

Public Input - LDC Proposed Amendments

Code Section	Concern/Comment	Name	Staff Comments	Action
172.024(G)	Conditional Uses: Conditional Use approval should be tied to site plan approval and not to Certificate of Occupancy or Certificate of Completion for site improvements.	Tony Masone	Reference to site plan was added.	Amendment incorporated
172.030	Tree and topo survey duplicative	Ana Saunders	Previous reference to a tree survey has been removed; requirements for topographic map remains.	Amendment incorporated
172.030(B)	The PUD standards are missing.	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	This section only pertains to development review procedures related to a rezoning to a PUD. Staff to revise this section and cross reference to Chapter 173, Part 6, related to PUD standards.  <i>Please note that this change triggered a reformatting of section 172.030.</i>	Amendment incorporated
172.030(B), (D)(1)(s), (F)(3), and (G)	References to "development agreements" in this section is confusing. Recommend change title/description so as to not conflict or confuse development agreements as defined by Chapter 163, Part II, Florida Statutes.	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	All to "Development Agreements" within 172.030 have been retitled to PUD Agreement. A PUD Agreement shall be concurrent with the submittal of a Preliminary Development Plan. A PUD Agreement should not be confused with a Development Agreement, as defined by Ch 163, F.S.  <i>Please note that this change triggered a reformatting of section 172.030.</i>	Amendment incorporated
172.030(D)(1)(j)	During the PDP phase, construction timing is not finalized; this information should be required with FDP only.	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Agree. Remove requirement for phase development schedule for PDP in section 172.030(D)(1)(j). This remains a requirement for FDP submittal, however.  <i>Please note that Chapter 172 has been reformatted and renumbered.</i>	Amendment incorporated
172.030(D)(1)(k)	Clarify what the city is looking for under "zoning analysis"? ex: are applicants required to state what the surrounding zoning districts are, or is the City looking for an analysis of all the code requirements under the proposed zoning Cistrict? Also, is this supposed to be a separate document or included on the actual PDP?	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Agree. Retitled to "Zoning Factors Analysis" and added cross ref to 172.022(E).  <i>Please note that due to reformatting and renumbering in Chapter 172, Zoning Analysis (retitled Zoning Factors of Analysis) is now section 172.030(C)(4).</i>	Amendment incorporated

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172.030(D)(1)(m)	Exceptional specimen trees is not defined.	Ana Saunders	Correct. There are no longer references to "exceptional" specimen trees, only "specimen trees". This requirement has been removed for PDP submittal, but still required for FDP submittal.	Amendment incorporated
172.030(D)(1)(p)	A traffic study should not be required under PDP/zoning entitlement.	Ana Saunders	Agree. The PDP establishes zoning and proposed uses. The traffic study should be a requirement of the FDP. Only a traffic memorandum should be required at this phase.  <i>Please note that due to reformatting and renumbering in Chapter 172, Traffic Study (retitled Traffic Memorandum) is now section 172.030(C)(8).</i>	Amendment incorporated
172.030(F)(3)	What are the criterion for allowing a modification?	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Criteria is provided in 172.023(C).  <i>Please note that due to reformatting and renumbering to Chapter 172, stakeholder reference of 172.030(F)(3) is now section 172.030(D)(3).</i>	Amendment incorporated
173.068(G)	Why limit multi-family size unit to 1400 SF. That means we will never have luxury apartments	Bill Battin	Agree. Removed 1,400 SF restriction.	Amendment incorporated
173, Chapter, Zoning	Why are churches not allowed in UMU?		Added use in UMU zoning district.	Amendment incorporated
Table 173-1	Current LDC: 185.03(B)(7-9): When uses were pulled out of the zoning districts and moved to a table, all of the limitations regarding "animals" for agricultural uses in Rural Residential (RR) zoning were removed		After researching through the new code, it was determined this was correct and with the average lot area being only one-acre, allowing unrestricted agricultural use can cause problems; Reincorporate the language from the previous code 185.03(B)(7-9) into the new code.	Amendment incorporated
Table 173-2	Restaurants/eating establishments should be allowed in Highway Commercial (HC) and Light Industrial (LI).	Jake Wise	Agree. Added use as "permitted" in HC and as a "conditional use" in LI. Similarly, staff added retail as a permitted use in HC.	Amendment incorporated
Table 173-2	Restricted Commercial (RC) to Neighborhood Commercial (NC) - the consolidation of these two zoning districts now contain limitation on sqft, some that prohibit structures above 5,000 SF and some that require a conditional use to exceed 5,000 SF.	Henry Morin	Restricted Commercial (RC) is no longer consolidated with Neighborhood Commercial. RC was restored as a standalone zoning district and all previous code applied.	Amendment incorporated
Table 173-3	Adult Entertainment is a permitted use in the Conservation (C) and Institutional Use (IU) zoning district?	Ana Saunders	Oversight. Table 173-3 revised to remove this use in C and IU. Added Adult Entertainment as a permitted in Light Industrial (LI). City has one establishment currently in LI.	Amendment incorporated
174.002(B) and (H)	Need additional height to accommodate horses	Bill Battin	Agree. RR exemptions are already contemplated in other areas of Chapter 174, i.e. height of walls and fences, size of accessory structures versus principal structure. Exempted RR but included the 2 acres or more provision (like D).	Amendment incorporated
174.002(D)	Should exempt RR from height restrictions (barns are taller than homes).	Bill Battin	Agree. RR exemptions are already contemplated in other areas of Chapter 174, i.e. height of walls and fences, size of accessory structures versus principal structure. Exempted RR but included the 2 acres or more provision (like D).	Amendment incorporated

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174.002(D)(2)	RR should be able to exceed SQFT and height. Barn & Shop(?)	Bill Battin	RR already exempted from size restriction.	Amendment incorporated
174.002(H)	This will not work for large animals. RR should be exempt	Bill Battin	Exempted RR but included the 2 acres or more provision (like D).	Amendment incorporated
174.007	Why cant you put a chain link fence within 20' of front and side property line - they make the best security.	Bill Battin	Current code allows chain link just like any other fence type; however, the additional 20' setback was only required in BMU and BMUV. This was amended to require additional 20' setback in CMU and UMU only.	Amendment incorporated
	Tiny homes - where are tiny homes referenced	Ana Saunders	Definition specifically states they are only allowed in PUDs (see 173.065(B)). Standards for tiny homes moved out of Ch 171 Definitions and into Chapter 173 Zoning Code.	Amendment incorporated
	With the revised simplification of the zoning classifications, churches were specifically listed in the CMU - community mixed use zoning district. However, Churches were omitted from the UMU - urban mixed use district. As the UMU district still allowed clubs, lodges, and fraternal organizations, I believe churches should also be included as a permissible group in the UMU districts. I'm not sure if that was an oversight or intentional omission, but I would respectfully request that churches also be added to the itemized list of approved groups under UMU districts.	Mark A Miller Senior Pastor Victory in Christ Jesus Ministries	Oversight. Churches have been added to UMU.	Amendment incorporated
	If non-residential is to be encouraged, why restrict CMU to 0.7 ratio impervious? Minimum should be 0.8.	John Thomas, Home Builders & Contractors Association	Changed Impervious Surface Ratio in CMU to 0.8.	Amendment incorporated
	Why is ALF in residential? Normally in institutional or commercial.	John Thomas, Home Builders & Contractors Association	ALF and Group homes regulated by State Statute and allowed within residential zoning. If less than 14 residents, it is a residential use. However, City Attorney's Office to consult on any further amendments in Phase 2.	Amendment incorporated
	Where is the definition of an exceptional specimen tree? Required for surveys for PDPs. Is it 12" specimen tree or something different. Used to be 20".	John Thomas, Home Builders & Contractors Association	Asked and addressed above. Removed "exceptional" from code language. Only specimen tree defined.	Amendment incorporated
	Add convention centers as a use in applicable zoning districts.	Mayor Medina	Convention Center has been added to Chapter 171 Definitions and Chapter 173 Zoning Code. Convention Centers are permitted in LI, GC, HC, and UMU.	Amendment incorporated
173.062	Elimination of Parkway Mixed Use (PMU) zoning district and consolidation of planned development zoning districts to Planned Unit Development (PUD zoning district. PMU only requires a minimum 10% commercial. PUD requires a minimum of 20% commercial. In order to propose a minimum lot width less than 50' for single-family residential, PUD is the only option.	Lennar Homes (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka); Jake Wise	This change is consistent with the Comp Plan. However, depending upon Council's support of keeping Cluster Subdivisions as a conditional use in Chapter 173 Zoning Code, staff will discuss consideration of amending minimum lot width to 40' in cluster subdivisions.	Consistent with Comp Plan

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177.005	Policy 1.5 Open space define requirements for activity-based and resource based open space, and why was the 25% requirement reduced to 20%?		This is a pre-existing requirement. Previous code 185.065 (C) required 25% open space for PUD remains the same. Comp Plan requires 20% for all other residential zoning districts.	Consistent with Comp Plan
	How are zonings that no longer exist be handled? Have land uses been corrected?	John Thomas, Home Builders & Contractors Association	The City is required to comply with Chapter 166, Florida Statutes for administrative rezoning of privately-owned parcels. If these amendments are adopted, staff will issue notices and proceed with public hearings.	Consistent with Comp Plan
	Why open space requirements for traditional SFR zoning?	John Thomas, Home Builders & Contractors Association	The adopted Comp Plan's Recreation and Open Space Element requires a minimum of 20% open space in all residential zoning districts; however, definition of open space (Ch 171) contemplates this already.	Consistent with Comp Plan
	In order to encourage large lot subdivisions, remove open space requirement and water and sewer requirements.	John Thomas, Home Builders & Contractors Association	The adopted Comp Plan's Recreation and Open Space Element requires a minimum of 20% open space in all residential zoning districts. Connection to centralized water and wastewater is required for scattered lots where w/ww is available and requires that all subdivision bring w/ww to the site.	Consistent with Comp Plan
	Define "recreation and open space" for other zonings since it is only defined for PUDs. What is required for non-PUD projects/zoning.	John Thomas, Home Builders & Contractors Association	Common Recreation and Open Space is defined in Chapter 171, Definitions and is specific to PUD. PUDs typically propose lot sizes smaller than residential districts and may not always be large enough to accommodate private recreational space, i.e. pools.	Consistent with Comp Plan
	Also, changing any zoning from single family residential to multi-family is unacceptable to these neighborhoods of single family homes. The smaller residential roads cannot handle the more traffic let alone when all these cars reach the main feeder roads. Safety of too much traffic and being trapped by canals on most sides with no way out for evacuation and also for emergency vehicles is unsafe to your citizens.	Tanya Frank, resident	There is no proposed amendment rezoning any single-family residential to multi-family residential.	Consistent with Comp Plan
	Continue to support vertical mixed-use projects to maintain and create new green space.		See Chapter 173, Zoning Code, specifically Commercial Mixed Use and Urban Mixed Use zoning districts. Part 5 includes incentives for vertical mixed-use.	Consistent with Comp Plan
	Concerns about the commercial requirements for PUDs. Could there be a PUD option without commercial? What about a non-residential PUD?		Comprehensive Plan requires commercial component for all PUDs.	Consistent with Comp Plan
	Correct open space in Industrial zoning to 10% in table		The open space requirement in non-residential areas is a minimum of 10%. This is consistent with the Comp Plan.	Consistent with Comp Plan

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175.014	Tree removal permits should not be required for lots under one acre. Due to development requirements pertaining to Health Dept (septic field) and City drainage requirements, it makes tree protection difficult for new infill home sites.	Tony Masone	Phase 2 may consider providing exemption for lots 1/4 - 1/2 acre in size, upon Council consideration. Tree protection / preservation requirement is there as an incentive. New trees are required for all new builds. Preserved trees provided a credit. Existing homes that want to remove trees may also be exempted from a tree removal permit if request meets state standards.	Council direction needed
175.026	Placement of street trees in residential subdivision imply placement within the public r/w, which will conflict with underground utilities. Canopy trees, i.e. oak trees will overtime cause damage to sidewalks.	Ana Saunders	Fair point. Staff from various departments will review this collectively in Phase 2 and provide any proposed amendments.	Council direction needed
173, Chapter, Zoning	Delete Cluster subdivisions. (Opinioned) Cluster subdivisions will create additional housing development within existing houses and neighborhoods. This will further deteriorate the current infrastructure that can't support the existing rate of building.		Cluster subdivisions is not allowed by right. A conditional use permit (via public hearing) is required. Cluster Subdivisions are only allowed by a conditional use in certain residential zoning districts. The maximum number of permitted lots/houses mirrors the underlying zoning district. While Cluster Subdivisions allow for smaller lots, they require more open space.	Council direction needed
173.030(C)	Why is only 50% max of wetlands and conservation allowed to be counted towards the required open space requirement?	Ana Saunders	Wetlands and conservation is protected and pre-existing. It is incumbent upon developer to provide open space as part of new development. However, staff will consider language from Cluster Subdivisions related to "Protected Open Space" be applied to PUDs.	Council direction needed
	Please do not go forward with the Land Code change to RS-2, Cluster subdivisions. Our current infrastructure cannot support this or any other Land Code changes which increase population density.	Barbara Harris	Cluster Subdivisions does not allow an increase in lot count/density. Cluster subdivisions is not allowed by right. A conditional use permit (via public hearing) is required. Cluster Subdivisions are only allowed by a conditional use in certain residential zoning districts. The maximum number of permitted lots/houses mirrors the underlying zoning district. While Cluster Subdivisions allow for smaller lots, they require more open space.	Council direction needed
	Add more permitted and conditional uses within industrial zoning; consider adding light manufacturing addition to HC		City staff and Council to consider what uses are not covered within HC and LI, whether by right or conditional use.	Council direction needed
	Remove adult entertainment items from the LDC and create its own section, including definitions.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	Phase 2
	Why is the sign definition so long? Seems like a code section in a definition.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	Phase 2
172.022(C)(1)	What is 500 parcel ratified?	Bill Battin	This language is pre-existing.	Pre-existing code language

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179, Chapter, Natural Resources	Consider implementing Objective CON-1.10 by requiring compensatory storage for development in the 100-yr floodplain (required by Brevard County and Titusville).		This is pre-existing language. Floodplain preservation codes are largely guided by regulatory requirements (FEMA CRS, NPDES). Staff will consider revisions that enhance these protections in Phase 2.	Pre-existing code language
	<p>I am writing to express my deep concern regarding the proposed parking regulations in Ordinance 2024-36. As a 30-year resident and property owner in Palm Bay, I believe these regulations represent an overreach of the City's authority and an infringement on the fundamental property rights of homeowners.</p> <p>The proposed ordinance dictates where and how many vehicles can be parked on private property. This constitutes an unreasonable restriction on the right to enjoyment of private property. As long as parking practices do not create a public nuisance or safety hazard, the government should not interfere with how I use my land.</p> <p>Furthermore, the ordinance lacks a clear public purpose. While aesthetics and nuisance prevention are cited as justifications, these are subjective standards. The regulations go beyond what is necessary to achieve these goals, and the City's interest in aesthetics should not outweigh my right to use my property as I wish.</p> <p>The ordinance also opens the door to arbitrary enforcement. The vague language regarding screening of vehicles and determining whether a vehicle is "operable" could lead to inconsistent and unfair application of the rules.</p> <p>These restrictions could negatively impact property values. Potential buyers may be deterred by limitations on how they can use their property. This could be seen as a taking of property value without just compensation.</p>	Thomas Gaume	CAO has responded regarding infringement of private property rights. However, the concerns expressed are related to pre-existing language. No amendments proposed during this phase.	Pre-existing code language
	Impervious definition needs to exclude stormwater mgmt. tracts, swales, ditches, wetlands and canals for the calculation of impervious surface ratio.	John Thomas, Home Builders & Contractors Association	This is pre-existing language contained within the Stormwater Management and Conservation Ordinance. Impervious surface does not include these elements as listed.	Pre-existing code language
	Remove fire sprinkler requirement for townhomes. Defer to Building and Fire codes.	John Thomas, Home Builders & Contractors Association	This is pre-existing language. Staff to review in Phase 2: CoO, Section 33.275 Automatic Fire Sprinkler System - MFR Dwellings	Pre-existing code language
	Restore the LDC for land that was available for Neighborhood Parks.		There were no changes to neighborhood parks. The City has commissioned a Parks Master Plan, through which neighborhood and regional parks should be considered.	Pre-existing code language
	City and developer relationship to bring city water to SW and SE Palm Bay residents.		Already contemplated in the LDC; no changes made from previous LDC language.	Pre-existing code language

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	Do we need to add a clarification the definition for Agricultural Use to say that roosters are allowed?		Roosters are not allowed in residential zoning. Roosters are permitted within Agricultural, Rural Residential, and General Use zoning districts.	Pre-existing code language
	<p>Wetlands: The 2045 Comprehensive Plan in Policy 2.1F states: “Modify the land development regulations which protect and preserve wetlands to include the following standards”, followed by standards (a) through (l). The directive to add these standards to the land development code has been in the Comprehensive Plan since 1990 (pre-Bert Harris Act). Please create a Wetlands section within the Natural Resources chapter of the Land Development Code to incorporate these standards and as appropriate, the wetlands language in the Comp Plan Conservation Element.</p> <p>Doing this now will provide clarity to applicants and citizens who might tend to look at the LDC and not the Comp Plan. It could possibly also protect the City against vested rights claims.</p>	Mary Sphar, Wetlands Issue Chair, Turtle Coast Sierra Club	Staff confirms that additional modifications pertaining to these policies may be warranted and propose review as part of Phase 2.	Propose for Phase 2
	<p>Coastal Management Area: The terminology used to identify coastal high hazard areas in the proposed Chapter 179 LDC is different from that used in the 2045 Comprehensive Plan. For example, the proposed LDC talks about “coastal high hazard areas (Zone V)” and the 2045 Plan uses the words “Coastal Management Area”. Make the necessary corrections to eliminate any terminology inconsistencies, and include the definition of Coastal Management Area in the LDC definitions chapter. Then add the 2045 Comp Plan Policy CME-1.4B to the LDC. This policy prohibits new septic tanks in the Coastal Management Area.</p>	Mary Sphar, Wetlands Issue Chair, Turtle Coast Sierra Club	Staff confirms that additional modifications pertaining to these policies may be warranted and propose review as part of Phase 2.	Propose for Phase 2

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	<p>Floodplain                  Comp Plan Objective CON-1.10 states: "Protect the 100-year floodplain so that flood carrying and flood storage capacities are maintained." Consider implementing this objective by requiring compensatory storage for development on land that was considered to be in the 100-year floodplain before fill was added. The object is to prevent development from causing increased flooding problems on adjoining properties and neighborhoods. Brevard County and the City of Titusville require compensatory storage. Adding this requirement could save the City money in engineering solutions such as pumps and City-owned stormwater detention and retention areas. North Merritt Island is an example of where the compensatory storage requirement was not added until Brevard County had spent millions of dollars on engineering solutions.</p>	<p>Mary Sphar, Wetlands Issue Chair, Turtle Coast Sierra Club</p>	<p>Staff confirms that additional modifications pertaining to these policies may be warranted and propose reveiw as part of Phase 2.</p>	<p>Propose for Phase 2</p>
<p>175.014</p>	<p>Typical for tree survey: hardwoods 4", Pines 8" and Palms 10 clear wood</p>	<p>Drew Powshok, surveyor</p>	<p>Tree preservation does not include non-native, invasive trees. Staff to clarify permit process, outline incentives for development, i.e. open space/LID/landscape, in lieu of just tree mitigation fee.</p>	<p>Propose for Phase 2</p>



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170.012	<p>Change the "affected by the application within five hundred feet (500) of subject property" and add language that notifies and entire subdivision when increased traffic, people, and projects affect an entire subdivision or grouping of homes. Five Hundred (500) feet is not adequate to notify all "surrounding" owners.</p> <p>Example: Meetings were not previously held with homeowners on Crowne Pointe Phases #1 &amp; 2 until citizens attended the meeting; project materials were not distributed by mail to inform citizens living in the nearby subdivision. The "500 foot" requirement was not sufficient enough to notify the entire adjacent subdivision of the proposed project.</p> <p>Add language that ensures that the owners of property acknowledge notification that there is an application for a project that will affect them. The acknowledgement is the key. The fact that many owners cannot participate in city meetings does not excuse the responsibility of the city to ensure that the citizens have adequate information of a project affecting their area (within a reasonable distance) in a reasonable amount of time to submit response to the project. We have MANY owners of property who do not live here full time and recent project notification has been lacking, unreasonable, and/or inadequate at best. Example: Meetings were not previously held with homeowners on Crowne Point Phase #2 until citizens attended the meeting; project materials were not distributed by mail to inform citizens living in the nearby subdivision.</p>	Ruth Kaufhold, resident	This is pre-existing language. There were no proposed amendments. Staff will clarify the starting point for 500' radius, i.e. starting at the property line for the proposed development. This will be considered in Phase 2.	Propose for Phase 2
171, Chapter, Definitions	Adult Entertainment still exists within the LDC, to include within Ch 171 Definitions - remove from LDC	Ana Saunders	The City Attorney's Office will address all references related to Adult Entertainment in Phase 2.	Propose for Phase 2
171, Chapter, Definitions	Advised that there are issues related to definitions out of order Chapter 171 Definitions, a whole subsection under "Signs".	Ana Saunders	The City Attorney's Office will address all references related to Sign Code in Phase 2. Staff advised not to touch anything related to signs.	Propose for Phase 2
171, Chapter, Definitions	Growth Management Director definition is out of place in Ch 171 Definitions; appears to be a sub-section within the Signs definition.	Ana Saunders	Correct. There is a set of definitions related specifically to Signs, to include a separate definition for the Growth Management Director. The City Attorney's Office will address all references related to Sign Code in Phase 2. Staff advised not to touch anything related to signs.	Propose for Phase 2
171, Chapter, Definitions	Continue with general procedures for (citizen participation) expansion and guidelines.	RAINER WARNER, PZ Board Member	This is pre-existing language. There were no proposed amendments. Following Council's direction, staff has added this to the additional amendments scheduled in Phase 2 and will revisit references to and requirements for Citizen Participation Plans.	Propose for Phase 2

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172.022(C)(1-2)	And anywhere the 500-ft limitation is noted in the LDC as a requirement for owner notification	Ruth Kaufhold, resident	This is pre-existing language. There were no proposed amendments. Staff will clarify the starting point for 500' radius, i.e. starting at the property line for the proposed development. This will be considered in Phase 2.	Propose for Phase 2
173.066(A)	20% of nonresidential acreage in a PUD is too high (there have been many comments on this topic, so I won't be repetitive)	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	This is not a proposed amendment, rather it pre-existed in the LDC. The minimum non-residential requirement was a Council directive. Minimum commercial requirement is exempt for PUD consisting entirely of tiny homes, per 173.066(A).	Propose for Phase 2
173.068(A)	Clarify that "public benefit" does not correlate to the general public having access to private communities	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	City Attorney's Office to assist in clarifying "public benefit". Suggested for Phase 2, to include addressing the scrivener errors identified.	Propose for Phase 2
173.068(E)	Liability issues with requiring public access to water in private communities	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	The intent of this section is to ensure access to public water bodies remain open to the general public. This section references PUD with access to public water bodies only. Staff and City Attorney's Office to clarify in Phase 2.	Propose for Phase 2
175, Chapter	Tree Protection: As we spoke there are way too many exclusions from these requirements. There are too many to pick just a few, but clearcutting for development needs to be unconditionally banned. The formula for determining replacement trees, needs to include tree canopy size. i.e. the replacement tree, must provide the same canopy size as the removed tree. Trunk diameter should not be the determining factor.	Craig Wallace, Brevard Indian River Lagoon Coalition	Much of Chapter 175 remained the same with limited changes, but propose that staff review this comment for inclusion in Phase 2.	Propose for Phase 2
175, Chapter	Review the Titusville Tree Ordinance for additional incentives to require 25% of the development area in tree canopy	Lisa Jackson	The City will consider incentives for tree protection in Phase 2.	Propose for Phase 2
175.016(C)	Consider incentives for additional open space as tree canopy areas (Titusville example)	Mary Sparr	These incentives have been provided in the existing LID code and the revised tree protection code; however, the City will review revised sections for incorporation into the open space codes as well.	Propose for Phase 2

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177.005(C) and (F)	Lands dedicated to City for public park is allowed to be counted towards open space but community parks are not?	Ana Saunders	<p>Agree, this language is confusing. Staff will confer with the City Attorney's Office and bring forth clarification in Phase 2.</p> <p>Appears to be a conflict between 177.005(C) and 177.005(F).</p> <p>177.005(C) does NOT allow land designated for City neighborhood or community park may be counted towards open space requirement. Parks dedicated to the City may be counted towards open space requirement, per 177.005(F).</p>	Propose for Phase 2
179, Chapter, Natural Resources	Add a wetlands section within the natural resources section which includes all of Policy FLU 2.1 and as appropriate other wetlands language in the conservation element.	Laura Wilson, MRC Director	There were no amendments proposed to Natural Resources; however, the City can review in Phase 2.	Propose for Phase 2
179, Chapter, Natural Resources	Provide clarity between the City's land use planning responsibility and the role of SJRWMD's permitting.		There were no amendments proposed to Natural Resources; however, the City can review in Phase 2.	Propose for Phase 2
179, Chapter, Natural Resources	Limit % on wetlands that can be filled – refer to Brevard County's code		There were no amendments proposed to Natural Resources; however, the City can review in Phase 2.	Propose for Phase 2
179, Chapter, Natural Resources	Comp Plan, CME Section 4.0 provides excellent analysis of development impacts, please revisit what additional LDR changes could help improve the health of the lagoon.		Much of this pre-existing language are contained within the floodplain and stormwater codes. The City will review in Phase 2 to ensure cross references exist, where applicable.	Propose for Phase 2
179, Chapter, Natural Resources	Add 20 foot native buffer for all shorelines, prohibi cypress mulch		There were no amendments proposed to Natural Resources; however, the City can review in Phase 2.	Propose for Phase 2
179.015(H)(3)	Add policy CME-1.4B to the LDRs prohibiting new septic tanks in the CME.		While not specifically prohibited, Ordinance-2023-101 requires mandatory connection to centralized sewer where readily available. Connection to centralized sewer is also required for scattered lots where sewer is available and required for new subdivisions. The City may consider incentives within the LID and/or an overlay district for areas directly impacting water bodies.	Propose for Phase 2
180, Chapter, Adult Entertainment	Add Church distances to code along with schools	Leeta Jordan	City Attorney's Office will address Adult Entertainment in Phase 2. No amendments proposed this phase.	Propose for Phase 2
Table 173-1	Assisted living facilities and group homes should not be permitted in residential zoning districts. They're a commercial use.	Jake Wise	Assisted living facilities and group homes are regulated by Florida Statutes. Staff will confer with City Attorney's Office on how these are defined and how the use will be defined based on the number of bed/units.	Propose for Phase 2
	Density bonuses for multi-family; stated that this was taken out of the LDC		Density bonuses exist for single-family and multi-family residential. This could be an opportunity for LID incentive, i.e. density bonus for greywater, bus shelters, etc.	Propose for Phase 2
	Green roofs - allowed in code? Can we count this towards recreation	Kim Rezanka	Staff will review this for Phase 2, and perhaps consider providing incentives for green roofs under LID.	Propose for Phase 2

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	Projects proposing to redevelopment an area should provide waivers and flexibilities.	Jake Wise	Staff recommends identifying areas of the City prime for redevelopment and establishing an overlay district that provides for waivers and flexibilities (i.e. Bayfront and commercial corridors).	Propose for Phase 2
	<p>The City of Vero Beach Tree and Beautification Commission, of which I am Chair, passed some of the enhancements therein, and other municipalities have also paved the way for the City of Palm Bay to join all the citizens of Florida to protect and restore water quality of the Lagoon and Aquifer, upon which we absolutely depend.</p> <p>Nine (9) page summary and 24 page "Green Infrastructure for Water Quality" proposal can be furnished upon request</p>	Katherine Booth, Let's Be a Good Neighbor to the Lagoon	Staff will review in Phase 2 and present any recommendations at that time.	Propose for Phase 2
	<p>Tree Canopy Areas in Open Space</p> <p>Consider incentives for providing additional open space in residential development as tree canopy areas. These incentives could take the form of reduced mitigation requirements. Titusville has incentives in its Tree Protection Ordinance.</p>	Mary Sphar, Wetlands Issue Chair, Turtle Coast Sierra Club	Unrelated to proposed amendments to the LDC. Staff will review in Phase 2.	Propose for Phase 2
	<p>Indian River Lagoon</p> <p>Please revisit what additional LDC changes could help improve the health of the Indian River Lagoon. The IRL needs all the help the City of Palm Bay can give it.</p>	Mary Sphar, Wetlands Issue Chair, Turtle Coast Sierra Club	Unrelated to proposed amendments to the LDC. Staff will review in Phase 2.	Propose for Phase 2
	I urge you to prioritize and strengthen incentives, regulations, and enforcement for Low Impact Development (LID) near the Indian River Lagoon. Our community's health, economy, and environment depend on this delicate ecosystem. By encouraging practices like permeable surfaces, rain gardens, rainwater retention, and green roofs, we can reduce stormwater runoff, filter pollutants, risk of flooding, and protect our waterways. Without robust LID codes, enforcements, and incentives, the Lagoon's degradation will continue, threatening human health, wildlife, tourism, and our quality of life. Please act decisively to safeguard our future with comprehensive LID strategies.	Laura Wilson, Marine Resources Council	Staff to consider additional incentives for LID along water bodies; or Council may consider an overlay district that requires LID design standards in exchange for favorable waivers and flexibilities.	Propose for Phase 2
	Nothing in the code to address green space and area beautification for Malabar Rd. Specifically from Babcock St, I-95, to City Hall.		The City may consider adding right-of-way (r/w) beautification/viewshed requirements. Nothing prohibits r/w use and requirements covered in the City's administrative policies on r/w. Agreements are required for any landscaping within the r/w.	Propose for Phase 2

**Public Input - LDC Proposed Amendments**

	Concerns that public notices are only mailed within a 500 ft. radius. Every resident should get a notice for every action.	Lou Dibonifazio	This is pre-existing language. There were no proposed amendments. Following Council's direction, staff has added this to the additional amendments scheduled in Phase 2 and will revisit references to and requirements for Citizen Participation Plans.	Propose for Phase 2
	Clarify lot mowing		There were no proposed changes.	Propose for Phase 2
	CPP clarifications		This is pre-existing language. There were no proposed amendments. Following Council's direction, staff has added this to the additional amendments scheduled in Phase 2 and will revisit references to and requirements for Citizen Participation Plans.	Propose for Phase 2
	Restructure Landscape Code to include tables, small trees, expanded list of native trees, native ground cover alternatives from turf		The City will consider adding in Phase 2.	Propose for Phase 2
	Definition for "Elevation: needs to include NAVD 1988, or any updated version by USGS.	John Thomas, Home Builders & Contractors Association	The City will review and add correct datum in Phase 2.	Propose for Phase 2
	No open space should be required for non-residential.	John Thomas, Home Builders & Contractors Association	The City's adopted Comp Plan requires a minimum of 10% open space for non-residential.	Staff recommends no change
	Cluster definitions for common items. Like "trees" to make it more user friendly.	John Thomas, Home Builders & Contractors Association	Definitions Chapter 171, provides section for use/definition of common items.	Staff recommends no change
172.008	Is there a fee for any lot clearing	Bill Battin	The permit fee for tree removal is \$25 as provided in Chapter 175. For lot clearing in conjunction with the building permit, there is not tree removal fee or permit required as it is covered under the building permit.	Staff recommends no change
172.026	Can there be an administrative variance (A); explain what can and cannot be granted	Bill Battin	Yes, administrative variances are provided in Chapter 172 and the variances permitted administratively are explained within the chapter.	Staff recommends no change
172.031	Expiration of a PDP if no FDP is submitting within 3 years (unless otherwise extended) - does this affect zoning?		While the code does not state that expiration of the PDP (plan) expires the zoning, staff will follow up with the City Attorney's Office to advise on whether a PUD zoning <i>can</i> expire; however, for PUD where a FDP has not been submitted within the 3 year requirement (or the 1 year extension), the applicant shall resubmit the PDP as stated in 172.035.	Staff recommends no change
172.031	Why extend the time frame from 1 year to 3 years?  If the FDP is not met, does the land revert back to the original zoning (i.e. RR to RS)	Bill Battin	The PDP is now the zoning entitlement. A FDP and fully engineered plans can take a while. Staff proposed 3 years for FDP submittal following PUD zoning/PDP	Staff recommends no change

**Public Input - LDC Proposed Amendments**

172.035	It looks like a conflict 172.031 is 3 years and 172.035 is 5 years, they should be consistent. I would prefer three years.	Bill Battin	There is no conflict. Section 172.035 references the length of time to submit a FDP; whereas, section 172.035 references the total amount of time to begin construction or apply for a building permit.	Staff recommends no change
173.030	Remove all references to cluster homes where the homes are more than one-story and/or classified as "multi-family" in construction. The state of our country today would lead to the classification of such "MultiStory, MultiFamily construction to "15-minute cities". See: <a href="https://civicspulse.substack.com/p/chinas-15-minute-cities-what-you;">https://civicspulse.substack.com/p/chinas-15-minute-cities-what-you;</a> <a href="https://www.cnu.org/publicsquare/2024/01/08/5-minute-neighborhood-15-minute-city-and-20-minute-suburb">https://www.cnu.org/publicsquare/2024/01/08/5-minute-neighborhood-15-minute-city-and-20-minute-suburb</a>	Ruth Kaufhold, resident	Cluster subdivisions are specifically for single-family homes. No attached or multi-family allowed under Cluster Subdivisions.	Staff recommends no change
173.064	This section needs some flexibility so that residential and nonresidential developers can be included in one project but also only responsible/subject to their own site and use requirements.	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Nothing in this section prohibits the residential and non-residential uses to be responsible/subject to their own site and use requirements. Unified control, not ownership, allows flexibility.	Staff recommends no change
173.064	Concern over the requirement for "unified control and ownership", specifically in a PUD. The requirement unified control and ownership is difficult for developers who specialize in one product, i.e. single-family homes. The PUD zoning district requires a minimum of 20% commercial. How can a developer, like Lennar, meet the minimum commercial requirement without having to owning/controlling the commercial portion of the project.	Lennar Homes (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka); Jake Wise	"Controlled" is defined as having written consent of all owners of property within the proposed site not wholly owned by the developer.	Staff recommends no change
177.005	Per OSP 1.5 of the Comp Plan, the value of open space is reduced too much if it consists of stormwater ponds, why does the revisions remove the 60% minimum that can be counted?		Previously Section 185.064(C) limited the amount of stormwater ponds that could be used for open space to 60% for wet retention ponds and open water bodies that include recreation or LID improvements. New code remains the same except does not include dry retention unless enhanced with LID, native landscaped areas, pathways, or gathering areas	Staff recommends no change
171, Chapter, Definitions	Open space requirement in larger tracts, i.e. Rural Residentially zoned parcels, which have a lot of open space.	Jake Wise	Already contemplated in the definition of "open space" in Ch 171.	Staff recommends no change
172, Chapter	Are pre-app meetings required for zoning? When is a conceptual plan required for zoning? iMS requires pre-app and conceptual plans for all zoning requests.	Kim Rezanka; Ana Saunders	Pre-app meetings are required for rezoning. There is no conceptual plan required for rezoning. A conceptual plan is required when a request for rezoning is accompanied by a site plan or conditional use application, see section 172.024(C)(2).  Staff will review required submittals in iMS for zoning to ensure that conceptual plans are not required for rezoning applications.	Staff recommends no change

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172, Chapter, Part 6	Can construction start after preliminary plat is approved but prior to approval of final plat? Clarify whether sitewide clearing and grading can occur prior to final plat when required for public improvements.	Ana Saunders; Jake Wise	Section 172.052(K), applicant may submit an application for a site work permit/construction permit to construction public improvements or post a performance bond for such. Section 172.054, references construction of public improvements following preliminary plat approval and construction drawing approval and site work permit.	Staff recommends no change
172.030(D)(1)(i) – (k)	Shouldn't these be their own separate document and not included on the actual PDP?	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Yes. Note 172.030(D) states that these are required "exhibits" to be attached to the application.  <i>Please note that due to reformatting and renumber, this is now section 172.030(C).</i>	Staff recommends no change
172.030(H)(13)(a) and (b)	If the City keeps the requirement of 20% commercial uses within residential PUDs, compatibility is going to be difficult to achieve.	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Staff disagrees. This is no different that a standalone single-family residential subdivision being adjacent to a parcel zoned Neighborhood Commercial, providing uses compatible with the area, i.e. medical office or child care facility. It is up to the applicant to discern commercial uses compatible within a PUD.	Staff recommends no change
172.030(H)(6)	Recommend deleting residential and nonresidential and keeping 'walkability between uses within the development'...	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	Staff proposes the language should remain as-is.	Staff recommends no change
172.030(D)(1)(r)	CPP meetings shouldn't be required prior to pre-app meetings with the City.	Ana Saunders	Agree. Nothing in this section implies that a CPP should occur prior to pre-app.  <i>Please note that due to reformatting and renumbering, this is now section 172.030(C)(10).</i>	Staff recommends no change
173, Chapter, Zoning	We are against the new proposed rezoning of Palm Bay. Increasing the density of the Bayfront (where we reside) will not support the previously proposed "vision" of a village concept for our area. We understand and support change but when it is tastefully done with the greater good of local citizens in mind.	Kristina, Aspen, and Yasha Buchler	There is no increase in density in the BMUV/UMU (currently allows 40 units per acre (upa)). However, the comp plan now allows a bonus increase to 50 upa. There was an increase in the BMU/CMU per comp plan policy. The code currently allows 10 upa, and the comp plan allows 30 with a bonus increase to 35. The vision of the BMU/CMU area is that of a town center. Can't do vertical mixed-use with just 10 upa.	Staff recommends no change
173.030(A)	Why is there a requirement for 25% open space when Comp Plan only requires 20% open space in residential districts?	Ana Saunders	173.030(A) is related to subdivisions. A subdivision is not always a PUD, but a PUD is always a subdivision. There is also a reference to different open space requirements for PUD in 177.005. Section 177.005 is for non-PUD subdivisions. There is a cross-reference to Ch. 173 for PUD requirements	Staff recommends no change
175.015(A)(4)	Grubbing can remove trees 10" (residential site)	Bill Battin	This applies to non-native only.	Staff recommends no change
176.011(A)	Change terminology to "All new development shall . . ."	Bill Battin	Staff has no comment.	Staff recommends no change

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Table 173-4	Re: minimum living area 1200; what about accessory build	Bill Battin	Size of accessory structures addressed in Ch. 174.	Staff recommends no change
Table 173-5	Why combine RM-10 and RM-15? Sometimes you want a lower density.	Bill Battin	This sets the maximum density. Nothing prohibits the owner from proposing a lower density product.	Staff recommends no change
Table 173-5	RT-10 and RM-15 – the 50’ maximum height is too tall		RM-15 maintains the 50 foot height, but RT-10 allows max height of 35 feet	Staff recommends no change
	Asserts that PUDs remain residentially focused, i.e. sample provided for Palm Beach County	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	There is no debate that the City's PUD zoning district remains residentially-focused.	Staff recommends no change
	For lots that have already been cleared, in the past 2 years - for NO reason at all - let's create a code that states those developers have 6 months to secure a building permit, from the date these codes are approved. They can be fined for clear cutting a lot, secure the proper building permits, or restore the lot with native trees and shrubs. There is NO reason for all these lots to be vacant because a developer had the right to cut down all the trees.	Lisa Jackson, resident	This is already covered in 175.014(C)(2).	Staff recommends no change
	If a developer does NOT secure a building permit and clear cuts a lot (less than 1 acre), they can be fined in addition to having to restore the lot with native trees and plants. This will recreate much needed habitat that developers are destroying at record pace.	Lisa Jackson, resident	Violations of such is already covered in 175.014(D).	Staff recommends no change
	Early Start building permits issued prior to Certificate of Completion; compliance with SB 812	Bojana Brown	This is addressed in section 172.058.	Staff recommends no change
	Impervious surface ratio in a subdivision	Jake Wise	All districts have impervious surface ratio standards. Individual lots will need to meet it.	Staff recommends no change
	Building separation requirements - why in LDC if its already in FBC; avoid conflict in future with changes to the FBC	Jake Wise	The City will review language in the LDC pertaining to building separation requirements with what exists elsewhere in the CoO. Further the City will consider language in CoO to ensure no conflict with Florida Building Code.	Staff recommends no change
	Open space requirements for residential and nonresidential - eliminate or reduce; allow landscaped medians and buffers to count towards open space	Jake Wise	Ch 171 Definitions includes that open space is reserved for public or private use or enjoyment; therefore, landscaped medians and buffers are not considered open space.	Staff recommends no change
	Littoral shelf in stormwater requirements? SJRWMD did away with it	Ana Saunders; Jake Wise	This is pre-existing language. The code already allows for the increase in permanent pool volume by 50% to do away with requirement for littoral zone. The developer has the option. Littoral zone required within Stormwater Master Plan as an option and in the LDC under open space option.	Staff recommends no change



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	Impervious ratio for SFR should not apply to lots in a designed subdivision. 0.5 will not work for 40' lots or townhomes.	John Thomas, Home Builders & Contractors Association	Impervious surface ration for townhomes (THs) is 0.7 in RT-10 and RM-15. THs not allowed in RS districts.	Staff recommends no change
	Many density bonus incentives have been removed from multi-family zoning.	John Thomas, Home Builders & Contractors Association	Staff unable to identify where these density bonus incentives previously existed; however, new incentives include multi-family residential and mixed-use developments.	Staff recommends no change
	CPP needs to be moved to after pre-app meeting.	John Thomas, Home Builders & Contractors Association	LDC no longer requires a CPP prior to pre-app. The City prefers that the applicant schedule a pre-app with the City before presenting proposed development to the community.	Staff recommends no change
	Include required landscape areas in the required open space.	John Thomas, Home Builders & Contractors Association	Chapter 171 defines open space as reserve for public or private use or enjoyment. Landscape areas, i.e. vegetative buffers and medians, are not intended for public enjoyment.	Staff recommends no change
	GU district it states eliminate district in red. On slide 4 under residential uses proposed there is no GU district. On slide 5 under proposed there is no GU district but there is under the adopted heading.	Tim Bland, resident	Please refer to the table in Chapter 173 Zoning Code, which shows the Future Land Use Category and compatible zoning districts. As shown, GU and RR remain.	Staff recommends no change
	Re: new residential use for "Cluster Subdivisions". What is the purpose of this usage and what are the parameters within the district?	Tim Bland, resident	Cluster subdivisions is explained in section 173.030. It is permitted by Conditional Use only, and only within certain residential zoning districts. The intent is to allow smaller lot widths (minimum 50' wide) in exchange for providing common recreation and the preservation of open space.	Staff recommends no change
	If the county is allowing to flood more luxury construction homes and apartments . Than the zoning for residents should have more flexibility with adding tiny homes or etc for family. I have elderly, non-well parents living with me and my kids. Their income is not enough to live on their own or to live in low income senior housing. My mom monthly is \$423. I can not afford to add an construction attachment to my home, which is very expensive to do. What solutions do the county have for us long term residents?	Carmen Vargas	Accessory Dwelling Units are permitted by right in nearly every residential zoning districts. Tiny homes are also provided for within the zoning code in certain zoning districts.  Tiny homes only allowed in PUD	Staff recommends no change
	Continue to explore the commercial aspect for subdivisions in addition to open green space.		173.07 includes Common Recreation and Open Space requirements. All zoning districts require open space. PUD requires a minimum of 20% commercial.	Staff recommends no change
	Code to establish Estate home sites 0.50 acre to 5 acres lots specifically St Johns Heritage Parkway West, Babcock St. South, and the Compound.		Estate homes allowed with GU, RR, RE and SRE zoning	Staff recommends no change

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	Administrative Zoning: Phase 2. Mixed-Use Districts: The Bayfront has been an identifying marker for the Bay area and the City of Palm Bay; therefore, I do not agree with the new destination of CMU and UMU.		The Bayfront Redevelopment District sunset in May 2024. The intent of the BMU and BMUV zoning district remains in CMU and UMU. The only difference is the CMU and UMU can be applied city-wide, not just within the redevelopment district.	Staff recommends no change
	For lots that have already been cleared, in the past 2 years - for NO reason at all - let's create a code that states those developers have 6 months to secure a building permit, from the date these codes are approved. They can be fined for clear cutting a lot, secure the proper building permits, or restore the lot with native trees and shrubs. There is NO reason for all these lots to be vacant because a developer had the right to cut down all the trees.		City is not permitted to retroactively apply updated LDC requirements. Asked and answered above: Clearing of lots and removal of trees require an approved building permit prior to proceeding with the new LDC.	Staff recommends no change
	If a developer does NOT secure a building permit and clear cuts a lot (less than 1 acre), they can be fined in addition to having to restore the lot with native trees and plants. This will recreate much needed habitat that developers are destroying at record pace.		City is not permitted to retroactively apply updated LDC requirements. Asked and answered above: Clearing of lots and removal of trees require an approved building permit prior to proceeding with the new LDC. City may want to consider adding environmental inspection staff	Staff recommends no change
	Keep the Suburban Residential Estate Zoning Category		Both Suburban Residential Estates (SRE) and Estate Residential District (RE) remain, see Chapter 173 Zoning Code.	Staff recommends no change
	Limit lot size to 50 foot minimum does not allow 40 foot single-family home sites. Considered more affordable	Jake Wise	Residents frequently requesting accessory structures that cannot fit within the existing lot configurations. Easement variance request in order to add pools that do not fit within dimensions of narrow lot; Limit lot size to 50 foot minimum. Lower price point due to smaller lot not an answer to "affordable housing" crises. If lower lot size, development required to add community recreation and storage.	Staff recommends no change
	Disliked the cluster subdivisions because the open space would later be sold off for multi-family development.		Open space is recorded with the approved Final Development Plan or Site Plan as open space. This use cannot be changed and developed without providing replacement open space. Preservation land is under a conservation easement which is in perpetuity under a separate agency such as the SJRWMD.	Staff recommends no change
	Cluster Subdivision not clear as to use		Asked and addressed above.	Staff recommends no change
170.003	How does this language not violate personal property rights of land owners? The language indicates that anytime a property owner wants to do 'something' on their land they must get approval from the city. Please cite reasonable examples of why this is not true.	Ruth Kaufhold, resident	City Attorney's Office will review and bring forth any amendments, if necessary.	Unrelated to proposed amendments to LDC
170.006	What impact will the Supreme Court Chevion ruling have on this?	Bill Battin	City Attorney's Office will review and bring forth any amendments, if necessary.	Unrelated to proposed amendments to LDC
172.005	What happens at the job site after the permit expires	Bill Battin	The Chief Building Official will issue a stop work order and proceed accordingly.	Unrelated to proposed amendments to LDC

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172.032	Recommend providing for notifications/warning before the PUDs are automatically terminated	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	This is an administrative policy, not required to be part of the LDC. Notifications are sent out by IMS.	Unrelated to proposed amendments to LDC
	<p>Palm Bay does not have a good history of business attraction and retention.</p> <p>Example(s): 1. Crowne Pointe Phase I is a recent example of a failure of the City of Palm Bay to hold the project accountable when the businesses do not commit to stay on the project because they realized that there was not adequate space for the business to thrive. As of today, there is only one business in the "commercial area" of Crowne Point (7Brew).</p> <p>2. Majors Golf Course is a recent disaster of the City's inability to ensure that the subdivisions that were created with the attraction of a golf course is maintained. The Majors is one of 4 golf course project failures within the last 20 years and the citizens who were promised a golf course community have been lied to and there has not any any recourse, restitution, or remedy for these homeowners. The City of Palm Bay today is not the City of Palm Bay of yesterday or tomorrow. Citizens must ensure that ordinances and the city charter are not weaponized against citizens. COVID lockdowns, registration of citizens in churches, etc. The citizens of Palm Bay are being challenged to take "ownership" of their city and not let the elected and unelected officials establish a stronghold to cancel citizen input and/or concerns.</p>	Ruth Kaufhold, resident		Unrelated to proposed amendments to LDC
177.023	Recent projects in many existing, single-family home subdivisions have resulted in new homes being built where drainage has flooded and seriously impacted the property of surrounding neighbors without consideration or remedy. Please ensure that there are penalties and restitution built into this section where a citizen can have recourse for future damages resulting from a project approved by the city causing harm to a neighboring citizen's property without correction or proper planning to avoid such harm.	Ruth Kaufhold, resident	This is pre-existing language and sets forth drainage plans for all development projects, to include regulations of outside regulatory agencies, such as SJRWMD, FDEP, and in some cases, FDOH on single-fam lots on septic. City Attorney's Office to review concern and weigh in on any proposed amendments.	Unrelated to proposed amendments to LDC

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179.007	Variances and Appeals: I like the additional definition text, but I would ask that any variance request must be public noticed allowing time the public to review and prepare a response before the Council vote. (G) these just don't make sense as reasons for consideration for variance or appeal, since these are what the Ordinance is meant to protect against. (H) (2) It is really bad policy to use "Hardship" as a reason.	Craig Wallace, Brevard Indian River Lagoon Coalition	Pre-existing language; no proposed amendments at this time. Proof of "hardship" is defined by Florida Statutes.	Unrelated to proposed amendments to LDC
173.065(B)	20% of nonresidential acreage in a PUD is too high (there have been many comments on this topic, so I won't be repetitive)	Lennar (Greg Pettibon, Ana Saunders, Bojana Brown, Autumn Sorrow, Kim Rezanka)	This is not a proposed amendment, rather it pre-existed in the LDC. The minimum non-residential requirement was a Council directive.	Unrelated to proposed amendments to LDC
176.011(A)	When will you put sidewalks on my street? When will you put sidewalks to the school bus stops	Bill Battin		Unrelated to proposed amendments to LDC
179, Chapter	Environmental Resources have few revisions to comment on and most all I agree with, especially "no Sea Walls".	Craig Wallace, Brevard Indian River Lagoon Coalition		Unrelated to proposed amendments to LDC
	I propose a moratorium on all tree cutting, commercial and residential, from November to March each year. This will give wildlife a chance to propagate and maintain as a species. Currently, there is nothing in place to help save the wildlife our City proclaims to protect. We are NOT protecting anything with the current rate of development. Even endangered tortoises are losing habitat daily. The City professes to care. Let's show we really do.	Lisa Jackson, resident	Staff has no comment.	Unrelated to proposed amendments to LDC
	Fire sprinkling for a townhomes not required by NFPA	Ana Saunders	This is pre-existing language in Chapter 33: Fire Department, Code of Ordinances. The City may consider in Phase 2.	Unrelated to proposed amendments to LDC
	Why would Comp Plan and LDC include commercial jobs in RAC zoning and RAC FLU	Greg Pettibon	RAC Future Land Use (FLU) of the Comp Plan was established by the applicant, Emerald Lakes. Amendments to RAC FLU requires a Comp Plan Amendment	Unrelated to proposed amendments to LDC
	iMS challenges - Submittal requirements/check list in iMS don't match LDC; if all required submittals are uploaded (can't pass "go" without them), why does staff need to do a completeness check? EORs experiencing delays with staff waiting until deadline to collect all review comments and approve.	Ana Saunders	The City will confirm submittal requirements are in line with the LDC. Staff conducts a completeness check because iMS is not fool-proof; applicants can upload a blank page to by-pass requirement. Staff will seek to address waiting until deadline to approve once all comments are received; however, staff does review cases in the order received.	Unrelated to proposed amendments to LDC
	Ask to add something that would require any new development requests to include a requirement that Public Sewer service be available before occupancy permits are provided.	Craig Wallace, Brevard Indian River Lagoon Coalition	The LDC requires this for scattered lots where sewer is available and requires that all subdivisions bring water and wastewater to the site.	Unrelated to proposed amendments to LDC

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	<p>Please focus on solidifying our infrastructure to support our current population. This can be done using local contractors which will keep the cost down, instead of using grants which ultimately drive the cost up.</p>	<p>Barbara Harris</p>		<p>Unrelated to proposed amendments to LDC</p>
	<p>Please also focus on attracting more businesses to Palm Bay. Those businesses in turn would help take some of the tax burden off of home owners. We simply cannot bear another millage rate increase.</p>	<p>Barbara Harris</p>		<p>Unrelated to proposed amendments to LDC</p>
	<p>It is absolutely essential that we reserve and zone land as light and heavy industrial in order to attract business here to offset the high taxes we pay. In the largest city in Brevard and one of the largest in Florida - I was blown away by how little acreage has been reserved for business. People like to live and spend close to where they work - we need some high paying tech jobs here in Palm Bay besides L3/Harris. Melbourne has grown significantly - Merrit Island and Titusville as well. They are all bringing in hundreds of millions if not billions of dollars in high tech, high wage paying, aerospace assembly work. Our schools (EFSC, Eau Gallie High, Bayside High, etc...) are training up our youth to be great technicians. We are perfectly positioned to bring in those businesses and keep the money flowing in Palm Bay</p> <p>As a leader in aerospace, I can't even begin to add up how many millions of \$\$\$ I have outsourced to other states that could have very easily been outsourced to companies here in Palm Bay. PLEASE reserve as much as we can, acreage (the compound and other areas) for light and heavy industrial zoning - we need some good jobs down here in South Brevard! Dollar General, car wash, and 7 brew - while all very convenient - just don't cover the costs of the infrastructure needed here in our town.</p>	<p>Mark A Miller Senior Pastor Victory in Christ Jesus Ministries</p>	<p>Staff will consider administrative rezoning or overlay districts where feasible to encourage employment hubs/districts; however, cannot require a private property owner to rezone.</p>	<p>Unrelated to proposed amendments to LDC</p>
	<p>Infrastructure. Existing roads, traffic signals, crosswalks and bus stops are completely inadequate to support any new development. While you want to increase impact fees to cover the costs, you must consider timing of those fees to be paid ahead of breaking ground on something new. Never forget how GDC left our great city hanging! Make sure this never happens again!</p>	<p>Heather Coale</p>		<p>Unrelated to proposed amendments to LDC</p>

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	<p>Homes that are vacant, incomplete, up for sale for months, etc. This poses many problems with squatters, vandalism, etc. You say we have a housing shortage? Where? In my SW neighborhood alone there are plenty of homes that could be sold/renovated/completed, etc. I know it all boils down to money... How about looking at NOT turning our city into urban sprawl like Baltimore, my hometown. There's too much opportunity for decay.</p>	<p>Heather Coale</p>		<p>Unrelated to proposed amendments to LDC</p>
	<p>We are writing of our opposition to changing our area (RS-2 Single Family Residential District) within 500 ft of our home -15.6 acres- to a multi-family high density area (RM-15 Single, Two, Multiple Family Residential District). This would be a HUGE detrimental change to our area of quiet single family homes to adding multi-family high density living. We will be attending the workshops to voice our opposition to combining these codes which would create a mixture of housing types and a huge increase in population, traffic, overcrowding of schools, etc., destroying the quality of life of our RS-2 district!</p>	<p>Lou/Diane DiBonifazio</p>	<p>This comment refers to an actual rezone request for about 15 acres from RS-2 to RM-15. Not related to LDC update</p>	<p>Unrelated to proposed amendments to LDC</p>
	<p>The code should require a bond to be posted for each unit constructed, sufficient to cover the cost of removal of unfinished, abandoned construction. Currently this requirement applies only to units built as models. Again, my neighborhood has several abandoned partially-constructed homes that are both a public nuisance, safety hazard and eyesore.</p>	<p>Pamela Hale, resident</p>	<p>This is pre-existing language; however, staff will review recommendation and propose any future amendments as necessary.</p>	<p>Unrelated to proposed amendments to LDC</p>
	<p>The code should also put more onus on the city to beef up both construction inspections and proactive code compliance. City impact fees - some of the lowest in the county, if not the state - should be raised to cover the cost of additional trained inspectors. Along with required periodic inspections, timed at the builders' request (and staged by them to pass), inspectors should proactively perform periodic, unannounced, spot inspections to ensure ongoing code compliance, such as ensuring that no activity occurs on housepads until they have cured the required 30 days.</p>	<p>Pamela Hale, resident</p>	<p>This is pre-existing language; however, staff will review recommendation and propose any future amendments as necessary.</p>	<p>Unrelated to proposed amendments to LDC</p>

Public Input - LDC Proposed Amendments

	<p>I want to voice my apprehension with any more building of large projects. The current development with lack of infrastructure in so many areas of Palm Bay is making the quality of life in Palm Bay decline rapidly.</p> <p>We have no choice but to use either Malabar or Palm Bay Rd to get to I95 or over I95. The amount of traffic now being forced to use those 2 roads due to more and more building makes this a daily frustration. St John Heritage is out of control with building. All these people are now shopping at the same grocery stores, same gas stations and using the same roads. Slowing the growth with all these large projects until more is done to make the city actually livable on a daily basis with driving and shopping, etc. seems logical but is not happening.</p>	Tanya Frank, resident		Unrelated to proposed amendments to LDC
	Land Code to identify and restructure the city's current parks.		There were no changes to neighborhood parks. The City has commissioned a Parks Master Plan.	Unrelated to proposed amendments to LDC
	Thank you for the opportunity to express those concerns relative to the upcoming land development code changes. Unfortunately, many of the residents' views Palm Bay as being a giant housing parking lot, with terrible roads that lead to nowhere. The concern for most of the population here is the infrastructure, excessive home building, flooding, and the ability to get off the dreaded septic tank system.	Lisa Jackson		Unrelated to proposed amendments to LDC
	I propose a moratorium on all tree cutting, commercial and residential, from November to March each year. This will give wildlife a chance to propagate and maintain as a species. Currently, there is nothing in place to help save the wildlife our City proclaims to protect. We are NOT protecting anything with the current rate of development. Even endangered tortoises are losing habitat daily. The City professes to care. Let's show we really do.		Protected Species are considered prior to clearing of land and all applicable permits are required prior to site work approval. Infill residential lots are not included in this review and responsibility is incumbent upon the home builder. City may want to consider adding environmental inspection staff.	Unrelated to proposed amendments to LDC
	Sankofa Oasis density is too high			Unrelated to proposed amendments to LDC
	Do not allow developers to leave the City "high and dry" with projects like Crowne Point and The Compound.		Staff to confer with the City Attorney's Office and contemplate how this might be enforced.	Unrelated to proposed amendments to LDC
	Increase the impact fees for new development.		City Council considers rates, charges, and fees annually. City Council will hold public hearing on proposed increases to impact fees in September.	Unrelated to proposed amendments to LDC
	What is the City doing to attract more restaurants, specifically sit-down restaurants?		The City's Community & Economic Development Department handles the attraction of new businesses and industries.	Unrelated to proposed amendments to LDC
	What can the City do to improve the traffic flow/merging at Malabar Road & San Filippo Drive & Jupiter Blvd?			Unrelated to proposed amendments to LDC

**Public Input - LDC Proposed Amendments**

	Development has too many perks. Need more accountability, responsibility for code. Add Staff.			Unrelated to proposed amendments to LDC
	Rumors of extending Hield Road to "punch through" to Wake Forest and extending Willard to Jupiter Blvd.	Susan Shepherd, resident	Staff is unaware of any such proposal.	Unrelated to proposed amendments to the LDC
	Can site work commence without final plat approval/recording?	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Remove building separation from LDC and defer to building code.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Parks should count as common open space.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Redevelopment flexibility allowances need to be included.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Canopy tree frontage requirement conflicts with utility separation requirements.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Wetland preservation should be allowed to up to 100% of open space and tree preservation requirements.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Make Dev Agmt. Draft only at PDP, subject to necessary revisions at FDP.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Traffic study at PDP should be allowed to be a preliminary study based on current traffic counts and trip generation, to be updated to full study at FDP.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	
	Remove tree statement from boundary and topo survey (o) and default to (m), 172.030.D.1.	John Thomas, Home Builders & Contractors Association	Asked and addressed above.	



**Public Input - LDC Proposed Amendments**

	<p>Why does HC not allow for eating establishments? Nor is it allowed in the Industrial districts?</p>	<p>John Thomas, Home Builders &amp; Contractors Association</p>	<p>Asked and addressed above.</p>	
	<p>Why is adult entertainment allowed in the Conservation zoning?</p>	<p>John Thomas, Home Builders &amp; Contractors Association</p>	<p>Asked and addressed above.</p>	
	<p>The code should include a permit and fee requirement for clearing a lot. There currently is none. The terms of the permit should include proof of endangered wildlife inspection.                  In my neighborhood (Unit 16), a significant number of lots have been cleared and then abandoned, in some cases for years. Ugly, weed-ridden scars remain. As well, there is no review of the property for protected wildlife - my neighborhood is home to a number of gopher tortoises, and properties known to contain their burrows have been bulldozed with no effort to relocate them. I have also observed nesting raptors - owls, hawks, eagles - no effort is made to locate active nests.</p>	<p>Pamela Hale, resident</p>	<p>Asked and addressed above.</p>	

Public Input - LDC Proposed Amendments

<p>When analyzing the proposed LDC to the City Charter there appears to be one potential conflict between the proposed Land Development Code (LDC) and the City Charter.</p> <p>Potential Conflict:</p> <ul style="list-style-type: none"> <li>Ordinance 2024-39: Closure and Abandonment of Easements and Drainage Rights-of-Way</li> </ul> <p>This ordinance states: "The City Council, upon its own motion or upon request of the state or federal government, or upon the written petition of any person or persons owning property that abuts any public, dedicated, or platted alley, easement, utility or drainage right-of-way located within the city limits may cause any alley, easement, utility or drainage right-of-way to be closed, abandoned, discontinued, vacated, altered, diverted, narrowed or amended."</p> <p>However, the City Charter, in Article I, Section 1.01, states: "It shall have and may exercise all governmental, corporate and proprietary powers under the Constitution, general and special acts of the state of Florida as fully and completely as if specifically enumerated in this charter to enable it to conduct municipal government, perform municipal functions and render municipal services."</p> <p>The conflict arises if a state or federal law restricts the closure or abandonment of certain types of easements or rights-of-way. In such cases, the ordinance, by allowing the City Council to act upon requests from state or federal entities, could potentially lead to actions that are in violation of state or federal laws, thereby</p>	<p>Thomas Gaume, resident</p>	<p>The City Attorney's Office will have to review these claims.</p>	<p>Unrelated to proposed amendments to LDC</p>
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