

RESOLUTION 2024-40

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR THE CONSTRUCTION OF A DOCK WITHIN THE FC (FLOODWAY CONSERVATION DISTRICT) ZONING; WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO PORT MALABAR BOULEVARD, IN THE VICINITY EAST OF CLEARMONT STREET, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a conditional use in FC (Floodway Conservation District) zoning to allow for the construction of a dock on property legally described herein, has been made by Richard Pribell and Joyce Lochan-Pribell, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 2, 2024, which voted to recommend the City Council approve the conditional use, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.048(D)(3), District Regulations, and Section 185.087 General Requirements and Conditions, of the Palm Bay Code of Ordinances, have been addressed by the applicant, and

WHEREAS, the requirements of Sections 170.141 and 170.142 serve to further ensure that such structures are designed with minimal impact on the floodway and surrounding natural area, and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use 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 a conditional use to allow the construction of a dock in FC (Floodway Conservation District) zoning, which property is legally described as follows:

A portion of Tax Parcel 755, of the Public Records of Brevard County, Florida; Section 26, Township 28S, Range 37E; containing 10.00 acres, more or less.

SECTION 2. The conditional use is granted subject to the applicant complying with the following:

- A. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'A'; and
- B. 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 conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence within two (2) years of issuance of the first permit shall void the conditional use. The Applicant may seek an administrative extension of one (1) year by submitting a written request within sixty (60) days prior to the date of expiration.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2024-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, held on _____, 2024.

ATTEST:

Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Resolution 2024-40

Applicant: Richard Pribell and Joyce Lochan-Pribell
Case: CU23-00015

cc: Brevard County Recording
Applicant
Case File