



120 Malabar Road, SE - Palm Bay, FL 32907
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www.palmbayflorida.org

Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

AGENDA

REGULAR COUNCIL MEETING 2020-03

THURSDAY

February 6, 2020 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT(S):

1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++
2. Two (2) terms expiring on the Youth Advisory Board (represents youth board members 'at-large' positions).++
3. Two (2) terms expiring on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++
4. One (1) vacancy on the Community Development Advisory Board (represents 'real estate' position).+

AGENDA REVISION(S):

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from

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the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

ADOPTION OF MINUTES:

- *1. Regular Council Meeting 2020-02; January 16, 2020.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

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

PUBLIC HEARING(S):

1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. **(CONTINUED FROM RCM – 01/02/20)**
- ♣2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. **(CONTINUED FROM RCM – 01/02/20)**
3. Ordinance 2020-09, vacating portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28 (Case VE-9-2019, Christine Stevens and Juan Delgado), first reading.
4. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), first reading.
5. Ordinance 2020-11, amending the Code of Ordinances, Chapter 169, Land Development Code, to revise the provisions for administrative variances (Case T-1-2020, City of Palm Bay), first reading.
6. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'District Regulations', 'Planned Unit Development (PUD)', and 'Off-Street Parking and Loading Requirements' by including provisions related to "tiny homes" (Case T-2-2020, City of Palm Bay), first reading.
7. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions

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and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), first reading.

PROCUREMENT(S):

Award of Bid(s):

- *1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).
- *2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).

Waive of Bid Process and Award:

- *1. Vacuum and pump truck services, Lift Station 42 (emergency purchase) – Utilities Department (Meeks Plumbing - \$95,355); and sewer pipe and manhole repair, Danr Drive (emergency purchase) – Utilities Department (Gregori Construction - \$42,750).

UNFINISHED AND OLD BUSINESS:

- 1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency.
- 2. Appointment of two (2) student members to Youth Advisory Board.
- 3. Appointment of one (1) adult member to the Youth Advisory Board.

COUNCIL REPORT(S):

NEW BUSINESS: (Ordinance is for first reading.)

- 1. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. **(CONTINUED FROM RCM – 01/16/20)**
- 2. Consideration of interlocal agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street intersection.
- 3. Consideration of the Road Bond Phase 2 Paving Program.
- *4. Consideration of Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC, and City of Palm Bay.
- *5. Consideration of utilizing Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive (\$29,150).
- *6. Consideration of utilizing Fire Impact Fees towards the Fire Station #5 Rebuild for a generator (\$70,090).

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- *7. Consideration of appropriating funds for payment of Florida Department of Environmental Protection permit fee and legal ad for the South Regional Water Treatment Facility Expansion project (\$10,425).
- *8. Consideration of travel and training for specified City employees.

ADMINISTRATIVE AND LEGAL REPORT(S):

PUBLIC COMMENT(S)/RESPONSE(S): Speakers are limited to 3 minutes.

ADJOURNMENT:

♣Quasi-judicial proceeding.

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

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

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

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 6, 2020

RE: One (1) Vacancy – Community Development Advisory Board

SUMMARY:

My office has been advised that one (1) vacancy exists on the Community Development Advisory Board as Kristine Herndon has resigned from the board. Ms. Herndon represented the 'real estate professional' position.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The vacancy needs to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on March 5, 2020. The individual appointed to the position will complete Ms. Herndon's term, which expires June 15, 2023.

/jcd

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-02

Held on Thursday, the 16th day of January 2020, at 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 Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Ken Delgado, The House Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Absent
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Laurence Bradley, Growth Management Director.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 3. Four (4) terms expiring on the Youth Advisory Board (represents youth board members at-large positions).+**

4. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+

AGENDA REVISION(S):

1. Mrs. Morrell announced that Item 3, under New Business, had been inadvertently placed under the Consent Agenda and would be removed. Mayor Capote said that Councilman Bailey requested that the item be tabled to the next regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to table Item 3, under New Business, to the next regular Council meeting on February 6, 2020.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, that the Consent Agenda be approved as presented with the removal of Items 5, 6, and 7, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

RECOGNITION(S) AND PROCLAMATION(S):

The individuals were recognized and the proclamation was read.

1. **Volunteer Program (one (1) year of service as City boardmember):**
 - a) **Infrastructure Advisory and Oversight Board – David Wills; Berekia LaFaille**
 - b) **Disaster Relief and Sustainability Board – Shaun McFadden**
2. **60th Anniversary of the City of Palm Bay – January 16, 2020.**

PRESENTATION(S):

1. **Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.** Ms. Peltonen provided an update on the Chamber's activities.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2020-01; January 2, 2020.**

The minutes, considered under Consent Agenda, were approved as presented.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Individuals commented on various issues.

PUBLIC HEARING(S):

♣1. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣2. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council.

Bill Battin, resident, asked that the City plan ahead regarding Transportation Impact Fees from the development in order to address traffic concerns along St. Johns Heritage Parkway and Pace Drive.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-03. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣3. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened.

David Wills, resident, hoped that the parking expansion would include a pick-up lane as school traffic would back-up along Eldron Boulevard. Mr. Bradley said the parking expansion was for the staff parking. However, improvement plans for the school included enhancements to the loop roads within the school property which may alleviate traffic issues.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-04. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

♣4. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Philip Knorr, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-05. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

5. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-07. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

6. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Ordinance 2020-08. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

UNFINISHED AND OLD BUSINESS:

For the item below, the individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

1. Appointment of one (1) member to the Planning and Zoning Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Richard Hill to the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

NEW BUSINESS: (Ordinance is for first reading.)

***1. Resolution 2020-03, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***2. Resolution 2020-04, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (first amendment).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. (CONTINUED FROM RCM – 01/02/20)

The item, announced under Agenda Revisions, was continued to the next regular Council meeting.

***4. Consideration of a collective bargaining agreement with the National Association of Government Employees, Local R-5-186 (Blue).**

Staff Recommendation: Ratify the agreement between the City and the NAGE Blue Local R-5-186.

The item, considered under Consent Agenda, was approved as recommended by City staff.

5. Consideration of appropriating funds for solid waste and recycling collection consultant services, utilizing Kessler Consulting, Inc. (\$50,000)

Staff Recommendation: Approve appropriation of funds on the next budget amendment for the use of Kessler Consulting, Inc., through piggyback arrangement, under Manatee County competitive solicitation 16-1987FL, in an amount not to exceed \$50,000.

Individuals commented on the item stating it was a high expense and there was expertise in-house that could perform the task, and that background checks should be performed on the employees of the consulting firm.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appropriate the funds for solid waste and recycling collection consultant services as requested.

Mr. Anderson announced that the contract had not been awarded and the funding would not come from the General Fund. He did not want the public to misinterpret this agenda item. Council still had to approve the contract in the future.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

6. Consideration of amending Council Policies and Procedures by including provisions within Section 7.8.2, Public Comments, related to speaking by proxy.

Staff Recommendation: Approve the amendment to Council's Policies and Procedures as requested.

Bill Battin, resident, asked if residents could submit letters to be read into the record.

Lisa DeBrito, resident, asked if residents could be conferenced into the meeting. She said the City would be violating the First Amendment as well as the Americans with Disabilities Act. Ms. Smith said that any person who had a disability could request an accommodation and there was nothing in the amended policy that prohibited the City from making an accommodation for same.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to amend Council's Policies and Procedures as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

7. Acknowledgement of the City's monthly financial report for November 2019.

Bill Battin, resident, asked the following: a) was there a rollover of funds in the Stormwater Utility Fund since the balance was \$9.5 million, but the revenues collected totaled \$4.3 million; and b) how much of the bond proceeds (2018 LOGT NOTE) that were borrowed for the new interchange were tied into Babcock Street.

Mrs. Morrell responded that: a) revenue collections in Fiscal Year 20 through the end of November included assessment collections of \$4,267,923.74 collected through the Brevard County Tax Collector Office and \$8,512.14 in Stormwater Service Fees previously billed by the Palm Bay Utility; and b) funding was for the Parkway only and was not spent on the Babcock Street intersection.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to acknowledge the financial report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

***8. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

ADMINISTRATIVE AND LEGAL REPORT(S):

1. Mrs. Morrell requested a tentative special Council meeting to discuss the Babcock Interlocal Agreement with Brevard County. The proposed dates were Thursday, January 23, 2020 or Tuesday, January 28, 2020, at 6:00 p.m. Council concurred.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:34 P.M.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 6, 2020

RE: Final Reading of Ordinances 2019-43 and 2019-44

SUMMARY:

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

If you should have any questions or desire additional information, please advise.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to adopt Ordinances 2019-43 and 2019-44.

/tjl

Attachments

ORDINANCE 2019-43

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on September 18, 2019, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on October 3, 2019, after public notice, and

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

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

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

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on January 2, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Industrial Use and Commercial Use to Bayfront Mixed Use, which property is legally described herein as Exhibit "A".

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan. Specifically:

- 1) Future development shall be restricted to a right-in right-out driveway connection to Robert J. Conlan Boulevard;
- 2) A Traffic Study shall be required and shall be reviewed during the administrative staff approval process to determine any impacts to the adjacent road network and any improvements necessary to mitigate such impacts, with emphasis on access management;
- 3) A Phase One environmental study shall be required at the time of any development proposal; and
- 4) No residential structures shall be placed within 100 feet of the existing businesses that front Rowena Drive.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-___, held on _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: MLEF2-1, LLC

Case: CP-10-2019

cc: (date) Applicant
 Case File

ORDINANCE 2019-44

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND HI (HEAVY INDUSTRIAL DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CONLAN BOULEVARD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District), being legally described herein as Exhibit "A".

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon adoption, pending the enactment of Ordinance 2019-43.

Read in title only at Meeting 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-___, held on _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Request to Vacate Easement – Christine Stevens and Juan Delgado

Christine Stevens and Juan Delgado has submitted an application to West 10 feet less and except the North 8 feet and the South 45.50 feet thereof together with the South 3.50 feet of the North 6 feet less and except the East 41 feet and the West 66.50 feet thereof, of Lot 5, Block 2200, Port Malabar Unit 28 according to the Plat thereof, as Recorded in Plat Book 16, Pages 119-123, of the Public Records of Brevard County, Florida, for an existing inground pool and screen enclosure and an existing concrete slab.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Approval of the request, per the recommendation section of the Staff Report.

Attachment: 1) Case No. VE-9-2019 (available upon request)

ORDINANCE 2020-09

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; AND A PORTION OF THE SIDE SIX (6) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 5, BLOCK 2200, PORT MALABAR UNIT 28, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 123, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christine Stevens and Juan Delgado have requested the City of Palm Bay, Florida, to vacate portions of a certain public utility and drainage easements, which portions are legally described herein, and

WHEREAS, the vacations and abandonments of said portions of the public utility and drainage easements will neither adversely affect nor benefit the public.

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28, according to the plat thereof as recorded in Plat Book 16, Page 123, of the Public Records of Brevard County, Florida, Section 33, Township 28S, Range 37E, being more particularly described as follows:

The south 3.50 feet of the north 6.00 feet of Lot 5, Block 2200, Port Malabar, Unit 28, According to the Plat thereof, as recorded in Plat Book 16, pages 119-123, Public Records of Brevard County, Florida, less and except the east 41.00 feet and the west 66.50 feet thereof.

AND

The east 2.50 feet of the west 10.00 feet of Lot 5, Block 2200, Port Malabar, Unit 28, According to the Plat thereof, as recorded in Plat Book 16, pages 119-123, Public Records of Brevard County, Florida, less and except the north 8.00 feet and the south 46.50 feet thereof.

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

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Christine Stevens and Juan Delgado
Case: VE-9-2019

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Comprehensive Plan Text Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a Comprehensive Plan amendment to the Future Land Use Element text to provide for accessory dwelling units in the Single-Family Residential Use category. This change to the Comprehensive Plan modifies the text in the Future Land Use Element section covering Single Family Residential Land Use. This a companion change to the Text Amendment T-3-2020 which will be adding Accessory Dwelling Unit to the six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-1-2020.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Attachments:

- 1) Case CP-1-2020 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

ORDINANCE 2020-10

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

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on January 8, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on February 6, 2020, after public notice, and

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

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

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

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

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

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

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

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

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

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

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

EXHIBIT 'A'

PROPOSED AMENDMENT

FUTURE LAND USE CATEGORY:

SINGLE FAMILY RESIDENTIAL USE – Maximum residential density of 5 units per acre with a range of 0 to 5 units per acre. Typical uses permitted include single family homes, >>accessory dwelling units<<, recreational uses, and institutional uses such as schools, churches and utilities.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to Section 169.009 of the Land Development Code to revise the provisions for administrative variances. This amendment will grant more administrative discretion to the Growth Management Director, regarding existing nonconforming structures.

The proposed change would allow existing structures to receive additional administrative relief of up to 20% of a dimensional requirement. The current ordinance allows up to 12 inches of administrative relief by the Growth Management Director.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-1-2020.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Attachments:

- 1) Case T-1-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

ORDINANCE 2020-11

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 169, LAND DEVELOPMENT CODE, BY REVISING PROVISIONS RELATED TO VARIANCES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 169, Land Development Code, Section 169.009, Variances, is hereby amended and shall henceforth read as follows:

“Section 169.09 VARIANCES.

(A) The City Council shall hear petitions for variances from the terms of the Land Development Code delineated in §§ 170.114, 170.142, and Chapters 178 and 185, ~~or pursuant to §§ 174.023, 175.03(H), and 180.17,~~ as will not be contrary to the public interest where, owing to special conditions, the enforcement of the provisions of the city’s land development regulations would result in unnecessary hardship.

* * *

(G) Approval may be given for variances to any ~~>>proposed<<~~ principal, accessory, or other structure up to twelve (12) inches administratively. ~~>>Approval may be given for variances to any existing principal, accessory, or other structure up to twenty percent (20%) of the applicable code section, administratively.<<~~ Such ~~applications~~ ~~>>requests<<~~ will be made by the property owner ~~>>in writing and supported by a current survey<<~~ to the ~~Chief Building Official~~ ~~>>Growth Management Director<<~~ for review and approval. ~~>>A fee shall be assessed to the request as adopted in the latest fee resolution.<<~~ All variances approved by the ~~Chief Building Official~~ ~~>>Growth Management Director<<~~ shall be counter-signed by the ~~Director of Growth Management or designee~~ ~~>>Chief Building Official<<~~. Approval of administrative variances shall be submitted to the City Clerk for recording in the official records of Brevard County at the sole expense of the property owner.”

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

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

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

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

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to establish language for a “tiny home” PUD; eliminate minimum unit sizes for specific residential development; adopt a minimum threshold for large-scale commercial development; and modify the off-street parking regulations.

The changes to unit sizes are spelled out below:

- Sec. 185.036 – RM-10 District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.037 – RM-15 District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.038 – RM-20 District – Multi-Family minimum unit sizes eliminated
- Sec. 185.053 – BMUV District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.058 – BMU District – Multi-Family minimum unit sizes eliminated

Specific to the Off-Street Parking code (Section 185.140) the amendment seeks to

- Reduce the depth of a parking space where a 3-foot vehicle overhang is provided;
- Move the parking setbacks for multi-family developments into each multiple family residential zoning district;
- Include a parking ratio for internally accessed self-storage facilities;
- Reduce the minimum amount of parking for large commercial establishments;
- Modify the requirements of a parking rate study; and
- Reinstate the previous provisions for off-site parking and storage lots.

February 6, 2020

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Four Commercial Districts are proposed to have Conditional Use requirements for developments over 10 acres. Several years ago, there was a Conditional Use requirement for all commercial development over 3 acres. It is now being proposed to require Conditional Use approval for lots over 10 acres in the following districts: Sec. 185.043 CC Community Commercial, Sec. 185.044 HC Highway Commercial, Sec. 185.054 GC General Commercial and Sec. 185.058 BMU Bayfront Mixed Use.

This amendment also created a Small Planned Unit Development (SPUD). The following are some of new sections being added to accommodate SPUD development:

- SPUDs must be developed on a minimum 1-acre parcel
- The Future Land Use must be Multi-Family as of the date of the adoption of this section
- Units must be 800 square feet maximum but there is not minimum
- Open space requirements are reduced from 25% to 10%
- Driveways are reduced to 10 feet minimum
- Unit separation distance is reduced to 8 feet minimum
- One parking space is required per unit

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-2-2020.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, with an exception to where the minimum living areas in the amendment were changed to “None” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts); BMU (Bayfront Mixed Use District); and BMUV (Bayfront Mixed Use Village District).

Attachments:

- 1) Case T-2-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

ORDINANCE 2020-12

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'DISTRICT REGULATIONS', 'PLANNED UNIT DEVELOPMENT (PUD)', AND 'OFF-STREET PARKING AND LOADING REQUIREMENTS', BY INCLUDING PROVISIONS RELATED TO TINY HOMES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', is hereby amended and shall henceforth read as follows:

"DISTRICT REGULATIONS

* * *

Section 185.036 RM-10 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(F) Lot and structure requirements, single- family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~
>>None<<.

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet **>>minimum building setback<<.**

(b) Side interior — eight (8) feet **>>minimum building setback<<.**

(c) Side corner — twenty-five (25) feet **>>minimum building setback<<.**

(d) Rear — twenty-five (25) feet **>>minimum building setback<<.**

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~ **>>None<<.**

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet **>>minimum building setback<<.**

(b) Side interior — eight (8) feet **>>minimum building setback<<.**

(c) Side corner — twenty-five (25) feet **>>minimum building setback<<.**

(d) Rear — twenty-five (25) feet **>>minimum building setback<<.**

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(H) Lot and structure requirements, multiple- family:

* * *

(5) Minimum living area: **>>None.<<**

~~(a) Efficiency units: four hundred (400) square feet;~~

~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~

~~(d) Additional bedrooms in excess of two (2) bedrooms:~~

~~additional one hundred (100) square feet for each bedroom.~~

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet ~~>>minimum building setback<<.~~

(b) Side interior — eight (8) feet ~~>>minimum building setback<<.~~

(c) Side corner — twenty-five (25) feet ~~>>minimum building setback<<.~~

(d) Rear — twenty-five (25) feet ~~>>minimum building setback<<.~~

~~>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines<<.~~

Section 185.037 RM-15 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(F) Lot and structure requirements, single- family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~
~~>>None<<.~~

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet ~~>>minimum building setback<<.~~

(b) Side interior — eight (8) feet ~~>>minimum building setback<<.~~

(c) Side corner — twenty-five (25) feet ~~>>minimum building setback<<.~~

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet per dwelling unit~~ >>None<<.

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(H) Lot and structure requirements, multiple- family:

* * *

(5) Minimum living area: >>None.<<

(a) ~~Efficiency units: four hundred (400) square feet;~~

(b) ~~One (1) bedroom units: five hundred and fifty (550) square feet;~~

(c) ~~Two (2) bedroom units: seven hundred (700) square feet;~~

(d) ~~More than two (2) bedrooms: eight hundred (800) square feet.~~

* * *

(7) Minimum yard requirements:

* * *

- (b) Side interior — ten (10) feet, plus one (1) foot for each one (1) ~~foot~~ **>>foot<<** in height over twenty-five (25) feet.

* * *

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

Section 185.038 RM-20 — MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(F) Lot and structure requirements:

* * *

(5) Minimum living area: **>>None.<<**

- ~~(a) Efficiency units: four hundred (400) square feet;~~
~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~
~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~
~~(d) More than two (2) bedrooms: eight hundred (800) square feet.~~

* * *

(7) Minimum yard requirements:

- (a) Front — twenty-five (25) feet **>>minimum building setback<<**.
(b) Side interior — eight (8) feet **>>minimum building setback<<**.
(c) Side corner — twenty-five (25) feet **>>minimum building setback<<**.
(d) Rear — twenty-five (25) feet **>>minimum building setback<<**.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(8) Parking. Parking for the RM-20 zoning district shall comply with the requirements of § 185.140 of the Palm Bay Code of Ordinances.

* * *

Section 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(4 >>2<<) Auto body repair, upholstery and painting.

(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall **>>always<<** have attached **at all times** a current vehicle registration license plate.

* * *

(2 >>3<<) Retail automotive gas/fuel sales:

* * *

(3 >>4<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(4 >>5<<) Commercial radio and television broadcasting.

(5 >>6<<) Marinas including wet and dry storage.

(6 >>7<<) Car washes.

(7 >>8<<) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.

(8 >>9<<) Self storage facilities subject to the provisions established in § 185.088(F).

(9 >>10<<) Communication towers and facilities.

(10 >>11<<) Human crematoriums:

* * *

(F) Lot and structure requirements:

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. are met.~~

(e >>b<<) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1 >>2<<) Retail automotive gas/fuel sales:

* * *

(2 >>3<<) Commercial radio and television broadcasting.

(3 >>4<<) Marinas.

(4 >>5<<) Car washes.

(5 >>6<<) Self storage facilities subject to the provisions established in § 185.088(F).

(6 >>7<<) Communication towers and facilities.

(7 >>8<<) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in §185.088(H).

(8 >>9<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

* * *

(F) Lot and structure requirements:

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. above are met.~~

~~(e~~ >>b<<) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.053 BMUV - BAYFRONT MIXED USE VILLAGE DISTRICT.

* * *

(F) Lot and structure requirements.

* * *

(7) Minimum living area for single family detached dwellings - ~~one thousand (1,000) square feet~~ >>None<<.

(8) Minimum living area for multifamily units: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet.~~

~~(b) One (1) bedroom units: five hundred fifty (550) square feet.~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred (100) square feet for each bedroom.~~

* * *

(10) Shared access and parking areas:

* * *

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e >>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

* * *

Section 185.054 GC - GENERAL COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1 >>2<<) Commercial towers.

(2 >>3<<) Security dwelling unit, subject to the provisions established in §185.088(I).

(3 >>4<<) Canine day care, and related services:

* * *

(4 >>5<<) Dancing in eating and drinking establishments.

(5 >>6<<) Churches.

(6 >>7<<) Event halls, subject to the provisions established in §185.088(J).

* * *

(F) Lot and structure requirements.

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required, provided the requirements of divisions (F)(8)(a) 2. through 4. above are met.~~

(e >>b<<) For adjacent developments meeting the requirements of divisions (F)(8)(a) 2. through 4. above, the total number of off-street parking

spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

* * *

(D) Conditional uses.

* * *

(5) ~~Planned commercial developments (any permitted commercial use over three (3) acres in size)~~ >>Permitted uses located on a parcel of ten (10) or more acres of area<<.

* * *

(F) Lot and structure requirements.

* * *

(7) Minimum living area for multifamily units: >>None.<<

~~(a) Efficiency units: seven hundred (700) square feet.~~

~~(b) One (1) bedroom units: eight hundred fifty (850) square feet.~~

~~(c) Two (2) bedroom units: one thousand (1,000) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred fifty (150) square feet for each bedroom.~~

* * *

(9) Shared access and parking areas:

* * *

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e >>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', is hereby amended and shall henceforth read as follows:

“PLANNED UNIT DEVELOPMENT (PUD)

Section 185.060 DEFINITIONS.

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

* * *

>>SMALL PLANNED UNIT DEVELOPMENT (SPUD). 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 planned to provide for smaller sized (under 800 square feet) single- or two-family structures and common open space. Connection to public sanitary sewer and public water required.<<

* * *

Section 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres**>>, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre<<**:

* * *

>>(D) Small Developments. A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that had a future land use designation of multiple family residential use, prior to the effective date of this section. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system.<<

* * *

Section 185.065 LAND USE REGULATIONS.

(A) *Minimum size with commercial uses.* Shall contain a minimum of five (5) acres. **>>A Small PUD shall contain a minimum of one (1) acre; commercial uses shall not be required in a SPUD.<<**

* * *

(C) *Minimum common recreation and open space:* twenty-five percent (25%) of gross site acreage, **>>except for a SPUD which shall have minimum of ten percent (10%) open space<<**. *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, nature trails, non- public recreational vehicle 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, minimum sloped edge as per applicable City and State regulations, 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 >>apart from<<** zero-lot line single-family detached developments. Any access driveway to individual lots must have minimum sixteen (16) foot of width.

>> (a) Minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.<<

* * *

(3) Minimum distances between structures shall be:

* * *

(d) Between structures over four (4) stories — **>>thirty (30) feet, plus<<** five (5) feet for each additional story ~~(see § 185.087).~~

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

>>(f) The minimum distance between residential structures in a SPUD shall be eight (8) feet.<<

* * *

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

(1) Single-family dwellings — eight hundred (800) square feet.

(2) Multi-family dwellings: **>>None.<<**

~~(a) Efficiency — four hundred (400) square feet (may be reduced to three hundred and fifty (350) 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 **>>3<<**) Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.

>>(4) Dwelling units within a SPUD shall not be required to have a minimum floor area.<<

(H) *Off-street parking.*

(1) Primary residential use.

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

>>(b) Dwelling units within a SPUD shall provide a minimum of one (1) parking space per unit.<<

>>(c) Multiple-family dwellings shall have a minimum of:<<

1. Two (2) parking spaces per three (3) or more bedroom dwelling unit;
2. One and one-half (1½) parking spaces per one (1) or two (2) 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 >>d<<) A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.

(c >>e<<) 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 spaces for residential uses within a SPUD may be reduced in size from the above, if the standards are approved by the City Council.<< Parking areas shall not be separated from structures by any public right-of-way.

* * *

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Off-Street Parking and Loading Requirements', is hereby amended and shall henceforth read as follows:

“OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 185.140 OFF-STREET PARKING AND TRAFFIC CIRCULATION.

In all districts, off-street parking shall be provided as follows:

(A) *Purpose and intent.* The purpose and intent of this section is to set forth parking and loading facility requirements in proportion to the parking demand for each use in order to ensure functionally adequate, efficient, aesthetically pleasing, and secure off-street parking and loading facilities, and to provide for on-street parking in certain circumstances. The regulations and design standards of this section are intended to ensure the usefulness of parking and loading facilities, protect the public safety, and mitigate potential adverse land use impacts.

(B) *Applicability.*

* * *

(3) *Exemptions.*

(a) *Redevelopment.* Building permits and certificates of occupancy may be issued for remodeling or structural alterations in existing developments without requiring compliance with this section provided such redevelopment does not result in an increase in the number of required parking ~~and loading~~ spaces.

(b) *Change of use.* The number of parking ~~and loading~~ spaces required by this section may be reduced when the use of a building is changed or reduced to a use or floor area for which fewer parking ~~or loading~~ spaces are required. When the use is changed to a use for which more parking ~~or loading~~ spaces are required, the number of spaces shall be increased to comply with the off-street parking schedule and design standards. Off-street parking requirements may be met with shared or remote parking areas as described elsewhere in §185.140. ~~A change in use, substantial renovation, or expansion of an existing shopping center will not require additional parking spaces provided the cumulative change of use, renovation, or expansion is consistent with the historic mix of tenants at the center.~~

* * *

(D) *Design Requirements.*

(1) All parking spaces, ~~>>and<<~~ access drives, ~~and loading zones~~ shall be improved in accordance with the design standards set forth in the current edition of the ~~e>>C<<~~ity of Palm Bay Public Works Manual and the Land Development Code.

(2) Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. ~~>>If a parking space contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the space thereby shortened to a minimum of sixteen (16) feet.<<~~

* * *

(3) All off-street parking areas shall be designed ~~so as~~ to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. Back-out parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses ~~or on a street where the posted speed limit is thirty (30) miles~~

~~or less. Ten (10) consecutive parking stalls are permitted provided each ten (10) are separated by a two hundred (200) square foot landscaped island.~~ Interior aisle widths shall conform to the minimum requirements below:

* * *

(4) *Non-residential driveways.*

* * *

(e) In no case, however, shall a driveway or curb cut be permitted on the radii of any intersection. All driveways that connect to a public road right-of-way shall be paved from the property line to the edge of ~~the right-of-way~~ **>>pavement of the abutting roadway<<.**

* * *

(6) Where off-street parking is required, such parking shall be provided on the same lot or premises with the business or office which is being served. In the event the use of the lot or premises expands or changes and would require additional parking that cannot be accommodated on-site, the parking requirement may be satisfied off-site ~~if deemed appropriate by formal submission of a site plan to the Planning and Zoning Board and City Council~~ **>>by following the provisions of Section 185.140 (H)<<.**

(7) Where artificial lighting is provided, it shall be designed and arranged so that no source of such lighting will be a visible nuisance to adjoining property used or zoned for a residential purpose. In addition, such lighting shall be designed and arranged ~~so as~~ to shield public streets and highways and all adjacent properties from direct glare or hazardous interference of any kind. **>>All lighting shall meet the standards provided for in Section 185.143 of the Palm Bay Code of Ordinances.<<**

(8) When units or measurements determining the number of off-street parking spaces result in requirement of a fractional space, any such fractional space equal to or greater than one-half ($\frac{1}{2}$) shall require a full off-street parking space.

(9) All required off-street parking areas shall be provided in compliance with the landscaping provisions of this Code of Ordinances set forth in **>>Section 185.142<<** and Chapter 180.

(10) The provisions of this division ~~(B)~~ **>>(D)<<** shall apply to all new off-street parking or other vehicular use areas.

~~(11) *Parking setbacks.*~~

~~(a) Parking may be located in a required front, rear or side yard for single-family and two-family dwellings, provided such parking maintain at least a six (6) foot setback from all side interior lot lines and a ten (10) foot setback from all front and rear lot lines.~~

~~(b) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side interior, and rear lot lines.~~

~~(c) Parking may be located in a required side corner yard provided such parking maintains a clear sight triangle per the current editions of the FDOT Design Manual, Section 212.11 and FDOT MUTCD.~~

~~(d) Side yard setback of not less than ten (10) feet shall be provided on every non-residential parking lot, except when it is located adjacent to property designated for residential land use or an alley way, a setback of not less than 15 feet shall be required between the pavement or parking space and the property line.~~

~~(e) Sufficient area must be provided for required landscaping where swales are incorporated in the setback.~~

~~(f) Driveways and parking shall not be located in any side easement unless specifically approved by the Director of Growth Management.~~

~~(12-->>11<<)~~ Parking lots permitted prior to adoption of the Americans with Disabilities Act (ADA) may be re-painted atop the existing parking space striping and will be considered maintenance. However, parking areas that are modified from this original layout shall be re- designed meeting the ADA requirements, inclusive of parking space striping, signage, markings, and handicapped ramps (where applicable). The site must still meet the minimum amount of parking spaces as provided for in this section.

* * *

(F) Parking computations.

(1) *Acceptable thresholds.* As part of an approval of new construction, a change in use, substantial renovation, or expansion of an existing shopping center, the applicant shall calculate the required number of spaces as listed in division (G) and:

~~(a) For a development that requires less than fifty-one (51) parking spaces, the number of required spaces may be increased or decreased no more than twenty (20) percent; or~~

~~(b) For a development that requires fifty-one (51) or more parking spaces, the number of parking spaces may be increased or decreased no more than ten (10) percent.~~

~~(c >>a<<)~~ The number of handicapped parking spaces shall be as required by applicable Florida Statutes.

* * *

(3) *Multiple uses.* Lots containing more than one (1) use shall provide parking in an amount equal to the total of the requirements for all uses unless a shared parking arrangement is approved pursuant to division (~~G >>E<<~~).

* * *

(G) *Amount of off-street parking required.* Off-street parking shall be provided based on the following minimum requirements:

* * *

(6) Day care centers: One ~~and one-half~~ (1½) spaces per state required staff person plus one (1) space per ten (10) children, based on state license maximum.

* * *

(12) Hospital: One (1) space for each two (2) beds, ~~excluding bassinets~~, plus one (1) space for each employee at maximum employment on a single shift.

(13) Hotel or motel: One (1) space for each guest room or rental unit, plus one (1) space for each employee.

(14) Manufacturing and industrial activities: One (1) space for every ~~two (2)~~ employees on the largest working shift, or one (1) space for each one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle operating from the premises.

* * *

(20) Restaurants and drinking ~~establishments~~ ~~>>establishments<<~~: One (1) space for each three (3) seats, plus one (1) space for every employee.

* * *

(25) Shopping centers.

(a) For commercially zoned developments with twenty-five thousand (25,000) gross square feet or greater, **>>minimum<<** off-street parking shall be provided according to the following schedule:

Gross Floor Area	Parking/Square Feet
25,000 to 400,000 >>50,000<< sq. ft	4.0 spaces/1,000 >> 1 space per 250 sq. ft.<<
400,000 >>50,000<< sq. ft. and over	5.0 spaces/1,000 >> 1 space per 400 sq. ft.<<

>>(b) There shall be no other parking space reductions in shopping centers than provided above.<<

(b >>c<<) When tenants of a shopping center include theaters, the following also applies:

* * *

>>(28) Multi-tenant warehouse buildings (typically used for contractors and other service establishments): One (1) space for each five hundred (500) square feet of gross floor area, plus one (1) space for each company vehicle operating from the premises.<<

(28 >>29<<) Indoor Recreation: For those indoor recreation categories not specifically provided for herein, there shall be a minimum of one (1) space for each three hundred (300) square feet of gross floor area or one (1) space for each two (2) machines, whichever is greater.

>>(30) Self-storage facilities:<<

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

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

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

1. At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five (35) feet wide for two-way

traffic

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

>>(c) Outdoor storage of vehicles (boats, R.V.'s, etc.) may occur at either of the above facility, on paved or stabilized surfaces as approved by the City Engineer. The outdoor storage area must be screened from any public rights-of-way or adjacent residentially zoned property by an 8' tall completely opaque wood or PVC fence, or masonry wall that has a finished appearance on both sides of the wall.<<

(H) *Off-site parking and storage lots.* All off-site parking and storage lot applications shall be considered individually by the Director of Growth Management and shall be subject to the requirements of this section and the City Land Development Code for site plan approval.

* * *

>>(2) The applicant must submit a survey showing any exceptional specimen trees on site and submit a parking plan with details for surface material, traffic and safety devices, along with storm water treatment, for administrative site plan review.<<

>>(3) Any exceptional specimen trees to be preserved in-place shall be effectively fenced or separated so that no damage shall occur to these trees while the site is being used for parking of vehicles or storage of materials on site.<<

>>(4) Storage lots shall be screened on all sides by a minimum 6' tall completely opaque wood or PVC fence, or a masonry wall with a finished exterior surface.<<

>>(5) Storage lots shall be constructed of paved or stabilized surfaces as approved by the City Engineer, or designee, and the driveway shall be paved from the property line to the edge of pavement of the abutting roadway.<<

>>(6) Parking lots shall meet the parking development standards of this section and meet the landscape requirements of Section 185.142.<<

>>(7) The proposed off-site parking or storage lot must post the identity of the business(es) that has control of the site, the hours of operation

for the lot, as well as emergency contact information that is clearly visible from the street. This information shall remain posted for as long as the site is in use.<<

>>(8) Any lot or parcel of land leased for off-site parking or storage shall cease use at the same time the lease agreement is terminated.<<

(2 >>9<<) A unity of title shall be required for off-site parking lots where they are utilized to meet the minimum parking requirements of the parent parcel.

(I) Parking rate adjustment.

(1) Any deviation in parking from the acceptable thresholds set forth in ~~division (F)~~ >>this section<<, shall require approval by the Director of Growth Management. This approval shall rely on ~~an application~~ >>written request<< for a parking rate adjustment filed with the >>Director of<< Growth Management ~~Department~~. At a minimum the application shall include:

* * *

(c) A parking study that identifies the relevant facts upon which the ~~application~~ >>request<< is based, and describes in detail the basis for the proposed rate adjustment, and

* * *

(2) The parking study required in section may include, but is not limited to:

* * *

~~(e) Availability of on-street parking and other relevant features which have the effect of reducing parking demand at the subject site; this must be clearly and unequivocally documented.~~

(3) In granting a parking rate adjustment, the Director of Growth Management shall determine that the proposed rate adjustment would not result in undesirable overflow parking, nor otherwise adversely impact the character and integrity of the surrounding area. ~~The Director may also prescribe appropriate conditions within the development order including, but not limited to, a requirement that the applicant enter into a written multiparty agreement with the city that includes, but is not limited to:~~

~~(a) The location and description of parking areas designated and reserved for shared parking, if relevant, and each specific commitment put forward in the parking adjustment application and during any public hearings on the matter.~~

~~(b) A requirement that the applicant consistently adhere to the executed agreement.~~

~~(c) A requirement that failure in any regard will nullify the agreement and the applicant will be required to provide for the full parking requirement.~~

~~(J) On-street parking. On-street parking shall be permitted within community redevelopment districts unless, in the judgment of the Director of Growth Management, the on-street parking poses a safety hazard.~~

(K >>J<<) *Paving standards.* All parking spaces, access drives, and loading zones shall be paved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.

(L >>K<<) *Vehicular and pedestrian interconnections.* For commercial development, vehicular and pedestrian interconnections are encouraged.

* * *"

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 6. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the

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

SECTION 7. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts. These changes includes six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

The following is a summary of some of the provisions regarding Accessory Dwelling Units (ADUs):

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted
- Owner must reside on the property
- Size is limited to 50% of the main unit or 750 square feet whichever is less, and the minimum size shall be 300 square feet
- ADUs must conform with height, setback and coverage requirements
- There shall be at least 1 but not more than 2 additional parking spaces for the ADU
- The property must be connected to public water & sewer or the additional unit must be approved by the County Health Department.

This application also reduces garage requirements from 2 space to 1 space for the RS-1, RS-2 and SF-1 Zoning Districts.

Mayor and Council: T-3-2020

February 6, 2020

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REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-3-2020.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

Attachments:

- 1) Case T-3-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

ORDINANCE 2020-13

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

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

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

"GENERAL PROVISIONS

Section 185.006 DEFINITIONS.

* * *

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

* * *

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

>>(1) The unit shall be accessory to and on the same property as a single-family dwelling unit and may only be located on lots or parcels of land that meet the minimum lot size requirement of this zoning district.<<

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

>>(3) Not more than one (1) accessory dwelling unit per property is permitted.<<

>>(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels unified under a recorded unity of title document.<<

>>(5) The air-conditioned floor area of the accessory dwelling unit shall not exceed 50% of the air-conditioned floor area of the principal structure, or 750 square feet, whichever is less. The accessory dwelling unit shall be no less than 300 square feet of air-conditioned floor area.<<

>>(6) The unit shall meet the accessory structure setback and height provisions identified in Section 185.118(A)&(B).<<

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

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

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

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

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

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', is hereby amended and shall henceforth read as follows:

“DISTRICT REGULATIONS

* * *

Section 185.031 RR — RURAL RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.

(3 >>4<<) Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.

(4 >>5<<) Public parks, playgrounds and other public recreational facilities.

(5 >>6<<) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.

(6 >>7<<) Keeping or raising for sale of small domestic animals, birds, or fish.

(7 >>8<<) Keeping or raising for sale of small farm animals, such as goats, chickens, pigs and other small animals typically found on a farm, provided the total of all such animals shall not exceed five (5) for each one half (½) acre of lot area.

(8 >>9<<) The acreage used in determining the number of animals that may be kept upon the premises may only be used for one (1) type of animal. For example, an acre of land would allow for two (2) horses, but it would not allow for an additional five (5) goats. The land needed to support one type of animal cannot in turn be counted to permit further animals. This provision is to protect the health of the animal(s) and to ensure the residential character of the neighborhood is maintained.

* * *

Section 185.032 RE — ESTATE RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.033 RS-1 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.034 RS-2 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.035 RS-3 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements.*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

* * *

Section 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

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

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Award of Invitation for Bid #17-0-2020/SZ, Brass Fittings (Ford Brand Only)

The Utilities Department uses brass fittings in the field for installing meters, backflow devices, hydrants and other components in the utility system. City usage is determined by new construction, meter replacements, system repairs, new programs, etc.

Two (2) bids were received in response to the City's solicitation. Procurement staff reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

Brass fittings are purchased as an asset (inventory) for future use and are not expensed until they are issued from the warehouse. No specific amount is budgeted for brass fittings. Under the current contract the annual expenditures have ranged from \$60,000 to \$150,000.

Staff recommends Ferguson Waterworks as the vendor to provide Brass Fittings.

Local preference was not applied as the bid total exceeded the estimated annual expenditure. The recommended awarded vendor is the only bidder who claimed Local preference.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Funding is available in the Utilities Department's Inventory Asset Account 421-0000-141-2003. The estimated annual expenditures are \$150,000. Purchase orders are issued on an "as needed" basis.

February 6, 2020

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RECOMMENDATION:

Motion to approve award of IFB #17-0-2020/SZ, Brass Fittings (Ford Brand Only) to Ferguson Waterworks, located in Melbourne, Florida. The initial term is for two years with the option to renew for an additional 3 one-year terms; the total term not to exceed five consecutive years.

Attachment: 1) Tabulation Sheet (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Award of Invitation for Bid #18-0-2020/MS, Lift Station 93 Rehabilitation

The Utilities Department lift station 93 requires rehabilitating. An assessment of the lift station found the wet well floor is cracking and the joints in the lower part of the wet well are leaking. The rehabilitation will include the repair of the floor, installation of a base plate, lining of the wet well, and replacement of various related appurtenances.

Four (4) bids were received in response to the City's solicitation. Procurement staff has reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

Staff recommends Danus Utilities as the contractor for Lift Station 93 Rehabilitation in the amount of \$106,966.

Local preference was not applied to this project as contractors are located outside of the local area.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Total project award will be \$106,966. Funding is available in the Utilities Department's renewal and replacement fund 424-8032-535-6327, project 20WS13.

RECOMMENDATION:

Motion to approve award of IFB #18-0-2020/MS, Lift Station 93 Rehabilitation to Danus Utilities, located in Sanford, Florida.

Attachments: 1) Tabulation Sheet (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Emergency Procurement – Vacuum and Pump Truck Services, Meeks Plumbing Inc. and Repair Services, Gregori Construction Inc.

There was a road failure at Danr Drive resulting in a hole in the asphalt adjacent to a sanitary sewer manhole and lift station 42. The hole was backfilled, and the road failed again. Due to the road failures, there was damage to the sewer pipe which caused the backfill materials above the damaged pipe to enter lift station 42. The lift station was inundated with approximately 450 cubic feet of sand and debris, was completely inoperable and was taken off line. In order to avoid a sewage leak and maintain sewer service to our customers, Meeks Plumbing Inc. was immediately called to provide standby tankers and pump truck services. The service provided was pumping sewage from lift station 42 and upstream manholes. Without this service significant amount of raw sewage (up to 600 gallons per minute) would have spilled onto the ground and into the adjacent water bodies.

Meeks Plumbing has been providing sewer line cleaning services under a service agreement competitively solicited via RFP#19-0-2019/MS since June 2019. Additionally, they have been providing on-call vacuum and pump truck services for the Utilities department for several years. The on-call services are provided on an as needed basis using an annual purchase order. For the on-call services Meeks provides a price quote, completed small project agreement and vetted certificate of insurance, per the City's requirements.

In addition, three contractors were contacted to provide repair services for the damaged sewer pipe. Gregori Construction was the only vendor available immediately. The work included excavation of the site to determine extent of damage, removal and replacement of the pipe, manhole repair and

site restoration; at a cost of \$42,750 which includes two change orders for unforeseen conditions. Procurement was able to quickly route a service agreement and vet insurance from Gregori for this repair.

Utilities Staff advised the City Manager (CM) and Chief Procurement Officer (CPO) of the emergency on December 15, 2019. An update was provided to CM and CPO on the hauling issue on December 18, 2019.

Per City Code of Ordinance **38.12 EMERGENCY PURCHASES**: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

A budget amendment will be submitted. Pending approval of the budget amendment, funds will be available for the vacuum and pump truck services in operating fund 421-8030-535-3409. Funds were available for the repair services in renewal and replacement fund 424-8032-535-4634.

RECOMMENDATION:

Motion to approve record of the Emergency purchase of vacuum and pump truck services from

February 6, 2020

Page | 3

Meeks Plumbing, Inc., located in Vero Beach, Florida in the amount of \$95,355 and repair of the damaged sewer pipe and manhole from Gregori Construction, located in Titusville, Florida in the amount of \$42,750.

Attachments:

- 1) Meeks Invoice (available upon request)
- 2) Meeks Quote (available upon request)
- 3) Gregori Quote (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 6, 2020

RE: One (1) Appointment – Bayfront Community Redevelopment Agency

SUMMARY:

As you may recall, Mr. James Ritter's term on the Bayfront Community Redevelopment Board expired. Mr. Ritter represented an at-large position. The position has been announced at several regular Council meetings and applications solicited for same.

The following application has been received:

Peter J. Filiberto
3921 Dixie Highway, Unit C

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the appointment of one (1) member to serve on the Bayfront Community Redevelopment Agency, representing the at-large position.



APPLICATION FOR MEMBERSHIP / City Boards or Committees

City of Palm Bay • 120 Malabar Road • Palm Bay, FL 32907
Phone: 321-952-3414 • www.palmbayflorida.org • Fax: 321-953-8971

BOARD/COMMITTEE

Name of Board/Committee:

Full Name:

Home Address:

City:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

EMPLOYMENT

Employer:

Occupation:

Address:

City:

State:

Zip Code:

Telephone Number:

Fax Number:

Email Address:

Job Responsibilities:

EDUCATION

High School Name:

Location:

Years Completed:

Major/Degree:

College Business or Trade School:

Location:

Years Completed:

Major/Degree:

Professional School:

Location:

Years Completed:

Major/Degree:

Other:

Location:

Years Completed:

Major/Degree:

APPLICANT INFORMATION

Have you ever held a business tax receipt? Yes No *If yes, please provide the following:*

Title:

Issue Date:

Issuing Authority:

If any disciplinary action has been taken, please state the type and date of the action taken:

Disciplinary Action:

Disciplinary Date:

Are you a resident of the City? Yes No *If yes, how long?* Years Months

How long have you been a resident of Brevard County? Years Months

Are you a United States citizen? Yes No

Are you a registered voter of the City? Yes No

Are you employed by the City? Yes No *If yes, what department?*

Do you presently serve on a City board(s)? Yes No *If yes, please list board(s):*

Have you previously served on a City board(s)? Yes No *If yes, please list board(s):*

Are you currently serving on a board, authority, or commission for another governmental agency?

Yes No *If yes, what board(s):*

Have you ever been convicted or pled guilty to a criminal charge or pled nolo contendere (no contest) to a criminal charge? Yes No *If yes, what charge:*

Where:

When:

Disposition was: Convicted Pled Guilty Pled No Contest

Have your civil rights been restored? Yes No

Are you a member or participant of any community organizations? Yes No

If yes, please list:

What are your hobbies / interests?

Why do you want to serve on this board / committee?

Section 760.80, Florida Statutes, requires certain information on statutorily created boards to be filed on an annual basis. Please complete the following.

Race:

Gender:

Physically Disabled:

APPLICATION CERTIFICATION

By filing this application with the City of Palm Bay and placing my signature below, I do hereby acknowledge the following:

1. This Application, when completed and filed with the Office of the City Clerk, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and is open to public inspection.
2. I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the City Clerk.
3. I consent to filing the Statement of Financial Interests if required for this board.
<http://www.ethics.state.fl.us>
4. If appointed to a board/committee, I acknowledge that it is my obligation and duty to comply with the following:
Code of Ethics for Public Officials (Florida Statutes, Chapter 112, Part III)
Florida Sunshine Law (Florida Statutes, Chapter 286)
<http://www.flsenate.gov/Statutes>
5. I understand the responsibilities associated with being a board/committee member, and I will have adequate time to serve on this board/committee.

The information provided on this form is true and correct, and consent is hereby given to the City Council or its designated representative to verify any and/or all information provided.

Signature:

Date:

Mail the application to:
City of Palm Bay
Office of the City Clerk
120 Malabar Road, SE
Palm Bay, Florida 32907

Fax the application to:
321-953-8971



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 6, 2020

RE: Two (2) Appointments – Youth Advisory Board (Student Members)

SUMMARY:

As you may recall, the terms of Michaela Chua, Linval Maragh, Alexzander Owens and Katrina Moringlanes from the above subject board will expire on February 21, 2020. Mr. Maragh and Mr. Owens have reapplied to continue service on the board.

The terms have been announced at several regular Council meetings and applications solicited for the same.

The aforementioned vacancies represent the ‘**at-large student member**’, positions.

The following applications have been received:

Alexzander Owens
148 Feldman Street, SE 32909

Linval Maragh
2911 Firwood Avenue, SE 32909

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the appointment of two (2) student members to serve on the Youth Advisory Board.

/jcd



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 6, 2020

RE: One (1) Appointment – Youth Advisory Board (Adult Members)

SUMMARY:

As you may recall, the terms of Tara Marie Pariso, Theresa Steelman and Denise Bowes-Valcin from the above subject board will expire on February 21, 2020. Ms. Bowes-Valcin has reapplied to continue service on the board.

The terms have been announced at several regular Council meetings and applications solicited for the same.

The aforementioned vacancy represents the ‘**adult member (30 years and older)**’, position.

The following application has been received:

Denise Bowes-Valcin
1298 Coral Reef Avenue, NW 32907

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to approve the appointment of one (1) adult member to serve on the Youth advisory Board.

/jcd



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Ordinance Changes to § 93 –Real Property Nuisances

There are a number of Code Sections in Chapter 93 which the Growth Management Department was requested to review. This includes the following Sections:

- 1) **§93.094 – Unimproved Real Property** (to revise the Nuisance Vegetation requirements & clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 2) **§93.044 – Private Property Parking Regulations** (to clarify language & intent)
- 3) **§93.06 – Duty of City Manager** (to eliminate 96-hour notices & to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 4) **§93.08 – Authority of City to Enter Property** (to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 5) **§93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest** (to eliminate 96-hour notices, to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation, and to make all liens subject to simple not compound interest).

The following is a detailed explanation of the changes:

- 1) **§93.094 – Unimproved Real Property.** The change to this section includes three paragraphs. The section on Nuisance Vegetation is being changed to make it more equitable by measuring fifteen from the property line rather than from the location of the neighboring house. Also, being added is a limitation to one violation every six months rather than every time that the grass reaches twenty-four inches in height. Also, two

paragraphs are being changed to clarify that the City can only take corrective action after the Code Board finds the property in violation. Growth Management was directed to make this last change by the City Attorney's office.

- 2) **§93.044 – Private Property Parking Regulations.** The change to Private Property Parking Regulations includes some wording change to clarify language and also a new provision to prohibit any vehicle parking on unimproved lots. Parking on unimproved lots has been a growing problem that needs to be addressed.
- 3) **§93.06 – Duty of City Manager.** This is another section that is being changed at the direction of the City Attorney's office which will now require all nuisance cases to be heard by the Code Board before the City can take corrective measures. The 96-hour notice requirement is being eliminated.
- 4) **§93.08 – Authority of City to Enter Property.** This is yet another section that is being changed to require Code Board review before the City takes any action on private property.
- 5) **§93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest** The first part of the changes to this section are identical to the changes in §93.06 as noted above. The second change in this section, at the request of the City Manager, is to change the interest on Nuisance Liens from compound interest to simple interest.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There may be some reduction in fines collected because the calculation of interest on liens is being changed from compound interest to simple interest.

RECOMMENDATION:

Motion to approve the proposed ordinance changes.

Attachments: 1) Ordinance Changes to § 93 –Real Property Nuisances

ORDINANCE 2020-06

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 93, REAL PROPERTY NUISANCES, SUBCHAPTER 'UNSIGHTLY AND UNSANITARY CONDITIONS', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title IX, General Regulations, Chapter 93, Real Property Nuisances, Subchapter, Unsightly and Unsanitary Conditions, is hereby amended and shall henceforth read as follows:

"UNSIGHTLY AND UNSANITARY CONDITIONS

* * *

Section 93.04 UNIMPROVED REAL PROPERTY.

(A) (1) It shall be unlawful for owners of unimproved real property located within the city whose property line adjoins or abuts improved real property to either permit weeds, grass, undergrowth or other vegetative matter to grow thereon to a height of more than twenty-four inches (24") within ~~twenty-five feet (25')~~ **>>fifteen feet (15')<<** of the side and rear lot lines, ~~provided the lot line is within thirty feet (30') from a permitted residential dwelling unit or principal commercial structure.~~ **>>Each unimproved real property cited under this subsection shall only receive one violation within any six (6) month period.<<**

* * *

(C) The City Manager, in order to preserve the health, safety, and welfare of the public, may, upon recommendation of the Fire Chief, authorize clearing the entire unimproved real property or portions thereof as the Fire Chief shall deem warranted. **>>If such property has already been found to be in violation of this Chapter by the Code Enforcement Board.<<**

(D) In the event the owner fails to maintain his/her property in accordance

with the referenced standards herein, the city may perform such maintenance as may be necessary and shall not be responsible for any damage to other vegetation that is in the vicinity of such maintenance activity. >>If such property has already been found to be in violation of this Chapter by the Code Enforcement Board.<<

* * *

Section 93.044 PRIVATE PROPERTY PARKING REGULATIONS.

No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(A) No vehicle >>(operable or inoperable)<< shall be parked:

* * *

>>(3) On any unimproved lot.<<

(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. >>This is in addition to vehicles parked in garages, carports, paved driveways and adjacent to driveways on improved surfaces as noted in Section (A) (1) above.<<

* * *

(C) Exceptions:

(1) >>A maximum of oOne (1) additional<< vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.

* * *

Section 93.06 DUTY OF CITY MANAGER.

Upon the failure or refusal of the owner, tenant, lessee or occupant of any improved or unimproved property located within the city to comply with the provisions of this section, it shall be the duty of the City Manager or the City Managers designee to give notice, as herein provided, to the owner of such property to comply with the requirements of this section ~~within ninety-six (96) hours after the posting of such notice,~~ >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< setting forth in the notice the legal description for such properties, and the estimated cost of correcting the condition of such property or the removal or correction of the condition thereof found to be in violation of this subchapter and to proceed to have the condition thereof remedied upon failure of the owner, tenant, lessee or

occupant to do so within the allotted time.

* * *

Section 93.08 AUTHORITY OF CITY TO ENTER PROPERTY.

The city shall, through its employees, agents or contractors, be authorized to enter upon the property >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< to reasonably remedy the violations as provided herein. Entry upon the property under the right hereby granted shall not constitute trespass, and the City and its duly authorized agents or employees so entering shall not be liable to arrest or a civil action by reason of such entry.

Section 93.09 REMEDY BY CITY; COSTS TO BECOME A LIEN AGAINST PROPERTY; LIENS; INTEREST.

(A) Upon failure of the owner, tenant, lessee or occupant of property to remedy the conditions existing in violation of the requirements of this section >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< ~~within ninety-six (96) hours after posting of the notice to do so as provided herein,~~ the City Manager or the City Manager's designee shall proceed to have such conditions remedied by contract labor or direct labor or both.

(B) The owner of said property shall be notified by first class mail of the cost to remedy the violation, including any and all administrative costs and/or fees incurred. In addition, the owner(s) shall be informed of the city's intent to impose a lien on the property or other property of the owner to cover all costs and/or fees incurred by the city to remedy the violation. If payment is not received within thirty (30) days from the date of the notice to the owner, tenant, lessee or occupant indicating the total costs, the City Manager or the City Manager's designee shall impose a lien on the property or the owner's property in the amount of the cost for labor, administrative costs and fees incurred by the city. The lien may be recorded in the official records of Brevard County, Florida. Liens created under this subchapter shall remain liens co-equal with the liens of all state, county, district and municipal taxes, superior in dignity to all other liens, title and claims, except homestead rights, until paid, and shall bear >>simple<< ~~compound~~ interest annually at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Fla. Stat. Ch. 173.

(C) The City may also pursue enforcement of the provisions of this chapter by issuing a notice to appear to the owner, tenant or occupant of the property, requiring such person to appear in the County Court of Brevard County, Florida,

thereby subjecting said person to the sanctions and penalties set forth in Chapter 10, § 10.99, Palm Bay Code of Ordinances.”

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

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

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

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

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

City of Palm Bay, Florida
Ordinance 2020-06
Page 5 of 5

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Placeholder: Interlocal Agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street Intersection

This is a placeholder Legislative Memorandum for forthcoming Interlocal Agreement (ILA) with Brevard County for the St. Johns Heritage Parkway and Babcock Street Intersection project.

City staff is awaiting final comments from Brevard County and the final version of the ILA is anticipated to incorporate several key aspects of the project, including:

- Issuance of the County permit for connection to Babcock Street.
- Phasing and timing for the expansion of the fully-widened intersection.
- City ownership and maintenance of the intersection project area.
- City and County set aside of future transportation impact fees for Babcock Street improvements.
- Future coordination between City and County staff on development in the area.

RECOMMENDATION:

Motion to approve Interlocal Agreement with Brevard County for the St. Johns Heritage Parkway and Babcock Street intersection.

SS/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Consideration of the Phase 2 Paving Program

At the October 28, 2019 Infrastructure Advisory and Oversight Board (IAOB) meeting, the Board approved the attached map showing the units for the Year 2 Paving Program. On January 9, 2020, the City Council held a workshop to review the Phase 2 Paving Program. At that meeting, Council supported the Phase 2 Paving Program with the following units: 1, 2, 3, 4, 5, 17, 20, 24, 25, 26, 27, 35, 38, 39, 40, 46, CC01, CC02, CC03, CC04, CC05, CC06, CC07, CC08, CC09, CC10 and the Northeast Area plus Port Malabar Road and Emerson Drive between Minton and Malabar. The total street mileage for these units is 217.5 miles. Most of the Phase 2 streets are located within the City's Northeast Quadrant which is the older part of Palm Bay and rated with a lower Pavement Condition Index (PCI). The PCI rating provides for a measurement of the distressed pavement condition from a scale of 0 to 100. 100 is the best and 0 the worst condition. In addition, the Council also approved the use of micro-surfacing for streets with PCI of 70 or greater. The preliminary cost estimate for Phase 2 is \$44.1 million which includes the surveying, engineering design, permitting, geotechnical support and construction engineering inspections.

REQUESTING DEPARTMENTS:

Public Works Department, Finance, City Manager's Office

FISCAL IMPACT:

Phase 2 Road Paving Program estimated at \$44,100,00. Funds are available in the GO Road Bond Program Fund. Funds will be appropriated to G/L Account 309-7090-541-6303, various projects numbers upon approval, from Undesignated Fund Balance on the next Budget Amendment scheduled for April 2, 2020.

RECOMMENDATION:

Motion to approve the GO Road Bond Phase 2 Paving Program.

Attachment: 1) proposed map for Phase 2 (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Addendum #1 to Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay

On December 5, 2019, City Council approved the expenditure of \$51,190 (\$46,100 total appraised value plus the cost of the appraisal totaling \$5,090) for the acquisition of seven (7) 25-foot easements of private property to be paid out of the Land Acquisition account and \$63,600 for the construction of a drainage ditch within said easements to be paid out of Stormwater Fund account.

The original intent of the December 5, 2019 legislative memo was for the City to construct a stormwater drainage ditch system as designed and engineered by the City's Public Works engineering staff. The drainage ditch was to be constructed within a 25-foot easement located south of Northshore Development, LLC's Aqua project and west of and adjoining to the Florida East Coast Railway (FEC) Railroad.

However, it is the professional opinion of the Developer's Engineer of Record (EOR) that a 25-foot drainage easement would be insufficient and the EOR would not sign and seal the engineered drawings. This opinion necessitates the negotiation of an additional 10-foot easement (for a total of 35-feet) from all seven (7) property owners, resulting in an increase in the cost to acquire easements and construct the drainage ditch system.

Due to this change, the construction of the drainage ditch system will be undertaken by the Developer using the designs as provided by their EOR. Any additional costs associated with easement acquisition or construction would be the responsibility of the Developer.

Staff recommends an amendment to Section 4.04 (D) of the Development Agreement between Palm City Investments, F.H., LLC and the City of Palm Bay as well as a revision to Appendix B (Developer

Mayor and Council: Addendum #1 to Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay

February 6, 2020

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Offsite Construction Obligations for Impact Fee Credits) regarding impact fees applicable to right-of-way improvements along Florida East Coast Railroad for the construction of the drainage ditch system.

REQUESTING DEPARTMENTS:

Community & Economic Development; Public Works

FISCAL IMPACT:

There is no additional fiscal impact beyond what was approved by City Council at the December 5, 2019 regular meeting.

RECOMMENDATION:

Motion to approve Addendum #1 of the Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay.

Attachments: 1) Addendum No 1 Agreement (available upon request)

2) Appendix B (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Utilization of Transportation Impact Fees (TIF) for acquisition of Right of Way (ROW) on Gaynor Drive

The Public Works Department is requesting the use of Transportation Impact Fees to acquire additional Right-of-Way to straighten the alignment of Gaynor Drive. The additional Right-of-Way will be acquired from three separate parcels/owners comprising 1,697 linear feet of Right-of-Way. The properties are located on the west side of Gaynor Drive, both north and south of Ocean Spray Street, surrounded by Port Malabar Unit 32. Gaynor Drive, in this area, is a narrow dirt road. Acquiring the additional Right-of-Way will allow for the new pavement to be placed in the center of a full width Right-of-Way. The roads in Unit 32 are currently being paved as part of the **Go Roads** paving program. Based on a current appraisal completed on August 2, 2019, an appraisal value of \$20,300 was established for the three properties by W.H. Benson & Co. Staff has negotiated a selling price of \$25,200. The City will be paying closing costs estimated to be less than \$1,500. The cost of the appraisal was \$2,450.

REQUESTING DEPARTMENTS:

Public Works Department, City Attorney's Office, Growth Management and Finance Department

FISCAL IMPACT:

Funding is available in the FY20 Transportation Impact Fees, Nexus 32908 Fund. Funding in the amount of \$29,150 would have to be appropriated on the next Budget Amendment scheduled for April 2, 2020 to account 198-7050-541-6101.

RECOMMENDATION:

Motion to approve utilization of Transportation Impact Fees (Nexus 32908) for the acquisition of ROW on Gaynor Drive in the amount of \$29,150.

Attachments:

- 1) Copy of Property Appraisal (available upon request)
- 2) Site Map (available upon request)
- 3) Real Estate Contracts (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Lisa Morrell, City Manager
DATE: February 6, 2020
RE: Use of Fire Impact Fees for Fire Station 5 Generator

Fire Rescue Department requests the utilization of Fire Impact Fees towards a generator for Fire Station 5, located at 1525 Foundation Park Blvd. The total amount requested is \$70,090.00. This generator addition is necessary to ensure that the fire station remains fully operational, in the event of a prolonged power failure. With the ongoing development in Fire Station 5's response area, including a new four-story apartment complex with accompanying additional residents and calls to the area, the anticipated expansion of residents in the area necessitate the need for the generator in the event of a power failure. Current calls for service have been continually increasing with the addition of this new residential development and therefore has created the need for increased services to the area. This generator will assist with service due to the growth and expansion of the area.

Utilization of these funds will allow Fire Rescue to maximize the use of the current allocated general funds while ensuring that the structure meets current building codes and crews are able to respond back into their response area and meet the health safety and welfare needs of the community and the citizenry of the City of Palm Bay.

REQUESTING DEPARTMENT:

Fire Department

FISCAL IMPACT:

Total project costs of \$70,090.00 to be appropriated to GL account 190-6050-522-6401/Machinery and Equipment (project 18FD01) from Fire Impact Fee Funds Fund Balance (Nexus 32909).

RECOMMENDATION:

Motion to approve appropriation from Fire Impact Fees Fund 190 Balance totaling \$70,090 towards project 18FD01, Fire Station #5 Rebuild, for a generator.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Authorization to Appropriate Funds for Permit Fee for Project #18WS04-
Expansion of South Regional Water Treatment Facility

The engineering services of Tetra Tech Inc. are being utilized for the design/permitting of the expansion of the South Regional Water Treatment Facility from 4 MG to 6 MG (Project #18WS04). The project requires a Florida Department of Environmental Protection (FDEP) construction permit with an application fee of \$12,500.00. There will also be a fee for the legal ad when the project is advertised for bid (approximately \$500). The available balance on the project is \$2,575, so an appropriation of \$10,425 of Undesignated Fund Balance from the Utility Connection Fee Fund is required for the project.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

Appropriation of \$10,425 from Utility Connection Fee Fund Balance (423-0000-392-3006) to Project #18WS04 (423-8021-533-6221). The request will be included on the Second Budget Amendment in FY 2020.

RECOMMENDATION:

Motion to approve the appropriation of \$10,425 on the next scheduled budget amendment for the payment of the FDEP permit application fee and legal ad for Project #18WS04.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Travel Request – Growth Management

The Growth Management Department is requesting travel approval for the 2020 Florida Floodplain Managers (FFMA) Conference in Orlando, Florida on April 7-8, 2020 for Jim Williams, Floodplain Administrator, to continue educational credits for certified floodplain manager certification. The cost is estimated at \$ 772.00.

REQUESTING DEPARTMENTS:

Growth Management Department

FISCAL IMPACT:

The estimated cost is \$772.00 and is available in Account Numbers 001-3311-515-40-01 and 001-3311-515-55-01.

RECOMMENDATION:

Motion to acknowledge and authorize travel as noted above.

Attachment: 1) Travel Information (available upon request)