoning Board of the city.

(b) A fee set by adopted fee schedule of ~~one hundred dollars (\$100.00)~~ shall accompany the PUD application for the purposes of review and administration.

(c) The application shall include five (5) black or blue line prints of the development plan of the proposed planned unit development and a minimum of two (2) copies of the required exhibits.

(4) Application review.

(a) The preliminary development plan shall be reviewed formally by the Planning and Zoning Board to determine its conformity with the official plans and policies of the city and the requirements of this subchapter.

(b) Upon completion of its review, the Planning and Zoning Board shall recommend to the City Council, the approval, approval subject to conditions, or disapproval of the preliminary development plan application.

(5) Review criteria. The decision of the Planning and Zoning Board on the preliminary development plan application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board shall consider the following facts:

(a) Degree of departure of proposed planned unit development from surrounding residential areas in terms of character and density.

(b) Compatibility within the planned unit development and relationship with surrounding neighborhoods.

(c) Prevention of erosion and degrading of surrounding area.

(d) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

(e) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.

(f) The feasibility and compatibility of the development plan to exist as an independent development.

(g) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed planned unit development.

(h) The availability and adequacy of water and sewer service to support the proposed planned unit development.

(i) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent in a planned unit development classification.

(j) The conformity and compatibility of the planned unit development within any adopted development plan of the city.

(k) The conformity and compatibility of the proposed common open space, primary residential and secondary nonresidential uses within the proposed planned unit development.

(6) Review by City Council. Upon receiving the, recommendation of the Planning and Zoning Board, the City Council shall, at a regularly scheduled public hearing, review the recommendation and preliminary development plan and either approve, approve subject to conditions, or disapprove the preliminary development plan application. ~~Approval of the preliminary development plan indicates approval of the PUD zoning subject to acceptance of the final development plan.~~ The decision of the Council shall be based upon a consideration of the facts specified as review criteria for the zoning board in § 185.064.

(7) Recordation of preliminary application. In the event the primary development plan application is approved by the City Council, a copy of such application and required exhibits shall be certified and approved by the City Clerk as a permanent record. A notice of such approval and filing, containing a legal description of the site, shall be recorded in the official records of the county.

(C) *Applications in excess of one thousand (1,000) acres.*

(1) In the event any PUD application is in excess of one thousand (1,000) acres, the City Council may approve planned unit development zoning based on the requirements in this section on a revised or general basis. Specifically, the exact requirements of divisions (B)(2)(b)2., 3., 11. and (c) above may be revised in terms of map scale and detail required.

(2) Following this, the developer shall have six (6) months to present a preliminary development plan for any minimum stage of ten (10) acres. At the request of the developer, and for good cause shown, the City Council may extend the period required for the filing of the plan for a time certain not to exceed six (6) months. The plan shall be reviewed by the Planning and Zoning Board and the procedure of divisions (A) and (B) above would specifically then apply to any stage or the total development. Provided, however, approval of a preliminary development plan shall be a condition precedent to the filing of an application for the approval of a final development plan under § 185.067.

('74 Code, § 25-132(g)) (Ord. 89-08, passed 4-27-89)

§ 185.067 PROCEDURE FOR SECURING APPROVAL OF A FINAL DEVELOPMENT PLAN.

The developer shall have one (1) year from the approval of the preliminary development plan for a planned unit development zone in which to file a final development plan application. At the request of the developer, and for good cause shown, the City Council may extend the period required for the filing

of the application for a time certain not to exceed one (1) year. The final development plan application may request approval for the entire planned unit development plan or any stage (minimum ten (10) acres). If approval is not requested for the entire planned unit development, the developer shall have one (1) year from approval of the final development plan application to file another final development plan application for approval of any or all of the remaining stages specified in the preliminary development plan. At the request of the developer, and for good cause shown, the City Council may extend for a time certain not to exceed one (1) year, the period for the filing of the application.

(A) *Required exhibits.* The following exhibits shall be attached to the final development plan application:

(1) Engineering plans.

(a) Engineering plans showing:

1. Existing ground surfaces and proposed elevations in the planned unit development.
2. If deemed necessary by the Council, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwater, and the existing depth of groundwater.
3. Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
4. Proposed type of pavement in accordance with city specifications.
5. Layout of water distribution, sanitary sewers and storm drainage systems, with grades and sizes indicated.
6. Final engineering drawing of water, sanitary sewer and storm drainage systems and sidewalks, streets, bulkheads, street name signs and adequate lighting.

(b) The engineering plans shall be in conformity with the requirements and specifications of the city subdivision regulations set forth in Chapter 184 of this code of ordinances for all improvements to be dedicated to the public.

(2) Final development plan:

(a) A final development plan containing, in addition to those items specified in § 185.066(B)(2)(b), the following information:

1. Dedication by owner and completion of certificate of surveyor.
2. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures, and common open space areas.

3. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses, and common open space.

4. The proposed architectural and landscape design of all structures and common open space that clearly reflects the compatibility of the variety primary and secondary uses proposed.

5. Location and width of canals and waterways.

6. Reservations, easements, alleys and any areas to be dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations.

7. Sufficient data to determine readily and reproduce on the site the location, bearing and length of every street, line, lot line, boundary line and block line, whether curved or straight.

8. The radius, central angle, point of tangent, tangent distance and arcs and chords of all curved property lines.

9. A legal description of the planned unit development boundaries with bearings, distances and tie point.

10. Accurate location and descriptions of all monuments and markers ~~barkers~~.

(b) An original Mylar ~~linen tracing~~ of the final development plan drawn in India ink shall be filed, plus five (5) black or blue line prints.

(c) All dimensions should be to the nearest one two-hundredth (1/200) of a foot, and angles to the nearest second.

(d) The final development plan shall be properly signed and executed by the developer as required for recording.

(e) The final development shall meet the platting requirements of Fla. Stat. Ch. 177. In case of a large plan that may require two (2) or more sheets, the sheets are to be numbered and the numbers of the sheets are, to be indicated on the first sheet below the title.

(3) Development schedule. The development schedule shall contain the following information:

(a) The order of construction of the proposed stages delineated in the development plan.

(b) The proposed date for the beginning of construction of such stages.

(c) The proposed date for the completion of construction on such stages.

(d) The proposed schedule for the construction and improvement of common open space within such stages, including any complementary buildings.

(4) Deed restrictions. Deed restriction proposals to preserve the character of the common open space as set forth in § 185.064. The deed restrictions shall include a prohibition against partition by any residential property owner.

(5) Association or nonprofit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the city.

(6) Instruments. Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land.

(7) Bill of sale. A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations and other personal property required to be installed by this chapter. ~~This requirement does not apply in areas provided water and sewer services by a franchised, privately owned, public utility.~~

(8) Instrument. Indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, "certified true copies" will be accepted if the recording information from the public records of the county is included thereon.

(9) Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

(10) Tax receipts. Paid receipts from the county indicating taxes have been paid in full up to and including the current period.

(B) *Procedure.*

(1) A fee set by the adopted fee schedule of ~~one hundred dollars (\$100.00)~~ shall accompany the final development plan application for the purpose of administration, additionally, engineering, plat filing, necessary copies and travel fees will be incurred.

(2) The Planning and Zoning Board, upon consultation with the City Planner ~~Department of Public Works and Engineering~~, shall recommend the approval, approval subject to conditions, or disapproval of the final development plan with the preliminary development plan, the sufficiency and accurateness of the required exhibits, and the requirements and purposes of this subchapter and any other applicable provision of this code of ordinances and any other regulation of the city. The Planning and Zoning Board shall recommend the approval, approval subject to change, or denial of the final development plan.

(3) The City Council shall review the recommendations of the Planning and Zoning Board at a regular public hearing of the City Council and shall approve, approve subject to conditions, or deny the final development plan application. The final development plan approval shall constitute a PUD rezoning enacted by Ordinance.

(C) *Recording of final development plan.*

(1) After approval by the City Council of the final development plan application, the City Clerk shall see that all requirements of Fla. Stat. Ch. 177 have been complied with before the final development plan is recorded in the public records of the county.

(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a final development plan of a planned unit development, or portion thereof, that has not been given final approval by the City Council and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such prohibition.

('74 Code, § 25-132(h)) (Ord. 89-08, passed 4-27-89)

§ 185.068 PHYSICAL REVIEW.

The city shall have the right to evaluate the physical layout, architectural characteristics and amenities of the planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to insure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city.

('74 Code, § 25-132(i)) (Ord. 89-08, passed 4-27-89)

§ 185.069 BUILDING PERMIT.

No building permit shall be issued by the city until the final development plan has been approved and duly recorded as provided in this subchapter.

('74 Code, § 25-132(j)) (Ord. 89-08, passed 4-27-89)

§ 185.070 BONDING.

(A) Prior to the commencement of construction within the site of a planned unit development, the developer shall file with the city, the following contracts and bonds:

(1) A performance, labor, and material payment bond for the completion of the construction of all public improvements specified in the final development plan prior to construction.

(2) A performance, labor and material payment bond for the completion of the construction of all common open areas designated in the final development plan within one (1) year from the date of commencement of construction.

(3) A maintenance warranty bond in the amount of ten percent (10%) of the total cost of the construction of all public improvements to be in force for a period of two (2) years following acceptance by the city of the final construction of the public improvements.

(4) However, the City Council may, in, its discretion, accept corporate performance bonds or other financial assurances which it deems gives reasonable assurance of construction of improvements required by this chapter.

(B) All such bonds shall be from a company licensed as a surety in the state listed by the U.S. Treasury Department, reviewed and approved by City Risk Management staff ~~and rated A:AAA in Best's Insurance Guide~~. Upon acceptance of all improvements described in divisions (A)(1) and (2) above, the performance and payment bond shall be released.

(C) All of the provisions relating to bonding contained in the subdivision regulations of the city set forth in Chapter 184 of this code of ordinances shall be fully applicable to the bonds required under this subchapter.

('74 Code, § 25-132(k)) (Ord. 89-08, passed 4-27-89)

§ 185.071 TERMINATION OF PUD ZONE.

(A) Any owners of all or a portion of land that has been designated a planned unit development under the provisions of this subchapter can apply to the city for the termination of that portion of a stage within an approved final development plan within which his property is located if construction has not been commenced pursuant to such final development plan. The procedure for the termination shall be that applicable to a zoning district ~~land-use classification~~ change under this chapter and any other applicable ~~city~~-zoning ordinance.

(B) Failure of the developer to file a final development plan application within the time periods specified in § 185.067 shall automatically revoke approval of § 185.066(B)(7), and the site shall revert to the zoning classifications for which the property was zoned prior to the approval of the preliminary development plan. A notice of the revocation, containing a legal description of the site, shall be recorded in the official records of the county.

('74 Code, § 25-132(l)) (Ord. 89-08, passed 4-27-89)

§ 185.072 ENFORCEMENT.

In addition to any other method of enforcement, the city shall have the power to enforce the provisions of this subchapter by appropriate suit in equity.

('74 Code, § 25-132(m)) (Ord. 89-08, passed 4-27-89)



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to 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.

- 1) NAME OF APPLICANT (Type or print) City of Palm Bay (Growth Management Department)
ADDRESS 120 Malabar Road SE
CITY Palm Bay STATE FL ZIP 32907
PHONE # (321) 733-3041 FAX # (321) 953-8920
E-MAIL ADDRESS stuart.buchanan@palmbayflorida.org
PERSON(S) TO BE NOTIFIED (if different from above) _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE # _____ FAX # _____
E-MAIL ADDRESS _____
- 2) ORDINANCE SECTION PROPOSED TO BE CHANGED: Chapter 185: Zoning Code
- 3) PROPOSED LANGUAGE (attach addendum if necessary): See attached.
- 4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary): Modification to
the Planned Unit Development (PUD) Ordinance to remove obsolete language and references, and promote
inventive and negotiated development regulations consistent with the PUD zoning district's intent and purpose.
- 5) *A \$1,000.00 APPLICATION FEE. MAKE CHECK PAYABLE TO "CITY OF PALM BAY."

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

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 CODE TEXTUAL AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

12/23/2015

Printed Name of Applicant

Stuart Buchanan, Growth Management Director

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