

## RESOLUTION 2024-44

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING APPROVAL OF A DECLARATION OF COVENANTS AND RESTRICTIONS, ALSO KNOWN AS THE “LAND USE RESTRICTION AGREEMENT” (“LURA”) FOR A PROPOSED AFFORDABLE MULTI-FAMILY RENTAL DEVELOPMENT IN AREAS ZONED FOR COMMERCIAL, INDUSTRIAL, OR MIXED USE, IN COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES, TO BE KNOWN AS ‘BILDA MULTI-FAMILY RESIDENTIAL’ IN CC (COMMUNITY COMMERCIAL) ZONING; WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO BASS PRO SHOP DRIVE, IN THE VICINITY SOUTH OF AND ADJACENT TO EXECUTIVE CIRCLE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE LURA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for a LURA in CC (Community Commercial) zoning to permit a proposed 120 unit mixed residential development to be known as ‘Bilda Multi-Family Residential’ has been made by Apartments at Palm Bay, LLC, and

**WHEREAS**, Apartments at Palm Bay, LLC. (“Owner”) is the owner in fee simple of that certain real property located in Brevard County, City of Palm Bay, Florida, as legally described in the LURA attached hereto and incorporated herein by reference, and

**WHEREAS**, the Property is zoned for commercial, industrial, or mixed-use development, and

**WHEREAS**, Owner seeks to develop the Property with multi-family rental housing, and

**WHEREAS**, pursuant to Section 166.04151(7)(a), Florida Statutes (“Live Local Act”), a city must authorize multi-family and mixed-use residential as allowable uses in any area zoned for commercial, industrial or mixed use if at least forty (40%) percent of the residential units in the proposed multifamily rental development are, for a period of at least thirty (30) years, affordable as defined in Section 420.0004, Florida Statutes (subject to the terms and conditions set forth below), and

**WHEREAS**, in compliance with the Live Local Act, Owner agrees to restrict at least forty (40%) percent of the total number of residential units to be developed on the Property as affordable housing, as defined herein, and

**WHEREAS**, to maintain compliance with the Live Local Act, Owner and City wish to ensure that the restricted units are maintained as affordable housing for a period of not less than thirty (30) years, regardless of any subsequent changes in ownership of the Property.

**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 approval for the Declaration of Covenants and Restrictions for Affordable Multi-Family Rental Development in Areas Zoned for Commercial, Industrial, or Mixed-Use, in Compliance with Section 166.04151, Florida Statutes for Apartments at Palm Bay, LLC. and authorize the City Manager to execute on behalf of the City the document attached hereto.

**SECTION 2.** 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.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Applicant: Apartments at Palm Bay, LLC.

Case: SP23-00051

cc: (date) Brevard County Recording  
Applicant  
Case File