

ORDINANCE NO. 2003-06

A ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE BABCOCK STREET COMMUNITY REDEVELOPMENT AREA; MAKING FINDINGS; PROVIDING FOR JURISDICTIONAL FINDINGS, AREA AFFECTED, FINDINGS OF BLIGHT AND NECESSITY; PROVIDING FOR THE PROVISIONS OF ARTICLE VII, CHAPTER 10 TO BE EFFECTIVE WITHIN AN EXPANDED AREA OF THE CITY; AMENDING THE BABCOCK STREET COMMUNITY REDEVELOPMENT PLAN; AMENDING SECTION 10-151, CITY CODE, WITH REGARD TO THE EXPANDED BOUNDARIES OF THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 10-153, BY PROVIDING A LEGAL DESCRIPTION OF THE ADDITIONAL AREA TO BE INCLUDED WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 10-161, TO INCLUDE THE JANUARY 2003, AMENDMENT TO THE COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, pursuant to Section 163.410, Florida Statutes, on September 9, 1997, the Board of County Commissioners of Brevard County, Florida, adopted Brevard County Resolution No. 97-187, delegating authority to the City Council of the City of Melbourne to create and operate a Chapter 163, Florida Statutes, Community Redevelopment Agency generally known as the Babcock Street Community Redevelopment Agency within the area described in Section 10-153, City Code; and

WHEREAS, pursuant to Section 163.361, Florida Statutes, and Sections 1.b., f., g., and j. of the aforesaid Resolution No. 97-187, the boundaries of the Babcock Street Community Redevelopment Agency may be adjusted; and

WHEREAS, Resolution No. 1805 was approved by the Melbourne City Council on January 28, 2003, including findings of necessity for the expansion of the district; and

WHEREAS, the Melbourne City Council approved the Babcock Street Community Redevelopment Plan (the redevelopment plan) by Ordinance No. 98-23 on June 23, 1998; and

WHEREAS, the redevelopment plan amendment will expand the boundaries of the

district and include new transportation projects in the expansion areas; 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. 1805 and declared to be a "blighted area," as defined and within the purpose and intent of Chapter 163, Part III, Florida Statutes.

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

Lots 14, 15, 16, 17, 18, 19, and 20, and the vacated alley located between Lots 7-13 and Lots 14-20, Block 5, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida; and

Lots 10, 11, 12, 15, 16, 17, and 18, and the vacated alley located between Lots 1-4 and Lots 15-18 and the vacated alley located between Lots 7-9 and Lots 10-12, Block 6, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida; and

Lots 12, 13, 14, 15, 16, and 17, and the alley located between Lots 1-6 and Lots 12-17, Block 15, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida.

All of the foregoing property is also described by the following Brevard County Property Appraiser's Tax identification parcel numbers: 28-37-03-32-00006.0-0015.0; 28-37-03-32-00015.0-0001.0; 28-37-03-32-00006.0-0010.0; 28-37-03-32-00006.0-0012.0; 28-37-03-32-00006.0-0017.0; 28-37-03-32-00015.-0012.0; 28-37-03-32-00005.0-0014.0; and 28-37-03-32-00005.0-0017.0.

SECTION 2. That pursuant to the provisions of Section 163.355, Florida Statutes, 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) That blighted areas exist within the area described in Section 1.(b) of this ordinance; and

(c) That area described in Section 1.(b) of this ordinance is appropriate to be included within, and is immediately and substantially contiguous to, the Babcock Street Community Redevelopment Agency boundaries pursuant to Chapter 163, Part III, Florida Statutes.

SECTION 3. That there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in Chapter 163, Part III, Florida Statutes.

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

(a) Shall be included within the boundaries of the Babcock Street Community

Redevelopment Agency;

(b) Shall be subject to the jurisdiction of the existing board of commissioners of the Babcock Street Community Redevelopment Agency; and

(c) Shall be subject to all provisions of Article VII., Chapter 10, City Code of Melbourne, Florida.

SECTION 5. Adoption of amendment to community redevelopment plan.

(a) That the January 2003, amendment to the Babcock Street Community Redevelopment Plan for Expansion Area #2 attached hereto as Exhibit "A" be and the same is hereby adopted as an amendment to the official community redevelopment plan for the Babcock Street Community Redevelopment Agency.

(b) That the City Council, after a public hearing, hereby determines that the proposed January 2003 amendment to the Babcock Street Community Redevelopment Plan for the Babcock Street Community Redevelopment Area Expansion Area #2 depicted in Exhibit "A" attached hereto meets the following requirements of Section 163.360 (7), Florida Statutes and Section 163.360 (8) (b), Florida Statutes:

- (1) The proposed plan will comply with 163.360(7) (a) if displacement of families occur within the Babcock Street Community Redevelopment Area;
- (2) The proposed plan conforms to the general plan of the municipality as a whole;
- (3) The proposed plan will afford the maximum opportunity consistent with the sound needs of the municipality as a whole for rehabilitation or redevelopment of the Babcock Street Community Redevelopment Area by private enterprise;
- (4) The proposed plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood

improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plan:

(5) The proposed plan addresses the necessity of additional non-residential properties within this area of the district; and

(6) The proposed plan contemplates the acquisition of properties to facilitate redevelopment due to the outmoded street patterns, deterioration of site, economic disuse, lack of correlation of the area with other areas of the city by streets and modern traffic requirements and factors which will retard the future development of the area.

SECTION 6. That Section 10-151 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

**Sec. 10-151. Babcock Street community redevelopment agency created.**

By virtue of City of Melbourne Resolution No. 1529, adopted on December 2, 1997, the Babcock Street Community Redevelopment Agency, was created within the City. The Ballard Drive and airport areas became a part of the community redevelopment area effective April 23, 2002, by virtue of the adoption of Resolution No. 1734 adopted January 3, 2002, making a finding of blighted conditions, and Ordinance No. 2002-28. The Bryan Street area became a part of the community redevelopment area effective March 11, 2003, by virtue of the adoption of Resolution No. 1805 on January 28, 2003, making a finding of blighted conditions, and Ordinance No. 2003-06. Pursuant to sections 163.356(1) and 163.357(1)(b), Florida Statutes (1997), 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 10-153 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

**Sec. 10-153. Jurisdictional area of the Babcock Street community redevelopment agency.**

The jurisdictional boundaries of the Babcock Street Community Redevelopment Agency are lying wholly within the City of Melbourne as follows:

\* \* \* \*

(4) Bryan Street area: The following described area lying and situate in the State of Florida, County of Brevard, in Township 28 South, Range 37 East, Section 03, to-wit:

Lots 14, 15, 16, 17, 18, 19, and 20, and the vacated alley located between Lots 7-13 and Lots 14-20, Block 5, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida; and

Lots 10, 11, 12, 15, 16, 17, and 18, and the vacated alley located between Lots 1-4 and Lots 15-18 and the vacated alley located between Lots 7-9 and Lots 10-12, Block 6, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida; and

Lots 12, 13, 14, 15, 16, and 17, and the alley located between Lots 1-6 and Lots 12-17, Block 15, Re-Subdivision of Platt's Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 50, Public Records of Brevard County, Florida.

This area became a part of the community redevelopment area effective March 11, 2003.

SECTION 8. That Section 10-161 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

**Sec. 10-161. Community redevelopment plan approved.**

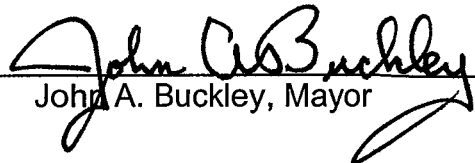
The Babcock Street Community Redevelopment Plan adopted by Ordinance No. 98-23, as amended by Ordinance No. 2002-28, and as amended by Ordinance No. 2003-06, shall constitute the community redevelopment plan for the Babcock Street Community Redevelopment Agency.

SECTION 9. Severability/Interpretation Clause. (a) That it is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code. (b) That in interpreting this ordinance, underlined words indicate additions to existing text and asterisks (\* \* \* \*) indicate a deletion from the ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

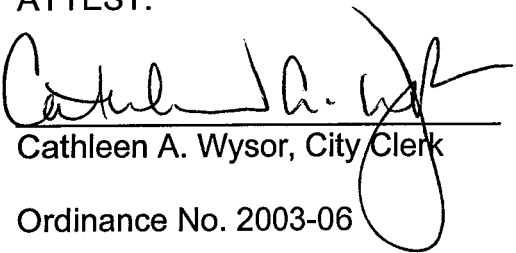
SECTION 10. Ordinances and Resolutions in Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 11. Effective Date. That this ordinance shall become effective in accordance with the Charter of the City of Melbourne.

SECTION 12. Adoption Schedule. That this ordinance was passed by the City Council on first reading on the 25<sup>th</sup> day of February, 2003, and adopted by the City Council on final reading on the 11<sup>th</sup> day of March, 2003.

BY:   
John A. Buckley, Mayor

ATTEST:

  
Cathleen A. Wysor, City Clerk

Ordinance No. 2003-06

Attachment: Exhibit A

## EXHIBIT "A"

### AMENDMENT TO THE BABCOCK STREET COMMUNITY REDEVELOPMENT PLAN EXPANSION AREA #2 JANUARY, 2003

#### INTRODUCTION

The Babcock Street Community Redevelopment District was established in 1997 by the Melbourne City Council and has been very successful during the past several years. The district was expanded a year ago to include an area to the north and west of the original boundary lines. In working with the FDOT and Brevard County over the past year, it has been determined that another small expansion of the district is necessary to include 8 additional lots that will be affected by the widening of Babcock Street from Highway 192 to Fee Avenue.

A Preliminary Design & Engineering Study and a Right-of-Way Acquisition Study have been completed by FDOT in this specific area, which show the need to acquire 52 feet of right-of-way along the east side of Babcock Street to assist in the widening and alleviating the constrained corridor that has existed in this area for a number of years. With the taking of such a large portion of the Babcock Street frontage lots, it is necessary to incorporate the lots fronting Bryan Street into the redevelopment district so that they may be integrated with the remaining portion of the Babcock Street lots to provide for a developable/redevelopable piece of property once the widening occurs. Without the addition of these lots into the district, very small, non-conforming and virtually unusable lots will be left which will continue the decline that is already apparent in this area.

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 findings on the following pages are based upon the criteria outlined in Florida Statutes 163.340 for the designation of an area as "blighted".

An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions that lead to economic distress or endanger life or property by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use.

OR

An area which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or other public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

The proposed expansion area contains conditions that meet all or a portion of the two definitions listed above. Additionally, the following criteria are contained within Florida Statutes 163.340 and more specifically describe the definition of "blighted".



## **Defective/Inadequate Street Layout & Inadequate Transportation and Parking Facilities**

As mentioned above, the main impetus for changing the boundary of the redevelopment district is the existing constrained corridor along Babcock Street and the eventual effect it will have on the proposed expansion area. The studies completed by FDOT show the necessity to take a large portion of private property to widen and correct the hazardous condition that exists along the Babcock Street corridor currently. Without the lots proposed in the expansion area, the CRA will not have any ability to assist in the rehabilitation of this neighborhood. Additionally, if the roadway issue is not addressed, the area will continue to decline due to its poor access to most of the properties.

## **Faulty Lot Layout – Size, Accessibility, Usefulness/Diversity of Ownership**

The lot sizes in the expansion area are very small and will not accommodate the development of commercial uses as permitted by the current zoning and land development standards. The commercial uses that do exist in the area were able to assemble multiple lots to make a viable commercial development. Access to commercially zoned lots along Bryan Street is currently only available from Bryan Street, but could be designed off of Babcock Street when assembled with the Babcock frontage lots.

## **Deterioration of Site or Other Improvements**

The expansion area consists primarily of pre-1950 buildings that have not been changed significantly since their original construction. Property values have historically been stagnant in this area while most of the city has increased in value by 25% since 1990. The properties contained in this expansion area have only gained 5% in taxable property valuation since 1997 in comparison. This is the most obvious condition of blight that has deterred reinvestment into this area for a number of years. Additionally, the residential units that exist in the expansion area are non-conforming uses in the C-2 zoning district, thus deterring reinvestment into the structures since expansion or replacement of the units is prohibited.

## **DISTRICT BOUNDARY MODIFICATION/MAP:**

The boundaries of the district will be modified on the southern end of the district to include 8 lots of approximately 1.9 acres along Bryan Street. The map shown in Appendix A shows the proposed expansion area which should carry a base year of 2002 for the calculation of tax increment funds.

## **PROJECT ADDITIONS:**

To facilitate the widening of Babcock Street and the redevelopment of the remaining parcels, it is intended that the CRA will attempt to acquire all properties bordered by Babcock Street on the west, Fee Avenue on the north, Bryan Street on the east and US 192/New Haven Avenue on the south. As mentioned above, the residential properties are non-conforming and may not be expanded or rebuilt. Therefore, any displacement of families that may occur during the acquisition will be in compliance with Section 163.360 (7) (a), Florida Statutes. This project will be completed in cooperation with Brevard County and Florida Department of Transportation.

The current, total assessed value of these properties is \$2,631,600 and the total acreage is 6.8 acres. The cost to purchase the properties will be a factor of 1.5 to 2.0 times their assessed

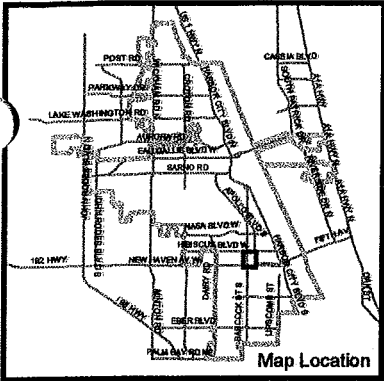
value which will make the total cost to purchase the properties in the range of \$4,000,000 to \$5,000,000. Funding for the initial property purchase will need to be identified from city and county sources. Reimbursement from FDOT will come during the right-of-way acquisition phase to purchase the required 52 feet of right-of-way necessary to complete the project.

**CONCLUSION:**

The second expansion of the district to facilitate the widening of Babcock Street will offer the opportunity to revitalize the area between US 192 and Fee Avenue and will eliminate the concern of small, undevelopable properties that would exist after the road widening. The redevelopment of this area into commercial properties, consistent with the current zoning, will be necessary to facilitate the redevelopment of this distressed area once the widening project is completed.

The expansion area will not immediately assist in raising tax increment revenues for the district, however, in combination with properties originally in the district, the redevelopment of these properties will greatly enhance the future revenues once the widening is completed.

# City of Melbourne



SILVER PALM AV

SILVER PALM TER

APOLLO BLVD

COLUMBUS AV

FEE AV E

FEE AV W

Proposed District Expansion Area

LINCOLN AV W

STRAWBRIDGE AV E

STRAWBRIDGE AV W

FLETCHER ST

PLATT ST

STOCKTON ST

GREENWAY DR S

EXISTING RD

BABCOCK ST S

NEW HAVEN AV W

NEW HAVEN AV E

PENN

BIG

FRANKLIN ST

## Legend

 Babcock Redevelopment District

Proposed Babcock Street  
Redevelopment District Expansion



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1 INCH EQUALS 304 FEET

