



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 5/6/2021

**RE:** Ordinance 2021-26, amending the Code of Ordinances, Chapter 178, Signs, by establishing provisions for wayfinding signs and modifying language for wall signs (Case T-14-2021, City of Palm Bay), first reading.

The City of Palm Bay (Growth Management Department) has submitted to amend Chapter 178: Sign Code, to modify the definition of Wall Sign to allow the signs to be located five (5) feet above the predominant roof line; to add a new definition for Wayfinding Sign; modify the definition of Wall to include windows and doors in the area calculation; modify Appendix A (Commercial Districts) and Appendix B (Industrial Districts) to modify Wall Signs and add Wayfinding Signs.

This amendment has been prepared in response to the workshop held by City Council on February 11, 2021, regarding incentives and inducements for development within the City. The rationale for this amendment is to make it easier for the public to find businesses not located on arterial or major collector roads, and to simplify and make the regulations for Wall signs more consistent by allowing the signs to locate five feet above the predominant roof line.

The proposal will incentivize businesses within the City by making them easier to locate and by simplifying regulations for Wall signs..

**REQUESTING DEPARTMENT:**  
Growth Management

**RECOMMENDATION:**  
Motion to approve Case T-14-2021.

**Planning and Zoning Board Recommendation:**  
Unanimous approval of the request.

**ATTACHMENTS:**

**Description**

Case T-14-2021 - Revised

Correspondence

Board Minutes

Ordinance 2021-26



**REVISED**

# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

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

### Prepared by

Laurence Bradley, AICP, Growth Management Director

**CASE NUMBER**

T-14-2021

**PLANNING & ZONING BOARD HEARING DATE**

April 7, 2021

**PROPERTY OWNER & APPLICANT**

City of Palm Bay, Growth Management Department

**PROPERTY LOCATION/ADDRESS**

Not Applicable

**SUMMARY OF REQUEST**

Amend Chapter 178: Sign Code, to modify the definition of wall sign to allow them to be located five (5) feet above the predominant roof line; add a new definition for Wayfinding Sign; modify definition of Wall to include windows and doors in the area calculation; modify Appendix A (Commercial Districts) and Appendix B (Industrial Districts) to modify Wall Signs and add Wayfinding Signs.

**Existing Zoning**

Not Applicable

**Existing Land Use**

Not Applicable

**Site Improvements**

Not Applicable

**Site Acreage**

Not Applicable

**APPLICABILITY**

Citywide

**COMPREHENSIVE PLAN  
COMPATIBILITY**

Not Specifically Addressed

**BACKGROUND:**

Textual amendments to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs to modify the definition of wall sign to allow them to project five (5) feet above predominant roof line; to add a new definition for Wayfinding Sign; to modify the definition of Wall to include windows and doors in the area calculation; to modify Appendix A (Commercial Districts); to modify Wall Signs and add Wayfinding Signs; to modify Appendix B (Industrial Districts); to modify Wall Signs and add Wayfinding Signs.

The Growth Management Department prepared this textual amendment in response to a workshop held by City Council on February 11, 2021 regarding incentives and inducements for development within the City. At the workshop, there was discussion of several businesses within the City that do not have frontage on arterial or major collector streets, which have requested signage that would assist drivers to find their establishments. Further, staff is also seeking to amend regulations regarding wall signs at the request of several businesses within the City.

The rationale for this amendment is to make it easier for the public to find and locate businesses not located on main roads. This is seen as an incentive to commercial businesses within the City. Further changes to the Wall sign regulations will simplify and make more consistent the regulations regarding Wall signs.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

**ANALYSIS:**

Section 178.08 is the definitions section of the Sign Regulations. In total, three (3) definitions are proposed to be changed.

The first proposed change is to modify the definition of Wall Sign. This proposed change will permit Wall Signs to be located up to five (5) feet above the predominant roof line.

The second change is the addition of a new definition to create a new type of sign: a Wayfinding Sign. (See attached examples). The Wayfinding Sign would allow establishments not located on an Arterial or Major Collector road (see attached list) to place a Wayfinding sign on private property located on the Arterial or Major Collector, with written permission of the property owner, provided that the sign will be located within ½ mile (2,640 feet) of the establishment's property. Co-location of establishments on Wayfinding Signs shall be encouraged.

The third definitional change is the definition of Wall. This change would simply include doors and windows rather than exclude them from wall area thus, making it easier for businesses, contractors, and staff to calculate the area. This creates a slight increase in the size of Wall Signs as doors and windows are now included in the wall area calculations.

This proposed amendment makes two (2) identical changes to Appendix A (Signs in Commercial Zoning Districts) and Appendix B (Signs in Industrial Zoning Districts) which are summarized below.

The first change modifies the tables regarding Wall Signs. Specifically, the number of Wall Signs is eliminated in favor a simple maximum of 10% of the wall area per wall, for all the wall signs. Further, the table is modified to allow Wall Signs to be located up to five (5) above the predominant roofline for a building façade with multiple heights or roof lines.

The second series of changes to the tables is the addition of new provisions for Wayfinding Signs. This change requires Wayfinding Signs to be located on Arterial or Major Collectors roads no less than 1,500 apart. However, one (1) sign is allowed on opposite sides of the road which do not have to be 1,500 apart. The Wayfinding Signs shall be a maximum of 36 sq. ft., a maximum of 10 feet in height and have a setback of 10 feet from the property lines of the parcel the sign is located upon. These standards are consistent with the freestanding sign standards for other Commercial and Industrial signs

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed changes as written to incentivize businesses within the City, make them easier to find and locate, and to simplify regulations for Wall signs.

## TITLE XVII: LAND DEVELOPMENT CODE

### CHAPTER 178: SIGNS

#### § 178.08 DEFINITIONS.

##### **SIGN.**

(2) **SIGNS** include the following defined classes of signs:

(a) **PERMANENT SIGNS.** Signs made of durable material and fixed to a building, supporting structure, or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly. The following types of signs shall be permanent signs:

(xiii) **WALL SIGN.** A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface. For a building façade with multiple heights or roof lines, the wall sign shall not project >>more than five (5) feet << above the parapet ~~unless it is affixed to, or painted upon,~~ >>of<< a roof line that is more than 50% of the length of the building façade. Any wall sign contrary to this requirement shall be considered a roof sign.

>>(xiv) **WAYFINDING SIGN.** A sign that provides information regarding the location of nearby establishments >>in Commercial or Industrial Zone property<< that do not have frontage on an Arterial or Major Collector street. Wayfinding signs must be located on private property with written permission of the property owner and may not be erected in any public right-of-way. More than one entity may co-locate on a Wayfinding sign. The property for an establishment using a Wayfinding sign shall be located within 2,640 feet (1/2 mile) of said sign.<<

**WALL.** The surface of the exterior of a principal building exposed to the public view within a single plane, ~~exclusive~~ >>inclusive<< of windows and/or doors.

## Appendix A: Schedule of Signs in Commercial Zoning Districts

<b>SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
Wall	All	1 per street frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<

## Appendix B: Schedule of Signs in Industrial Zoning Districts

<b>SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
Wall	All	1 per street frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<



# **CITY OF PALM BAY ROAD CLASSIFICATIONS**

(See Comprehensive Plan...Future Transportation Map Series #1A & 1B)

## **Arterial Roadways**

- 1) Babcock Street
- 2) Dixie Highway
- 3) Interstate 95
- 4) Malabar Road
- 5) Minton Road
- 6) Palm Bay Road
- 7) St. Johns Heritage Parkway  
(both segments)

## **Minor Collector Roadways**

- 1) Bass Pro Drive
- 2) Bianca Drive
- 3) Cogan Drive
- 4) Community College Parkway
- 5) Daytona Drive
- 6) Emerson Drive (Minton Rd to SJHP &  
from Malabar Rd to Bayside Lakes Blvd)
- 7) Fallon Boulevard
- 8) Foundation Park Boulevard
- 9) Garvey Road
- 10) Harper Boulevard
- 11) Hield Road
- 12) Hurley Boulevard
- 13) Krassner Road
- 14) Lamplighter Road
- 15) Mariposa Drive
- 16) Pace Drive
- 17) Riviera Drive
- 18) Walden Boulevard
- 19) Wichita Boulevard
- 20) Wyoming Drive

## **Major Collector Roadways**

- 1) Americana Boulevard
- 2) Bayside Lakes Boulevard
- 3) Clearmont Street
- 4) Culver Drive
- 5) De Groot Road
- 6) Eldron Boulevard
- 7) Emerson Drive (Minton Rd to Malabar Rd)
- 8) J. A. Bombardier Boulevard
- 9) Jupiter Boulevard
- 10) Lipscomb Street
- 11) *Osmosis Drive* (De Groot to Sapodilla)
- 12) Port Malabar Boulevard
- 13) Robert J. Conlan Boulevard
- 14) San Filippo Drive
- 15) St. Andre Boulevard
- 16) Waco Boulevard

Osmosis Drive: The segment of Osmosis within the Bayside Lakes Community is a Local Street.

**Land Development Division: February, 2013**







**LAND DEVELOPMENT DIVISION**  
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042  
Landdevelopment@palmbayflorida.org

**CODE TEXTUAL AMENDMENT APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:**

178.08, 178 Appendix A & 178 Appendix B

**PROPOSED LANGUAGE (attach addendum if necessary):**

See attached

**JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)**

Proposed changes to to add Wayfinding signs to help the traveling public locate local businesses. Also changes to Wall Signs to make it easier for businesses to comply with the sign regulations.



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

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

\*\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley  
Date: 2021.03.22 08:12:57 -04'00' Date March 18, 2021

Printed Name of Applicant Laurence Bradley, AICP, Growth Management Director

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone (321) 733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name \_\_\_\_\_

Full Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

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

**CASE T-14-2021**

**CORRESPONDENCE**

## Chandra Powell

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**From:** Laurence Bradley  
**Sent:** Wednesday, April 14, 2021 5:09 PM  
**To:** Chandra Powell  
**Subject:** FW: Sign Code Revisions

Please add this comment to T-14

**Laurence Bradley, AICP**  
**Director of Growth Management**

**City of Palm Bay**  
**Palm Bay City Hall**  
**120 Malabar Road SE**  
**Palm Bay, FL 32907**

**T: 321-733-3042**  
**F: 321-953-8920**

**Email:** [Laurence.Bradley@PalmBayFlorida.org](mailto:Laurence.Bradley@PalmBayFlorida.org)



Please let us know how effective we were in assisting you:  
[www.pbfl.org/GMFeedback](http://www.pbfl.org/GMFeedback)

**From:** Laurence Bradley  
**Sent:** Wednesday, April 14, 2021 5:08 PM  
**To:** Amanda Armstrong <amanda@art-kraft.com>; Patrick Murphy <Patrick.Murphy@palmbayflorida.org>  
**Cc:** Christopher Balter <Christopher.Balter@palmbayflorida.org>; Don Reilly <don@art-kraft.com>  
**Subject:** RE: Sign Code Revisions

The proposed change will actually allow for more wall signage not less in strip centers. The old wording excluded windows and doors from the 10% calculation. The new change will include windows and doors, thus wall signs will be allowed to be larger than the current regulations. Plus we will now allow them 5 feet above the main roof line.

Thus all of these changes will increase and relax the regulations regarding wall signs.

Thanks

-Larry Bradley

**Laurence Bradley, AICP**  
**Director of Growth Management**

City of Palm Bay  
Palm Bay City Hall  
120 Malabar Road SE  
Palm Bay, FL 32907

T: 321-733-3042  
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Email: [Laurence.Bradley@PalmBayFlorida.org](mailto:Laurence.Bradley@PalmBayFlorida.org)



Please let us know how effective we were in assisting you:  
[www.pbfl.org/GMFeedback](http://www.pbfl.org/GMFeedback)

**From:** Amanda Armstrong <[amanda@art-kraft.com](mailto:amanda@art-kraft.com)>  
**Sent:** Wednesday, April 14, 2021 3:19 PM  
**To:** Patrick Murphy <[Patrick.Murphy@palmbayflorida.org](mailto:Patrick.Murphy@palmbayflorida.org)>; Laurence Bradley <[Laurence.Bradley@palmbayflorida.org](mailto:Laurence.Bradley@palmbayflorida.org)>  
**Cc:** Christopher Balter <[Christopher.Balter@palmbayflorida.org](mailto:Christopher.Balter@palmbayflorida.org)>; Don Reilly <[don@art-kraft.com](mailto:don@art-kraft.com)>  
**Subject:** Sign Code Revisions

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Mr. Murphy,

We are contacting you this afternoon in regards to finding out that the "Sign Code" is in the process of being revised, and/or rewritten. As our owner has been in the business locally for the past 53 years and our office has been located in the city for almost 20 years we'd like to offer a few suggestions on the new code amendments. I understand that our last correspondence with the planning division might've ruffled some feathers, but it was not a personal attack on anyone within the city and was just trying to point out after much resistance that the code was in fact flawed and needed to be addressed for not just new businesses but also existing ones as well. As such, we also would like to propose that the 10% of the wall face area minus the windows and doors be relooked at as well. When you have strip centers most businesses contained within them are being very limited on their signage now as opposed to previously. When the entire storefront is windows and a door minus a small sign band above the unit it makes it very difficult for a tenant to have a sign large enough to attract business to their location and be seen from the parking lot, or roadway to draw in business. We would suggest that this section be revised to the prior code of 10% of the wall area as many businesses in the area will be directly impacted when they are changing out their signage, or new businesses coming in. Having a 10-15 sq ft sign in a unit of equal or larger frontage need to a 30-40 sq ft sign shows a great difference in a business owners eyes when they are wanting to maximize their branding and being able to adequately advertise their business and as equally advertise as their neighbors. We sincerely appreciate you taking the time to read our correspondence and would be happy to discuss our proposed ideas above with you or provide comment on any other sections of the sign code you'd like.

Kindest Regards,

*Amanda Armstrong*

Permitting Department  
321.727.7324 Ext. 205





[www.art-kraft.com](http://www.art-kraft.com)

*The attached file is for evaluation purposes only. By opening the attached document, the recipient agrees to not disclose (in whole or in part) in any manner (physically or electronically) to anyone other than employees of the recipient in a "need to know" basis. The design will remain the property of Art-Kraft Sign Company, Inc. until purchased and paid in full by the recipient. Failure to comply with this Non-Disclosure Agreement will result in the recipient being liable for the full purchase price of the design (minimum \$500 U.S.) as well as any legal fees incurred to obtain restitution*

**CITY OF PALM BAY, FLORIDA**  
**PLANNING AND ZONING BOARD/**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING 2021-05**

Held on Wednesday, April 7, 2021, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Rainer Warner led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Philip Weinberg	Present
<b>VICE CHAIRPERSON:</b>	Leeta Jordan	Present
<b>MEMBER:</b>	Donald Boerema	Present
<b>MEMBER:</b>	James Boothroyd	Present
<b>MEMBER:</b>	Richard Hill	Absent (Excused)
<b>MEMBER:</b>	Khalilah Maragh	Present
<b>MEMBER:</b>	Rainer Warner	Present
<b>NON-VOTING MEMBER:</b>	David Karaffa (School Board Appointee)	Present

Mr. Hill's absence was excused.

**CITY STAFF:** Present were Mr. Laurence Bradley, Growth Management Director; Mr. Christopher Balter, Senior Planner; Mr. Grayson Taylor, Planner; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

**ADOPTION OF MINUTES:**

- 1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2021-04; March 3, 2021.**

Motion to approve the minutes as presented.

6. **T-14-2021** - City of Palm (Growth Management Department) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to establish provisions for Wayfinding Signs and to modify the language for Wall Signs.

Mr. Bradley presented the staff report for Case T-14-2021. Staff recommended Case T-14-2021 for approval as written.

Mr. Weinberg commented on there being no limitations on the number of businesses advertised, shape, size, colors, or type for the wayfinding signs, which seemed vague. Mr. Bradley stated that according to decisions by the Supreme Court, the City could only regulate time, place, and manner, and not the sign content.

Mr. Boothroyd inquired whether the amendment would address advertisement signs that were placed on properties where the businesses were not located. Mr. Bradley stated that the offsite businesses would be required to obtain written consent from the property owners to place the wayfinding signs on the properties.

Ms. Maragh asked about limitations on the allowance of multiple businesses per sign. Mr. Weinberg and Mr. Bradley noted that the overall size of wayfinding signs at 36 square feet would limit the number of businesses on a sign.

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

Motion to submit Case T-14-2021 to City Council for approval.

Motion by Ms. Jordan, seconded by Ms. Maragh. Motion carried with members voting as follows:

**Aye:** Weinberg, Jordan, Boerema, Boothroyd, Maragh, Warner.

#### **OTHER BUSINESS:**

There was no other business discussed.

## ORDINANCE 2021-26

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 178, SIGNS, BY ESTABLISHING PROVISIONS FOR WAYFINDING SIGNS AND MODIFYING LANGUAGE FOR WALL SIGNS; 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 178, Signs, Section 178.08, Definitions, is hereby amended and shall henceforth read as follows:

**“Section 178.08 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply. Unless specifically defined below or in Chapter 185 (Zoning Code), the words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

\* \* \*

***SIGN.***

\* \* \*

(2) ***SIGNS*** include the following defined classes of signs:

\* \* \*

(xiii) ***WALL SIGN.*** A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface. For a building façade with multiple heights or roof lines, the wall sign shall not project **>>more than five (5) feet<<** above the parapet ~~unless it is affixed to, or painted upon,~~**>>of<<** a roof line that is more than 50% of the length

of the building façade. Any wall sign contrary to this requirement shall be considered a roof sign.

**>>(xiv) WAYFINDING SIGN.** A sign that provides information regarding the location of nearby establishments in Commercial or Industrial Zone property that do not have frontage on an Arterial or Major Collector street. Wayfinding signs must be located on private property with written permission of the property owner and may not be erected in any public right-of-way. More than one entity may co-locate on a Wayfinding sign. The property for an establishment using a Wayfinding sign shall be located within 2,640 feet (1/2 mile) of said sign.<<

\* \* \*

**WALL.** The surface of the exterior of a principal building exposed to the public view within a single plane, exclusive >>inclusive<<of windows and/or doors.

\* \* \*"

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 178, Signs, Section 1178.23, Conflict with Other Laws; Unconstitutionality or Invalidity, is hereby amended and shall henceforth read as follows:

**“Section 178.23 CONFLICT WITH OTHER LAWS; UNCONSTITUTIONALITY OR INVALIDITY.**

\* \* \*

**Appendix A: Schedule of Signs in Commercial Zoning Districts**

<b>SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>

\* \* \*

Wall	All	1 per street frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
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\* \* \*

>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<
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\* \* \*

**Appendix B: Schedule of Signs in Industrial Zoning Districts**

<b>SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>

\* \* \*

Wall	All	1 per street frontage >>Unlimited<<	Max 10% of Wall Area >>for the cumulative total of wall signs per wall<<	Not Above Average Roofline >>Max 5 feet above the predominant roofline<<	On the Principal Building	External
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\* \* \*

>>Wayfinding<<	>>All<<	>>1 per 1,500 linear ft. on the same side of the roadway<<	>>36 sq. ft.<<	>>10 ft.<<	>>10 feet from the property line of a parcel which has frontage on an Arterial or Major Collector street<<	>>None<<
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\* \* \* \*\*

**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 2021-\_\_\_\_\_, held on \_\_\_\_\_, 2021; and read in title only and duly enacted at Meeting 2021-\_\_\_\_\_, held on \_\_\_\_\_, 2021.

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Robert Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

City of Palm Bay, Florida  
Ordinance 2021-26  
Page 5 of 5

cc: ALP

**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:** Suzanne Sherman, City Manager

**THRU:** Laurence Bradley, AICP, Growth Management Director

**DATE:** 5/6/2021

**RE:** Ordinance 2021-27, granting approval of a Final Development Plan for a Planned Unit Development of a proposed single-family residential subdivision to be known as 'Cypress Bay West Phase 1 PUD' on property located in the vicinities south of Mara Loma Boulevard and west of Babcock Street (77.52 acres) (Case FD-11-2021, Waterstone Farms, LLC) (Quasi-Judicial Proceeding), first reading.

>>REVISED<<

Mr. Benjamin E. Jefferies, Waterstone Farms, LLC (Brian Davidson and Jake Wise, P.E., Reps.) has submitted for Final Planned Unit Development approval of a 229-unit residential subdivision to be known as Cypress Bay West Phase 1 PUD. The vacant 77.52-acre parcel is south of Mara Loma Boulevard SE, and west of Babcock Street SE.

The subject phase of development is planned at 2.95 units per acre, which is below the maximum 5 units per acre density permitted by a Single-Family Residential Future Land Use category. This development will be built in one phase that consists of 50-foot wide by 125-foot-deep lots, a gated entrance with an amenities center, swimming pool, playground, passive recreation areas, stormwater ponds, and private roadways.

Upon review, the proposed request appears to conform with the applicable requirements for securing Final Development Plan approval.

### **REQUESTING DEPARTMENT:**

Growth Management

### **RECOMMENDATION:**

Motion to

approve Case FD-11-2021, subject to the following staff comments contained in the staff report being addressed upon submission of the administrative construction plans:

- Fully engineered construction drawings.
- A Subdivision Plat meeting Ch. 177 of Florida State Statute requirements and a title opinion.
- The right-of-way width of Mara Loma Boulevard will need to be 100'.
- The road name of "Mara Loma Boulevard" will need to be consistent all the way through. Staff will not support the