

ORDINANCE 2020-04

A 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 CERTAIN PROPERTY FROM RR (RURAL RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPOSED PARKING AND PLAYFIELD EXPANSION OF ODYSSEY CHARTER SCHOOL IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ELDRON BOULEVARD AND RALEIGH ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for Final Development Plan approval in PUD (Planned Unit Development) zoning consisting of a proposed parking and playfield expansion of Odyssey Charter School on property legally described herein, has been made by Odyssey Charter School, Inc., and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 4, 2019, which voted to recommend to the City Council approval of the application, and

WHEREAS, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

WHEREAS, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

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

SECTION 1. The City Council of the City of Palm Bay hereby grants Final Development Plan approval for the parking and playfield expansion of Odyssey Charter School on property zoned PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

SECTION 2. The final development plan is granted subject to the applicant complying with the following:

1) The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit "B", except as may be modified by the conditions of approval;

2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "C";

3) Amendment of the Declarations of Covenants, Conditions, and Restrictions for the Bayside Lakes Commercial Center to allow "hard improvements" (sidewalks and parking areas) within the 100' Preservation Easement located along the north of Tract 1-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture specific improvements shown on the conceptual site plan;

4) The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate. The gate shall be open during school days, only during school hours. The gate will

be locked overnight and all non-school days. Light poles for the parking lot shall be limited to ten (10) feet in height and shall be motion activated;

5) Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield. This will be determined upon administrative site plan review;

6) The playfield lights, if installed, shall only be on for events and shall have an automatic cutoff at 8:30 p.m.;

7) Administrative site plan review and approval must be obtained prior to issuance of any building permits;

8) During the administrative site plan review process, the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s); and

9) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of certain property from RR (Rural Residential District) to PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

SECTION 4. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 5. 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: Odyssey Charter School, Inc.
Case: FD-30-2019

cc: (date) Applicant
Case File
Brevard County Recording