

ORDINANCE NO. 2015-31

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT AREA; MAKING FINDINGS; PROVIDING FOR JURISDICTIONAL FINDINGS, AREA AFFECTED, FINDINGS OF BLIGHT AND NECESSITY; PROVIDING FOR THE PROVISIONS OF CHAPTER 20, ARTICLE VI TO BE EFFECTIVE WITHIN AN EXPANDED AREA OF THE CITY; AMENDING CHAPTER 20 OF THE CITY CODE OF MELBOURNE, FLORIDA, ENTITLED COMMUNITY PLANNING AND DEVELOPMENT; AMENDING SECTION 20-200, COMMUNITY REDEVELOPMENT AGENCY CREATED; AMENDING SECTION 20-202, JURISDICTIONAL AREA; AMENDING SECTION 20-210, COMMUNITY REDEVELOPMENT PLAN APPROVED; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC-2015-04)

WHEREAS, pursuant to F.S. § 163.410, on August 29, 2000, the Board of County Commissioners of Brevard County, Florida, adopted Brevard County Resolution No. 2000-249, delegating authority to the City Council of the City of Melbourne to create and operate a F.S. ch. 163 Community Redevelopment Agency generally known as the Olde Eau Gallie Riverfront Community Redevelopment Agency within the area described in Section 20-202, City Code; and

WHEREAS, pursuant to F.S. § 163.361, and Sections 1.b., f., g., and j. of the aforesaid Brevard County Resolution No. 2000-249, the boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency may be adjusted; and

WHEREAS, Resolution No. 3503 approved by the Melbourne City Council on July 14, 2015 includes findings of necessity for the expansion of the district; and

WHEREAS, the Melbourne City Council approved the Olde Eau Gallie Riverfront Community Redevelopment Plan (the redevelopment plan) by Ordinance No. 2001-23 on May 22, 2001; and

WHEREAS, the redevelopment plan was amended by Ordinance No. 2005-77 on July

12, 2005; and

WHEREAS, the current proposed amendment to the redevelopment plan will expand the boundaries of the district and support the rezoning of the property to encourage residential development in the expansion area; and

WHEREAS, the Melbourne City Council and the Local Planning Agency have found the proposed amendment to the redevelopment plan to be consistent with the Comprehensive Plan; and

WHEREAS, the rehabilitation, conservation and redevelopment or a combination thereof of the aforesaid area is necessary in the interest of the public health, safety, morals and welfare of the residents of the City of Melbourne, and in the interest of implementing the intent of the Florida Legislature as expressed in the Community Redevelopment Act of 1969, as amended, by revitalizing the area economically and socially, thereby improving the tax base, promoting sound growth and providing infrastructure; and

WHEREAS, the State of Florida has found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increase tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. Jurisdictional Findings and Area.

(a) That the area of Melbourne more fully described in Section 1.(b) of this ordinance, which area is wholly within the corporate limits of the City of Melbourne, is and has been found by virtue of the adoption of Resolution No. 3503 and declared to be a "blighted area," as defined and within the purpose and intent of F.S. ch. 163.

(b) That the area subject to this ordinance is described as lying and situate in the State of Florida, County of Brevard, to-wit:

#### PINEAPPLE SHORES EXPANSION LEGAL DESCRIPTION

The south 300 feet of the north 370 feet of Fountain Park Village Plat of Eau Gallie, according to the plat thereof, as recorded in Deed Book D, Page 374 and in Plat Book 1, Page 47 of the Public Records of Brevard County, Florida.

SECTION 2. That pursuant to the provisions of F.S. § 163.355, it is hereby found and declared that:

(a) The rehabilitation, conservation or redevelopment, or a combination thereof, of the area described in Section 1.(b) of this ordinance is necessary in the interest of public health, safety, morals, and welfare of the citizens of the City of Melbourne.

(b) Blighted areas exist within the area described in Section 1.(b) of this ordinance.

(c) The area described in Section 1.(b) of this ordinance is appropriate to be included within, and is immediately and substantially contiguous to, the Olde Eau Gallie Riverfront Community Redevelopment Agency boundaries pursuant to F.S. ch. 163.

SECTION 3. That there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in F.S. ch. 163.

SECTION 4. That the City Council hereby declares that the area described in Section 1.(b) of this ordinance:

(a) Shall be included within the boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency.

(b) Shall be subject to the jurisdiction of the existing governing body of the Olde Eau Gallie Riverfront Community Redevelopment Agency.

(c) Shall be subject to all provisions of Chapter 20, Article VI, City Code of Melbourne, Florida.

#### SECTION 5. Adoption of amendment to community redevelopment plan.

(a) That the amendment to the Olde Eau Gallie Riverfront Community Redevelopment Plan attached hereto as Exhibit "A" is hereby adopted as an amendment to the official community redevelopment plan for the Olde Eau Gallie Riverfront Community Redevelopment Agency.

(b) That the City Council, after a public hearing, hereby determines that the proposed amendment to the Olde Eau Gallie Riverfront Community Redevelopment Plan for

the Olde Eau Gallie Riverfront Community Redevelopment Area depicted in Exhibit "A" attached hereto meets the requirements of F.S. § 163.361.

SECTION 6. That Section 20-200 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 20-200. Created.

By virtue of City Resolution No. 1657, adopted on September 12, 2000, the Olde Eau Gallie Riverfront Community Redevelopment Agency was created within the city. The north expansion and south expansion areas became a part of the community redevelopment area by virtue of the adoption of Resolution No. 1939, adopted June 28, 2005, making a finding of blighted conditions, and Ordinance No. 2005-77. The Pineapple Shores expansion area became a part of the community redevelopment area by virtue of the adoption of Resolution No. 3503, adopted July 14, 2015, making a finding of blighted conditions, and Ordinance No. 2015-31. Pursuant to F.S. §§ 163.356(1) and 163.357(1)(b), while the city council sits as the governing body of the community redevelopment agency, the community redevelopment agency is constituted as a public body, corporate and politic, and as a legal entity, separate, distinct, and independent from the city council.

SECTION 7. That Section 20-202 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 20-202. Jurisdictional area.

The jurisdictional boundaries of the Olde Eau Gallie Riverfront Community Redevelopment Agency are within the city as follows:

\* \* \* \*

(5) Pineapple Shores expansion area:

The south 300 feet of the north 370 feet of Fountain Park Village Plat of Eau Gallie, according to the plat thereof, as recorded in Deed Book D, Page 374 and in Plat Book 1, Page 47 of the Public Records of Brevard County, Florida.

SECTION 8. That Section 20-210 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 20-210. Community redevelopment plan approved.

The Olde Eau Gallie Riverfront Urban Infill and Community Redevelopment Plan adopted by Ordinance No. 2001-23, as amended by Ordinance No. 2005-77, and Ordinance No. 2014-15, and Ordinance No. 2015-31, shall constitute the community redevelopment plan for the Olde Eau Gallie Riverfront Community Redevelopment Agency.

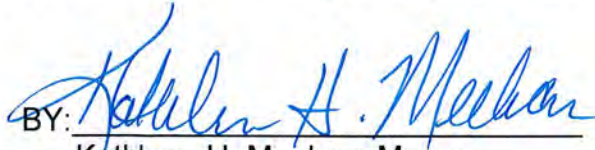
SECTION 9. Severability/Interpretation Clause.

(a) That in the event that any term, provision, clause, sentence or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.


(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken through~~ words include deletions from existing text.

SECTION 10. Effective Date. That this ordinance shall become effective immediately upon its adoption in accordance with the City Charter of the City of Melbourne.

SECTION 11. Adoption Schedule. That this ordinance was passed on the first reading at a regular meeting of the City Council on the 14<sup>th</sup> day of July, 2015, and adopted on the second/final reading at a regular meeting of the City Council on the 11<sup>th</sup> day of August, 2015.

BY:   
Kathleen H. Meehan, Mayor

ATTEST:

  
Cathleen A. Wysor, City Clerk

Ordinance No. 2015-31

Attachment: "Exhibit A" – Pineapple Shores amendment to the Olde Eau Gallie Riverfront Community Redevelopment Plan

**AMENDMENT TO THE OLDE EAU GALLIE RIVERFRONT  
COMMUNITY REDEVELOPMENT PLAN**

**PINEAPPLE SHORES EXPANSION AREA  
JULY 2015**

**INTRODUCTION**

The Olde Eau Gallie Community Redevelopment District was established in 2000 by the Melbourne City Council and expanded to the north and south in 2005.

The Community Redevelopment Act, Florida Statutes 163.361, allows for the modification of the community redevelopment plan, including a modification to the boundary of the district.

The proposed expansion area contains conditions that meet the definition of a "blighted area" contained within Florida Statutes 163.340.

**Faulty Lot Layout, Regulatory Issues**

This area was originally platted in the late 1800s/early 1900s. The south parcel, 1957 Pineapple Avenue, is a long narrow lot that does not meet the width requirements of the current land development regulations. Development options are limited by itself. Only by aggregating it with the northern parcels and bringing it into the CRA will this site be able to be redeveloped in a manner consistent with today's development standards.

The property located at 1971 Pineapple Avenue has a Medium Density Residential future land use and an R-2(8) zoning classification. The property located at 1957 Pineapple Avenue has a Low Density Residential future land use with an R-1AAA zoning classification. Bringing these parcels into the CRA will enable a more feasible development using an appropriate regulatory framework, via density increases, landscaping, stormwater management, access management, and protection of the waterfront within the Eau Gallie Activity Center.

**Unsafe and Unsanitary Conditions**

Health, safety and sanitary conditions of any site has a bearing on human, animal, and water habitat. Trash on land and in the river, human excrement, clothing, algae growth, and overgrown flora and fauna are wreaking havoc on the environment and pose a potential public health threat. If brought into the CRA and allowed to develop under the auspices of the CRA's regulations, these conditions can be corrected.

**Deterioration of Site or Other Improvements**

In general, the site is extremely deteriorated, as evidenced by photographs contained in the Finding of Necessity:

1. Driveways are washing away into the Indian River Lagoon.
2. The vegetation is overgrown to the point of becoming prime habitat for vermin and reptiles.
3. The river bank is becoming the repository of trash, causing degradation of the lagoon.
4. There is no stormwater management.
5. Facilities along the waterfront are decaying and the former dock has gone into the river.
6. The site is becoming a home or hangout for transients or trespassers who come to fish along the river banks.
7. There appears to be some evidence suggesting criminal activities on the site.

#### **DISTRICT BOUNDARY MODIFICATION:**

The boundaries of the district will be modified to include property which can be further described as follows:

The south 300 feet of the north 370 feet of Fountain Park Village Plat of Eau Gallie, according to the plat thereof, as recorded in Deed Book D, Page 374 and in Plat Book 1, Page 47 of the Public Records of Brevard County, Florida.

The expansion area consists of two parcels totaling approximately 2.55 acres. The proposed expansion area should carry a base year of 2015 for the calculation of tax increment funds.

#### **EAU GALLIE COMMUNITY REDEVELOPMENT PLAN AMENDMENT:**

Section 6(B)(1), relating to small area strategies using the future land use plan, shall be amended to add a new subsection (g) that states:

g) Pineapple Shores District (District 6)

This district is comprised of the properties located at 757 Creighton Street, 1971 Pineapple Street and 1957 Pineapple Street. Both 757 Creighton Street and 1971 Pineapple Avenue currently have a future land use of Medium Density Residential and a zoning of R-2(8). The property at 1957 Pineapple Avenue currently has a future land use of Low Density Residential with a zoning of R-1AAA. All three properties are vacant and deteriorating.

The property at 757 Creighton Street has been within the CRA boundary since 2005 and 1957 and 1971 Pineapple Avenue (known as the "Pineapple Shores expansion area") were included in the CRA boundary in 2015. Including this small expansion area within the community redevelopment area enables the property owner and the City to address blight on and near the property and allow for future development potential as a unified site. To further the development potential of the property, the redevelopment plan makes the following recommendations:

1. Support the rezoning of 757 Creighton Street and 1971 Pineapple Avenue to R-2, which will allow the property to be consistent with the Medium



Density Residential future land use designation and the 15 dwelling units per acre that is permitted on other similar properties throughout the City.

2. Encourage a new residential project to be located on properties on or near the Pineapple Shores expansion area to support not only the eradication of the blighted conditions, but support overall redevelopment efforts in the existing district.
3. Work with the private sector to assure that properties neighboring the Pineapple Shores expansion area are maintained and kept clean and safe.
4. Encourage new residents to participate with neighborhood watch groups to promote crime prevention and safety.

