



AGENDA

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Special Meeting 2020-01
January 8, 2020 – 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ADOPTION OF MINUTES:

1. Regular Meeting 2019-14; November 6, 2019 (Re-adoption)
2. Regular Meeting 2019-15; December 4, 2019

ANNOUNCEMENTS:

NEW BUSINESS:

1. T-1-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.009 Variances, to modify the administrative variance provisions.

2. T-2-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.036 through 185.038; 185.043; 185.044; 185.053; 185.054; 185.058; 185.060; 185.062; 185.065; and 185.140, to establish new language for tiny homes; eliminate minimum unit sizes for specific residential development; establish a minimum threshold for large-scale commercial development; and to modify off-street parking regulations.

3. CP-1-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A Comprehensive Plan textual amendment to the Future Land Use Element to allow for accessory dwelling units in the Single-Family Residential Future Land Use category.

4. T-3-2020 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006; 185.030 through 185.035; 185.049; and 185.051, to establish new language for accessory dwelling units.

OTHER BUSINESS:

ADJOURNMENT:

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the city clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (§ 59.03, Palm Bay Code of Ordinances)

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Land Development Division at (321) 733-3042 or Florida Relay System at 711.

♣ Quasi-Judicial Proceeding.



MEMORANDUM

TO: Planning and Zoning Board Members

FROM: Chandra Powell, Planning Specialist

DATE: January 8, 2020

SUBJECT: 2019-14 and 2019-15 Regular Meeting Minutes

A request has been made by Ms. Lynda Hauser to amend the 2019-14 board minutes of November 6, 2019 (page 7, fourth paragraph). Ms. Hauser stated that her comments were an inquiry related to Case T-27-2019 and were not against the request as indicated.

Should the board amend the November 6 minutes to reflect this change, the 2019-15 board minutes of December 4, 2019 (page 2, Adoption of Minutes) would also need to be amended to reference the re-adoption of the November 6th minutes.

Motions are required to amend Regular Meeting Minutes of November 6, 2019 and Regular Meeting Minutes of December 4, 2019.

Attachments: 1) 2019-14 Regular Meeting Minutes
2) 2019-15 Regular Meeting Minutes

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CITY OF PALM BAY, FLORIDA

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2019-14**

Held on Wednesday, November 6, 2019, 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:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Nancy Domonousky	Absent
MEMBER:	Donny Felix	Present
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	Vacant (School Board Appointee)	

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-13; October 2, 2019. Motion by Ms. Maragh, seconded by Mr. Warner to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

OLD BUSINESS:

1. ♣V-22-2019 – JOAN S. JOHNSON (LUIS ERAZO, REP.)

Mr. Murphy presented the staff report for Case V-22-2019. The applicant had requested a variance to allow a replacement Florida room and carport to encroach 2 feet into the 10-foot side corner setback as established by Section 185.039(E)(9)(c) of the Palm Bay Code of Ordinances. The board and City Council had to determine, based on the facts presented, the degree of minimal relief to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Mr. Boerema questioned why the sunroom and carport under consideration were not grandfathered. Mr. Murphy explained that once nonconforming structures were torn down, the new structures would have to meet the new setbacks.

Ms. Joan Johnson (applicant) indicated that her home was built in 1975 and was purchased by her and her husband in 2007. She noted that Palm Bay Colony had not been aware of the change in setback requirements. She believed the roots from the huge trees once planted along the property had shifted the sidewalk forward to impact the setbacks. She clarified that she would be replacing the subject structure from floor to roof.

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

Mr. Weinberg noted that there was three correspondence in support of the request in the file.

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case V-22-2019 to City Council for approval of a variance to allow a replacement Florida room and carport to encroach 2 feet into the 10-foot side corner setback as established by Section 185.039(E)(9)(c) of the Palm Bay Code of Ordinances. The motion carried with members voting unanimously.

NEW BUSINESS:

1. ♣CU-26-2019 – MALABAR MINI-STORAGE (JAKE WISE, PE, REP.)

Mr. Murphy presented the staff report for Case CU-26-2019. The applicant had requested a conditional use to allow for a proposed self-storage facility called Malabar Mini-Storage. The board must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances.

Mr. Warner inquired whether the subject proposal was in close proximity to another site that was approved for an ALDI grocery store and apartments. Mr. Murphy stated that no formal plans had been submitted for the east adjacent site.

Mr. Jake Wise with Construction Engineering Group (applicant and civil engineer for the project) stated that the apartment complex proposed east of the subject site was a separate development, and that a large pond, wetland, and green space would buffer the two properties. He noted that the medical use originally planned for the subject property would not be moving forward. One of the Malabar Road driveways for the adjacent Malabar Pharmacy would be eliminated to allow a driveway connection for the subject site. The remote parking area on the subject property would help with the pharmacy's parking overflow and would maximize green space and tree preservation. He agreed with all staff comments with respect to the door for the northside of the building and with providing two separate spaces for the loading zone. An auto-turn analysis had confirmed that 18-wheelers would be able to maneuver the site, and a parking analysis would be prepared. He commented on how mini-storage facilities were quiet neighbors, low- traffic generators, and a good transitional use. Setbacks, tree preservation, landscaping, and buffers would be maximized for the project, especially abutting the residential area. A wooden fence would also abut the residential area, and the building would be limited to two-stories. He stated that the Citizen Participation Plan (CPP) meeting had been held with no opposition to the request.

Mr. Boerema questioned whether area residents objected to a two-story building, and if the doors on the units would face away from the residences. Mr. Wise indicated that there had been no objections to the two-story building height, and that all units would be interior with interior hallways, and the exterior doors on the north and east sides of the building would not face the residential area.

Ms. Maragh asked if there were CPP issues that could not be resolved for the residents, and she asked if the tree survey was self-imposed. Mr. Wise indicated that there were no unresolved issues. Mr. Murphy remarked that the tree survey was a site plan review requirement for all commercial developments.

Mr. Warner asked if the adjacent American Legion had attended the CPP meeting, and what would be the distance between the project and the American Legion. Mr. Wise stated that the American Legion had not attended the CPP meeting, and that a 70-foot building setback and tree preservation would serve to buffer the abutting backyard of the American Legion property.

Mr. Weinberg asked about the requirement for a second loading space and about the 17 parking spaces without easy access to the storage facility. Mr. Wise confirmed that a second loading space would be added and would exceed code requirements. Staff would be provided with the analysis indicating how the 20 parking spaces adjacent to the facility was more than adequate.

Mr. Boerema inquired whether the accommodations discussed for 18-wheelers were based on pre- or post-construction. Mr. Wise described how trucks would be able to maneuver and access the site post construction.

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 by Ms. Jordan, seconded Mr. Boerema to submit Case CU-26-2019 to City Council for approval of a conditional use to allow for a proposed self-storage facility called Malabar Mini-Storage, subject to the provisions of the staff report. The motion carried with members voting unanimously.

2. CP-13-2019 – TROPICAL ARMS APARTMENTS (JAKE WISE, PE, REP.)

Mr. Balter presented the staff report for Case CP-13-2019. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Bayfront Mixed Use. Staff recommended Case CP-13-2019 for approval, pursuant to Chapter 163, Florida Statutes.

Mr. Jake Wise with Construction Engineering Group (applicant and civil engineer for the project) stated that the subject site was an abandoned, blighted hotel property with numerous code and criminal enforcement issues. Demolition had begun at the site, and the plan was to build market-rate, class A apartments, efficiencies, and one-bedroom units to attract “Millennials.” A variance request with a specific site plan for the smaller units would have to be submitted. The apartment complex would be the first phase of the development and the second phase at the southside would likely be a restaurant. The building had been gutted to the bones of the structure for renovation. The site would be cleaned up and re-landscaped, and parking requirements were currently met.

Mr. Boerema questioned the second phase of the project. Commercial development was needed. Mr. Murphy reiterated that a restaurant had previously occupied the south portion of the property planned for the second phase of the development.

The floor was opened for public comments.

Ms. Sandra Ward (resident at Bacon Circle NE) spoke against the request. She did not believe studios and one-bedroom units were a good fit for Palm Bay Millennials. She was concerned with how nice the project would be as an improvement to the Dixie Highway corridor.

Ms. Beryl Dow (resident at Linwood Lane NE) spoke against the request. She was concerned that the apartments would be Section 8, low-income housing that would further jeopardize the area. The Bayfront area should continue to be improved as a first impression of the City.

In response to comments from the audience, Mr. Wise stated that the apartments would be high-end, market-rate units with high-end finishes. The project could not be financially successful otherwise. A structural analysis had been done, and just the structure of the building would remain with completely new interior surfaces.

The floor was closed for public comments, and there was no correspondence in the file.

Motion by Mr. Warner, seconded by Ms. Maragh to submit Case CP-13-2019 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Commercial Use to Bayfront Mixed Use, pursuant to Chapter 163, Florida Statutes. The motion carried with members voting unanimously.

3. CPZ-13-2019 – TROPICAL ARMS APARTMENTS (JAKE WISE, PE, REP.)

Mr. Balter presented the staff report for Case CPZ-13-2019 for approval of a zoning amendment from an HC, Highway Commercial District to a BMU, Bayfront Mixed Use District. Staff recommended Case CPZ-13-2019 for approval, subject to the future residential units meeting the minimum standards of the BMU zoning district.

Mr. Jake Wise with Construction Engineering Group (applicant and civil engineer for the project) stated that the information discussed under Case CP-13-2019 also pertained to the subject request. He stated his agreement and understanding with staff's recommendation regarding the sizes of the apartment units.

Ms. Maragh wanted to confirm that none of the apartment units would have more than one bedroom. Mr. Wise indicated that this was correct.

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 by Ms. Jordan, seconded by Ms. Maragh to submit Case CPZ-13-2019 to City Council for approval of a zoning amendment from an HC, Highway Commercial District to a BMU, Bayfront Mixed Use District, subject to the future residential units meeting the minimum standards of the BMU zoning district. The motion carried with members voting unanimously.

4. T-27-2019 – CITY OF PALM BAY (GROWTH MANAGEMENT DEPARTMENT)

Mr. Murphy presented the staff report for Case T-27-2019. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to provide additional provisions for temporary signs; provisions for bench signs; and additional provisions for signs in residential zoning districts. Staff recommended Case T-27-2019 for approval.

Ms. Jordan asked for clarification regarding signage for conditional use approvals in residential districts and about the location of bench signs. Mr. Murphy explained that non-residential uses such as churches, retail plant nurseries, fraternal clubs and lodges, etc., were permitted within residential districts by conditional use, but had not been addressed in the sign code. The amendment would allow businesses to install free-standing and wall signs that met sign code requirements for their zoning districts. He explained how paid advertisements would be placed on the bench backrests to fund the benches at bus stops in residential districts.

Mr. Warner inquired whether advertisements on garbage receptacles had been addressed. Mr. Murphy explained that permits were not issued for advertisements on garbage receptacles, and that the proposed language was to address bus-stop benches in residential districts.

Ms. Maragh asked if real estate signs would be affected by the temporary signage language proposed within the amendment. Mr. Murphy stated that real estate signs were not considered temporary signage. The proposed language clarified that temporary signs could only be installed on private property and with the property owner's consent. Private signs placed in City rights-of-ways without permission would be removed and subject to action by the Code Compliance Division.

The floor was opened for public comments.

Ms. Lynda Hauser (resident at Cindy Circle NE) spoke against the request. She wanted to know the process for erecting garage or moving sale signs. Mr. Murphy stated that notifying the Building Division of sign locations and lengths of times the signs would be posted would be required. Signs to be posted less than 14 days would not require a permit.

The floor was closed for public comments, and there was no correspondence in the file.

Motion by Mr. Boerema, seconded by Mr. Warner to submit Case T-27-2019 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to provide additional provisions for temporary signs; provisions for bench signs; and additional provisions for signs in residential zoning districts. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:04 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.

CITY OF PALM BAY, FLORIDA

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2019-15**

Held on Wednesday, December 4, 2019, 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. Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present
VICE CHAIRPERSON:	Leeta Jordan	Present
MEMBER:	Donald Boerema	Present
MEMBER:	Nancy Domonousky	Resigned
MEMBER:	Donny Felix	Absent (Excused)
MEMBER:	Khalilah Maragh	Present
MEMBER:	Rainer Warner	Present
NON-VOTING MEMBER:	Vacant (School Board Appointee)	

Mr. Weinberg excused Mr. Felix's absence.

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Mr. Christopher Balter, Planner II; Ms. Chandra Powell, Recording Secretary; Mr. James Stokes, Board Attorney.

☛ Announcements occurred at this time.

ANNOUNCEMENTS:

1. Mr. Weinberg addressed the audience on the meeting procedures and explained that the Planning and Zoning Board/Local Planning Agency consists of volunteers who act as an advisory board to City Council.

The board resumed consideration of items in the order that was set by the agenda.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-14; November 6, 2019. Motion by Ms. Maragh, seconded by Mr. Warner to approve the minutes as presented. The motion carried with members voting unanimously.

ANNOUNCEMENTS:

Announcements occurred prior to Adoption of Minutes.

NEW BUSINESS:

1. **♣FD-19-2019 – COURTYARDS AT WATERSTONE
(ROCHELLE LAWANDALES AND JAKE WISE, REPS.)**

Mr. Balter presented the staff report for Case FD-19-2019. The applicant had requested approval of a Final Development Plan for a proposed Planned Unit Development (PUD) to allow a 201-lot single-family residential development called Courtyards at Waterstone. Staff recommended Case FD-19-2019 for approval, subject to the items contained in the staff report.

Ms. Rochelle Lawandales, FAICP with Waterstone Development Company (project planner and representative for the applicant) stated that the preliminary plan for the development was approved last month. Various studies had been provided; school concurrency, traffic concurrency, and environmental requirements had been met; and a conceptual stormwater permit had been issued. Final Development Plan approval would move the project forward to acquire final engineering plans and permits.

The floor was opened for public comments.

Mr. Greg Plagman (resident at Hyperion Way SE) spoke against the request. He was concerned about the connector road onto Mara Loma Boulevard SE. He suggested locating the entrance nearer to the school entrance to save money, to avoid destroying the existing roadway median, and to reduce the amount of entrances in proximity. He commented that Mara Loma Boulevard would be much busier in the future.

In response to comments from the audience, Ms. Lawandales stated that the subject pod of development had been anticipated since the early stages of the project. The entrance had not moved, and the proposed minimal median cut would be evaluated and permitted through the site plan process in conformance with proper standards and construction methods.

Mr. Boerema asked if there would be only the one entrance into the development. Ms. Lawandales indicated that this was correct.

The floor was closed for public comments, and there was no correspondence in the file.

Motion by Mr. Boerema, seconded by Ms. Maragh to submit Case FD-19-2019 to City Council for approval of a Final Development Plan for a proposed Planned Unit Development (PUD) to allow a 201-lot single-family residential development called Courtyards at Waterstone, subject to the items contained in the staff report. The motion carried with members voting unanimously.

City Council will hear Case FD-19-2019 on December 19, 2019.

2. CP-14-2019 – RIVERVIEW SENIOR RESORT PHASE 2 (STEVEN CIANCIO)

Mr. Murphy presented the staff report for Case CP-14-2019. The applicant had requested a small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use. Staff recommended Case CP-14-2019 for approval.

Mr. Steven Ciancio (applicant) explained that the land use change for a proposed parking lot project was approved a few months ago, but the subject section of land had inadvertently been omitted from the request. The land was approximately three parking spaces in size.

Ms. Maragh wanted to know if the project had remained the same since the initial proposal. Mr. Ciancio confirmed that no changes had occurred.

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 by Mr. Warner, seconded by Ms. Maragh to submit Case CP-14-2019 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Single-Family Residential Use to Multiple-Family Residential Use. The motion carried with members voting unanimously.

3. ♣CPZ-14-2019 – RIVERVIEW SENIOR RESORT PHASE 2 (STEVEN CIANCIO)

Mr. Murphy presented the staff report for Case CPZ-14-2019. The applicant had requested a zoning amendment from an RS-3, Single-Family Residential District to an RM-20, Multiple-Family Residential District. Staff recommended Case CPZ-14-2019 for approval to be consistent and compatible with the Future Land Use designation of Case CP-14-2019.

Mr. Steven Ciancio (applicant) stated that he was looking forward to expanding his assisted living facility in the future. The facility filled a void in the south end of Brevard County.

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 by Mr. Warner, seconded by Ms. Jordan to submit Case CPZ-14-2019 to City Council for approval of a zoning amendment from an RS-3, Single-Family Residential District to an RM-20, Multiple-Family Residential District. The motion carried with members voting unanimously.

4. ♣FD-28-2019 – PALM VISTA EVERLANDS (SCOTT GLAUBITZ, PE, PLS, REP.)

Mr. Balter presented the staff report for Case FD-28-2019. The applicant had requested approval of a Final Development Plan for a Planned Unit Development (PUD) to allow a proposed 162-lot, single-family residential development called Palm Vista Everlands. Staff recommended Case FD-28-2019 for approval, subject to the items contained in the staff report.

Mr. Warner asked about the number of phases planned for the development. Mr. Balter stated that the development had two phases.

Mr. Kenneth Ludwa with BSE Consultants, Inc. (project engineer and representative for the applicant) stated that there was virtually no change from the Preliminary Development Plan approved a year ago. Construction plans and permitting applications had been submitted to the City and other agencies.

Ms. Maragh asked whether a Citizen Participation Plan (CPP) meeting had been held. Mr. Ludwa commented that a CPP meeting was held during the Preliminary Development Plan review.

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 by Ms. Maragh, seconded by Mr. Warner to submit Case FD-28-2019 to City Council for approval of a Final Development Plan for a Planned Unit Development (PUD) to allow a proposed 162-lot, single-family residential development called Palm Vista Everlands, subject to the items contained in the staff report. The motion carried with members voting unanimously.

5. ♣Z-29-2019 – M. DAVID MOALLEM (PHILIP NOHRR, REP.)

Mr. Balter presented the staff report for Case Z-29-2019. The applicant had requested a change in zoning from an RS-2, Single-Family Residential District to an IU, Institutional Use District. The board must determine if the request, based upon the submitted material and presentation made by the applicant, met the general requirements of the Code of Ordinances, as identified in the staff report.

Ms. Maragh wanted to know how much space on the subject site would be used for the proposed tower. Mr. Balter explained that the project was not at the stage for construction drawings.

Mr. Philip Nohrr, Esq. with GrayRobinson, P.A. (representative for the applicant) stated that the proposed request was to rezone the subject property to an IU district. He confirmed that a communications tower was planned for the site, and he noted how towers were a permitted use under the property's existing Utilities land use. A future tower request, however, would be handled administratively and would have to meet the criteria of Chapter 186, Communication Towers and Facilities. He informed the board that the code did not prohibit a tower from locating next to residences.

Mr. Boerema asked for clarification regarding the purpose of the request. Mr. Stokes advised the board that the rezoning should be the sole issue under discussion. Consideration should be given to the criteria to rezone the site and not to a potential use. The use was a separate matter to be addressed at some other time.

Mr. Warner inquired about Chapters 185 and 186. Mr. Balter explained that Chapter 185 specifically addressed the proposed rezoning request and how Chapter 186 dealt with communication towers, which was not under review. He explained that General Development Corporation was the original property owner of the tract. The property's land use was always Utilities, and a deep water well or sewer substation had been slated for the site.

The floor was opened for public comments.

Mr. David Moallem (owner of the subject property) spoke in favor of the request. The subject tract had been in his ownership for approximately 20 years and could not be used unless the zoning and land use matched. He was open to having the land use changed to Residential Use or to the requested Utilities Use. He remarked on how additional cell towers were needed to accommodate 5G technology; the Federal Communications Commission (FCC) found no evidence of cell towers causing health problems; and high-priced homes were being built in communities with cell towers. He requested a resolution that would allow the site to be built upon as he was being penalized in taxes.

Ms. Nancy Carter (resident at Gaghagen Street SE) spoke against the request. The specific intent of the property for a cell tower was known, so the cell tower usage should be reviewed and an FCC assessment completed before the land use change was allowed. She commented that the tower would be surrounded by homes, and she provided the board with a handout regarding the dangers of 5G radiation as a health and environmental hazard.

Mr. Weinberg reiterated that the cell tower was out of the purview of the board since the subject request was about the compatibility of the proposed rezoning to the existing land use.

Mr. Arthur McConnell (resident at Floyd Street SE) spoke against the request. A tower would devalue his home and he would prefer a residential land use for the site.

Mr. Ryan Blakenship (resident at Floyd Street SE) spoke against the request. He moved into his home three months ago and would have likely purchased elsewhere if he had known that his porch and bedroom view would be of a tower.

Ms. Chanice Abrain (resident at Gaghagen Street SE) spoke against the request. She stated that her sick child's doctor had advised her to relocate due to the tower.

Mr. Austin Kormendy (resident at Gaghagen Street SE) spoke against the request. He was concerned about the impact any utility would have on his child and the families in the area. Roads were currently unacceptable, and a tower would further devalue properties. Residential homes on the site would be preferable.

Mr. John Bricker (resident at Floyd Street SE) spoke against the request. He was in favor of residential homes or a park for the property.

Mr. Michael Gordon (resident at Gaghagen Street SE) spoke against the request. He believed the subject location was desired for 5G to benefit the high-income residents of Bayside Lakes. A tower could be located on properties to the north which would not disrupt or harm residents. Flooded roads were already a problem for the area.

Ms. Sherry Grace (resident at Floyd Street SE) spoke against the request. The tower would impact her property value, backyard view, and health.

Ms. Jacqueline Bricker (resident at Floyd Street SE) spoke against the request. She stated that the property owner was a realtor who understood the zoning and land use situation when he purchased the property. She was concerned about the safety of children, the visual eyesore, and a drop in property values.

Mr. James McNicol with B+T Group (wireless engineering, construction, and technical services firm for the applicant) stated that the Federal Telecommunications Act of 1986 dictated that local boards could not consider health effects in consideration of cell towers. He commented that there was no definitive proof regarding the impact towers had on real estate.

Ms. Sophia Edwards (resident at Gaghagen Street SE) spoke against the request. She stated that the property owner was a realtor who did not reside in the area. She was opposed to a cell tower on the property and was concerned that the tower would not be camouflaged.

In response to comments from the audience, Mr. Nohrr stated that the tower would be camouflaged as required by code, and the government had made the determination that towers could not be denied based on health effects.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Weinberg reminded the board that the zoning matter was the only issue under consideration based on whether the request met rezoning requirements to approve.

Motion by Ms. Jordan, seconded by Mr. Boerema to submit Case Z-29-2019 to City Council for approval of a change in zoning from an RS-2, Single-Family Residential District to an IU, Institutional Use District. The motion carried with members voting unanimously.

The meeting resumed following a brief recess.

6. ♣FD-30-2019 – ODYSSEY CHARTER SCHOOL, INC. (JAKE WISE, PE, REP.)

Mr. Murphy presented the staff report for Case FD-30-2019. The applicant had requested approval of a Final Development Plan (FDP) for a Planned Unit Development (PUD) to allow for a proposed development on 3.84 acres called Odyssey Charter School Parking and Playfield Expansion. The board shall determine if the request met the intent of the PUD zoning ordinance, and if the northward expansion of the school property would further the goals of protecting the health, safety, and welfare of the inhabitants of the City, as provided in Chapter 185: Zoning Code, Section 185.005. Should the board decide to approve the FDP, staff recommended that the six conditions contained in the staff report be made a part of the approving ordinance.

Ms. Maragh asked for clarification regarding the need to amend the Declaration of Covenants, Conditions and Restrictions for the Bayside Lakes Commercial Center if the parking area and sidewalks were allowed in the easement. Mr. Murphy explained that a 100-foot preservation easement on the north side of Tract I-4 had been recorded with the subdivision to protect abutting residents. The deed restrictions would need to be amended by the property owners association to permit any changes to the easement. Mr. Weinberg questioned how far the development would encroach into the preservation easement. Mr. Murphy noted that the parking lot would encroach approximately 30 feet and the sidewalks would encroach 5 to 10 feet.

Mr. Jake Wise, PE with Construction Engineering Group (civil engineer and representative for the project) noted that a productive Citizen Participation Plan (CPP) meeting had been held. He explained that the subject proposal had originated because of a nearby automobile fatality of a student and the need for seven more classrooms. Based on the school's charter, this would be the final expansion. He described how the project would support safety and alleviate traffic gridlock with new pedestrian, stacking, and parking areas; code-gated parking for faculty; and two additional timed pick-up and drop-off points. Trees removed from the site would be replaced per code and within the easement buffers. Suggestions by residents would be incorporated to include tree preservation, gated security, high-quality opaque fencing with fast-growing trees for residential buffering, and sidewalks along Kansas Road SE and Shrine Circle SE. He wanted the ability to accommodate the request from residents to add future lighting for the parking area and playfield for safety. Lower light poles, downward-shielded lighting, and a photometric light study would ensure zero-foot candles at the property line. The school had always been a part of the Bayside Lakes Master Plan, and he commented on how the portion of sidewalk at the north side of the school along with the northern edge of the loop were permitted to encroach the preservation area. He agreed with all staff recommendations with exception to prohibiting any lighting for the parking lot and playfield.

Ms. Maragh questioned why staff did not want lighting for the proposed parking lot and playfield. Mr. Murphy explained that staff wanted the subject proposal to be less intrusive to the residential neighbors by keeping light spillage within Bayside Lakes. The four adjacent residentially zoned parcels were not part of Bayside Lakes. However, because of the small size of the property, staff could only capitulate if light poles were no more than ten feet high. Mr. Wise agreed to the pole height restriction for the parking lot.

Ms. Maragh asked if the Bayside Lakes community had a problem with the preservation encroachments. Mr. Wise stated that the school and Bayside Lakes had met, and the encroachments had been approved.

Mr. Boerema asked about lighting for the playfield. Mr. Wise stated that the school wanted lighting for the parking area and playfield in the future when funding allowed.

Mr. Murphy remarked that staff would need to review the revised deed restrictions for the subdivision prior to recordation. Mr. Wise agreed to provide staff with the deed restrictions.

The floor was opened for public comments.

Mr. Robert Taylor (resident at Raleigh Road SE) spoke against the request. The existing traffic congestion would increase and the potential for more victims. An alteration of traffic flow was needed.

Mr. Hemchandra Jadunandan (resident at Raleigh Road SE) spoke in favor of lighting for the property. The lighting would be needed for safety since someone could scale a fence. He stated that the traffic pattern was not set correctly. The traffic loop was a concern, and a streamlined way in and out of the area was needed.

Mr. Carl Morrison (resident at Shrine Circle SE) spoke against the request. He had privacy concerns regarding the playfield and concerns about traffic encroaching onto Shrine Circle.

Mr. Murphy noted that the improvements proposed on the north expansion would help with the traffic flow problems on Eldron Boulevard SE. Improvements on the south portion of the site were accessory to the school and allowed by right.

Mr. Tony Jones (resident at Shrine Circle SE) was concerned that an issue with the budget would eliminate items promised to the neighbors, such as the high-quality fence that would help with his problem with transients.

In response to comments from the audience, Mr. Wise stated that the playfield and faculty parking area were the sole improvements under consideration. Traffic would be steered to Raleigh Road SE and kept off of Kansas Road SE and Shrine Circle. He stated that a cut off time for lights in the faculty parking lot could be considered. He said that the loop was determined to be the best option to retrofit the existing site; budget was only an issue for site lighting; the suggested residential improvements would be done; and the traffic on Eldron Boulevard would improve.

The floor was closed for public comments, and there was no correspondence in the file.

Mr. Weinberg was in favor of the gated parking lot with light poles limited to ten feet in height, and with no lighting for the playfield. Ms. Jordan supported a cut off time for the parking lot lighting and for the playfield that would need lighting for night activities.

Motion by Ms. Jordan, seconded by Ms. Maragh to submit Case FD-30-2019 to City Council for approval of a Final Development Plan (FDP) for a Planned Unit Development (PUD) to allow for a proposed development on 3.84 acres called Odyssey Charter School Parking and Playfield Expansion, subject to the staff recommendations and conditions contained in the staff report with the exception of item four that prohibited lighting in the parking area and playfield; and subject to the condition that the faculty parking lot be gated; the light poles in the faculty parking lot be limited to ten feet in height with a time restriction on the lighting; and that the playfield be allowed to have lighting with a time restriction.

Mr. Murphy remarked that a specific timeframe was needed for the lighting restriction. Mr. Wise stated that he was willing to meet with the adjacent neighbors prior to the City Council hearing to provide staff with a time restriction on the lights.

Motion amended by Ms. Jordan, seconded by Ms. Maragh to submit Case FD-30-2019 to City Council for approval of a Final Development Plan (FDP) for a Planned Unit Development (PUD) to allow for a proposed development on 3.84 acres called Odyssey Charter School Parking and Playfield Expansion, subject to the staff recommendations and conditions contained in the staff report with the exception of item four that prohibited lighting in the parking lot and playfield; and subject to the condition that the faculty parking lot be gated; the light poles in the faculty parking lot be limited to ten feet in height; that lighting be allowed for the playfield; and that the applicant and adjacent property owners would meet to determine the time restriction for lighting in the faculty parking lot and the playfield. The motion carried with members voting unanimously.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 9:05 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣ Quasi-Judicial Proceeding.

☒ Indicates item was considered out of sequence.



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-1-2020

PLANNING & ZONING BOARD HEARING DATE

January 8, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Amend Section 169.009 of the Land Development Code to revise the provisions for administrative variances.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

City-Wide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.009, to remove three (3) subsections from which a variance may be applied for, and to increase the level of administrative approval that may be granted for variances from applicable sections of the Land Development Code, for existing structures.

The applicant for this amendment is the City of Palm Bay.

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

ANALYSIS:

The purpose of Chapter 169 is to specifically delineate the chapters that comprise Title XVII: Land Development Code. Additional notable purposes of this section are to include provisions for citizen involvement (the Citizen Participation Plan), administrative appeals, establish criteria by which variance requests are reviewed, and to adopt standards for the city's Green Development Incentive Program.

The specific section of Chapter 169 that is requested for amendment with this application is Section 169.009 Variances. This section was enacted in November of 2010, via Ordinance 2010-72. The section was later amended in December of 2015, via Ordinance 2015-58, to create the authority for administrative variances.

This amendment will remove Sections 174.023, which no longer exists, Section 175.03(H), which is a requirement for approval from the City Engineer for leveling lands associated with a mining operation, and Section 180.17, which is the appeal process for denial of a tree removal permit. These three (3) sections are previous code section references from when the Board of Adjustment (BOA) heard variance requests, that were inadvertently carried forward in the 2004 ordinance that moved the approval powers and duties from the BOA to City Council.

Section 169.00(G), adopted in 2015, established the power to approve, up to 12 inches of relief, administratively. This amendment proposes to grant authority to the Growth Management Director to approve an administrative variance up to 20% of the applicable code requirement, for existing principal, accessory, or other structures.

STAFF RECOMMENDATION:

Case T-1-2020 is recommended for approval.

§ 169.009 VARIANCES.

(A) The City Council shall hear petitions for variances from the terms of the Land Development Code delineated in §§ 170.114, 170.142, and Chapters 178 and 185, ~~or pursuant to §§ 174.023, 175.03(H), and 180.17,~~ as will not be contrary to the public interest where, owing to special conditions, the enforcement of the provisions of the city's land development regulations would result in unnecessary hardship.

(G) Approval may be given for variances to any ~~>>proposed<<~~ principal, accessory, or other structure up to twelve (12) inches administratively. ~~>>~~Approval may be given for variances to any existing principal, accessory, or other structure up to 20% of the applicable code section, administratively.~~<<~~ Such ~~applications~~ ~~>>~~requests~~<<~~ will be made by the property owner ~~>>~~in writing and supported by a current survey~~<<~~ to the ~~Chief Building Official~~ ~~>>~~Growth Management Director~~<<~~ for review and approval. ~~>>~~A Fee shall be assessed to the request as adopted in the latest fee resolution.~~<<~~ All variances approved by the ~~Chief Building Official~~ ~~>>~~Growth Management Director~~<<~~ shall be counter-signed by the ~~Director of Growth Management or designee~~ ~~>>~~Chief Building Official.~~<<~~ Approval of administrative variances shall be submitted to the City Clerk for recording in the official records of Brevard County at the sole expense of the property owner.



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 state

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Title XVII, Land Development Code, Chapter 169: Land Development Code, Section 169.009

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

See attached.

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 Digitally signed by Laurence Bradley, DN: cn=Laurence Bradley, o=City of Palm Bay, ou=Community Planning & Economic Development, email=Laurence.Bradley@palmabayflorida.org, c=US, Date: 2019.12.11.09:40:42-0500 Date

Printed Name of Applicant

Full Address

Telephone Email

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



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-2-2020

PLANNING & ZONING BOARD HEARING DATE

January 8, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Establish language for "tiny homes", eliminate minimum unit sizes for specific residential development; adopt a minimum threshold for large-scale commercial development; and modify the off-street parking regulations.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

City-Wide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.036 through 185.038, 185.043, 185.044; 185.053; 185.054; 185.058; 185.060; 185.062; 185.065; and 185.140, to establish new language for “tiny homes”, eliminate minimum unit sizes for specific residential development; adopt a minimum threshold for large-scale commercial development; and to modify the off-street parking regulations.

The applicant for this amendment is the City of Palm Bay.

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

ANALYSIS:

The Palm Bay City Council has directed City Staff to develop criteria for the allowance of small residential dwellings commonly referred to as “tiny homes”. A secondary directive was to review the City’s parking codes to review possible revisions that would allow for flexibility in design and to update the parking ratios for any uses not specifically regulated.

City Council has also discussed, at recent Regular Council Meetings, a desire to allow for smaller housing units within the City’s multiple-family residential areas. Per these policy directions, and upon discussion with developers working in the tiny home Industry, the Growth Management Staff drafted the following amendment for the Planning & Zoning Board and City Council’s consideration.

STAFF RECOMMENDATION:

Case T-2-2020 is recommended for approval.

DISTRICT REGULATIONS

§ 185.036 RM-10 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(F) Lot and structure requirements, single- family:

(5) Minimum living area — ~~eight hundred (800) square feet.~~ >>None.<<

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

(5) Minimum living area — ~~eight hundred (800) square feet.~~ >>None.<<

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines<<.

(H) Lot and structure requirements, multiple- family:

(5) Minimum living area: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet;~~

~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~

~~(d) Additional bedrooms in excess of two (2) bedrooms: additional one hundred (100) square feet for each bedroom.~~

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines<<.

§ 185.037 RM-15 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(F) Lot and structure requirements, single- family:

(5) Minimum living area — ~~eight hundred (800) square feet.~~ >>None<<.

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

(5) Minimum living area — ~~eight hundred (800) square feet per dwelling unit~~
>>None<<.

(6) Maximum height — twenty-five (25) feet.

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(H) Lot and structure requirements, multiple- family:

(5) Minimum living area: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet;~~

~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~

~~(d) More than two (2) bedrooms: eight hundred (800) square feet.~~

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet.

(b) Side interior — ten (10) feet, plus one (1) foot for each one (1) ~~feet~~ >>foot<< in height over twenty-five (25) feet.

(c) Side corner — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet.

(d) Rear — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

§ 185.038 RM-20 — MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(F) Lot and structure requirements:

(5) Minimum living area: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet;~~

~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~

~~(d) More than two (2) bedrooms: eight hundred (800) square feet.~~

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

~~(8) Parking. Parking for the RM-20 zoning district shall comply with the requirements of § 185.140 of the Palm Bay Code of Ordinances.~~

§ 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1>>2<<) Auto body repair, upholstery and painting.

(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall >>always<< have attached at all times a current vehicle registration license plate.

(2>>3<<) Retail automotive gas/fuel sales:

(3>>4<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(4>>5<<) Commercial radio and television broadcasting.

(5>>6<<) Marinas including wet and dry storage.

(6>>7<<) Car washes.

(7>>8<<) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.

(8>>9<<) Self storage facilities subject to the provisions established in § 185.088(F).

(9>>10<<) Communication towers and facilities.

(10>>11<<) Human crematoriums:

(F) Lot and structure requirements:

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. are met.~~

(~~e~~>>b<<) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1>>2<<) Retail automotive gas/fuel sales:

(2>>3<<) Commercial radio and television broadcasting.

(3>>4<<) Marinas.

(4>>5<<) Car washes.

(5>>6<<) Self storage facilities subject to the provisions established in § 185.088(F).

(6>>7<<) Communication towers and facilities.

(7>>8<<) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in §185.088(H).

(8>>9<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(F) Lot and structure requirements:

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. above are met.~~

~~(e>>b<<)~~ For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

§ 185.053 BMUV - BAYFRONT MIXED USE VILLAGE DISTRICT.

(F) Lot and structure requirements.

(7) Minimum living area for single family detached dwellings - ~~one thousand (1,000) square feet.~~ >>None.<<

(8) Minimum living area for multifamily units: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet.~~

~~(b) One (1) bedroom units: five hundred fifty (550) square feet.~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred (100) square feet for each bedroom.~~

(10) Shared access and parking areas:

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e>>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

§ 185.054 GC - GENERAL COMMERCIAL DISTRICT.

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1>>2<<) Commercial towers.

(2>>3<<) Security dwelling unit, subject to the provisions established in §185.088(I).

(3>>4<<) Canine day care, and related services:

(4>>5<<) Dancing in eating and drinking establishments.

(5>>6<<) Churches.

(6>>7<<) Event halls, subject to the provisions established in §185.088(J).

(F) Lot and structure requirements.

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

~~(b) No interior side parking area setbacks are required, provided the requirements of divisions (F)(8)(a) 2. through 4. above are met.~~

(e>>b<<) For adjacent developments meeting the requirements of divisions (F)(8)(a) 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

§ 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

(D) *Conditional uses.*

~~(5) Planned commercial developments (any permitted commercial use over three (3) acres in size).~~ >>Permitted uses located on a parcel of ten (10) or more acres of area.<<

(F) *Lot and structure requirements.*

(7) Minimum living area for multifamily units: >>None.<<

~~(a) Efficiency units: seven hundred (700) square feet.~~

~~(b) One (1) bedroom units: eight hundred fifty (850) square feet.~~

~~(c) Two (2) bedroom units: one thousand (1,000) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred fifty (150) square feet for each bedroom.~~

(9) Shared access and parking areas:

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit.

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e>>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

PLANNED UNIT DEVELOPMENT (PUD)

§ 185.060 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

>>SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for smaller sized (under 800 square feet) single- or two-family structures and common open space. Connection to public sanitary sewer and public water required.<<

§ 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres>>, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre:<<

>>(D) Small Developments. A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that had a future land use designation of multiple family residential use, prior to the effective date of this section. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system.<<

§ 185.065 LAND USE REGULATIONS.

(A) *Minimum size with commercial uses.* Shall contain a minimum of five (5) acres.>>A Small PUD shall contain a minimum of one (1) acre; commercial uses shall not be required in a SPUD.<<

(C) *Minimum common recreation and open space:* twenty-five percent (25%) of gross site acreage, >>except for a SPUD which shall have minimum of ten percent (10%) open space.<< *COMMON RECREATION AND OPEN SPACE* shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas including, but not limited to: Playgrounds, golf courses, nature trails, non- public recreational vehicle storage, stables, and lakes. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD. Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for such may not exceed three-fourths (3/4) of the required open space. All water areas included as part of the open space requirement, shall be permanent water bodies and shall be improved with docks or piers, minimum sloped edge as per applicable City and State regulations, and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects and rodents.

(D) *Minimum lot area, frontage, and setbacks.*

(1) No minimum lot size shall be required within a PUD district ~~with the exception of~~ >>apart from<< zero-lot line single-family detached developments. Any access driveway to individual lots must have minimum sixteen (16) foot of width.

>> (a) Minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.<<

(3) Minimum distances between structures shall be:

(a) Between structures of two (2) stories or less — ten (10) feet.

(b) Between structures of three (3) stories — twenty (20) feet.

(c) Between structures of four (4) stories — thirty (30) feet.

(d) Between structures over four (4) stories — >>thirty (30) feet, plus<< five (5) feet for each additional story (~~see § 185.087~~).

(e) Between structures of varying heights, the larger distance separation shall be required.

>>(f) The minimum distance between residential structures in a SPUD shall be eight (8) feet.<<

(G) *Minimum floor living area per unit:*

(1) Single-family dwellings — eight hundred (800) square feet.

(2) Multi-family dwellings: >>None<<

~~(a) Efficiency — four hundred (400) square feet (may be reduced to three hundred and fifty (350) square feet; provided, that the average living area square footage of the development is at least five hundred (500) square feet).~~

~~(b) One (1) bedroom — five hundred and fifty (550) square feet.~~

~~(c) Two (2) bedrooms — seven hundred and fifty (750) square feet.~~

~~(d) Three (3) bedrooms — nine hundred (900), plus one hundred (100) square feet per additional bedroom.~~

~~(e>>3<<)~~ Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.

>>(4) Dwelling units within a SPUD shall not be required to have a minimum floor area.<<

(H) *Off-street parking.*

(1) Primary residential use.

(a) A minimum of two (2) parking spaces per single-family dwelling unit shall be provided.

>>(b) Dwelling units within a SPUD shall provide a minimum of one (1) parking space per unit.<<

>>(c)<< Multiple-family dwellings shall have a minimum of:

1. Two (2) parking spaces per three (3) or more bedroom dwelling unit;
2. One and one-half (1½) parking spaces per one (1) or two (2) bedroom dwelling unit; and

3. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom development.

(b>>d<<) A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.

(e>>e<<) Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted>>, << and the length of the stall thereby shortened to a minimum of sixteen (16) feet. >>Parking spaces for residential uses within a SPUD may be reduced in size from the above, if the standards are approved by the City Council.<< Parking areas shall not be separated from structures by any public right-of-way.

§ 185.140 OFF-STREET PARKING AND TRAFFIC CIRCULATION.

In all districts, off-street parking shall be provided as follows:

(A) *Purpose and intent.* The purpose and intent of this section is to set forth parking ~~and loading facility~~ requirements in proportion to the parking demand for each use in order to ensure functionally adequate, efficient, aesthetically pleasing, and secure off-street parking ~~and loading~~ facilities, and to provide for on-street parking in certain circumstances. The regulations and design standards of this section are intended to ensure the usefulness of parking ~~and loading~~ facilities, protect the public safety, and mitigate potential adverse land use impacts.

(B) *Applicability.*

(3) *Exemptions.*

(a) *Redevelopment.* Building permits and certificates of occupancy may be issued for remodeling or structural alterations in existing developments without requiring compliance with this section provided such redevelopment does not result in an increase in the number of required parking ~~and loading~~ spaces.

(b) *Change of use.* The number of parking ~~and loading~~ spaces required by this section may be reduced when the use of a building is changed or reduced to a use or floor area for which fewer parking ~~or loading~~ spaces are required. When the use is changed to a use for which more parking ~~or loading~~ spaces are required, the number of spaces shall be increased to comply with the off-street parking schedule and design standards. Off-street parking requirements may be met with shared or remote parking areas as described elsewhere in §185.140. ~~A change in use, substantial renovation, or expansion of an existing shopping center will not require additional parking spaces~~

~~provided the cumulative change of use, renovation, or expansion is consistent with the historic mix of tenants at the center.~~

(D) Design Requirements.

(1) All parking spaces, ~~>>and<<~~ access drives, ~~and loading zones~~ shall be improved in accordance with the design standards set forth in the current edition of the ~~e>>C<<~~city of Palm Bay Public Works Manual and the Land Development Code.

(2) Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. ~~>>~~If a parking space contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the space thereby shortened to a minimum of sixteen (16) feet.~~<<~~

(3) All off-street parking areas shall be designed ~~so as~~ to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. Back-out parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses ~~or on a street where the posted speed limit is thirty (30) miles or less. Ten (10) consecutive parking stalls are permitted provided each ten (10) are separated by a two hundred (200) square foot landscaped island.~~ Interior aisle widths shall conform to the minimum requirements below:

(4) Non-residential driveways.

(e) In no case, however, shall a driveway or curb cut be permitted on the radii of any intersection. All driveways that connect to a public road right-of-way shall be paved from the property line to the edge of ~~the right-of-way~~ ~~>>~~pavement of the abutting roadway~~<<~~.

(6) Where off-street parking is required, such parking shall be provided on the same lot or premises with the business or office which is being served. In the event the use of the lot or premises expands or changes and would require additional parking that cannot be accommodated on-site, the parking requirement may be satisfied off-site ~~if deemed appropriate by formal submission of a site plan to the Planning and Zoning Board and City Council~~ ~~>>~~by following the provisions of Section 185.140 (H)~~<<~~.

(7) Where artificial lighting is provided, it shall be designed and arranged so that no source of such lighting will be a visible nuisance to adjoining property used or zoned for a residential purpose. In addition, such lighting shall be designed and arranged ~~so as~~ to shield public streets and highways and all adjacent properties from direct glare or hazardous interference of any kind. ~~>>~~All lighting shall meet the standards provided for in

Section 185.143 of the Palm Bay Code of Ordinances.<<

(9) All required off-street parking areas shall be provided in compliance with the landscaping provisions of this Code of Ordinances set forth in >>Section 185.142<< and Chapter 180.

(10) The provisions of this division (B) >>(D)<< shall apply to all new off-street parking or other vehicular use areas.

~~(11) *Parking setbacks.*~~

~~(a) Parking may be located in a required front, rear or side yard for single-family and two-family dwellings, provided such parking maintain at least a six (6) foot setback from all side interior lot lines and a ten (10) foot setback from all front and rear lot lines.~~

~~(b) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side interior, and rear lot lines.~~

~~(c) Parking may be located in a required side corner yard provided such parking maintains a clear sight triangle per the current editions of the FDOT Design Manual, Section 212.11 and FDOT MUTCD.~~

~~(d) Side yard setback of not less than ten (10) feet shall be provided on every non-residential parking lot, except when it is located adjacent to property designated for residential land use or an alley way, a setback of not less than 15 feet shall be required between the pavement or parking space and the property line.~~

~~(e) Sufficient area must be provided for required landscaping where swales are incorporated in the setback.~~

~~(f) Driveways and parking shall not be located in any side easement unless specifically approved by the Director of Growth Management.~~

(12>>1<<) Parking lots permitted prior to adoption of the Americans with Disabilities Act (ADA) may be re-painted atop the existing parking space striping and will be considered maintenance. However, parking areas that are modified from this original layout shall be re- designed meeting the ADA requirements, inclusive of parking space striping, signage, markings, and handicapped ramps (where applicable). The site must still meet the minimum amount of parking spaces as provided for in this section.

(F) *Parking computations.*

(1) *Acceptable thresholds.* As part of an approval of new construction, a change in use, substantial renovation, or expansion of an existing shopping center, the applicant shall calculate the required number of spaces as listed in division (G) and:

~~(a) For a development that requires less than fifty-one (51) parking spaces, the number of required spaces may be increased or decreased no more than twenty (20) percent; or~~

~~(b) For a development that requires fifty-one (51) or more parking spaces, the number of parking spaces may be increased or decreased no more than ten (10) percent.~~

(3) *Multiple uses.* Lots containing more than one (1) use shall provide parking in an amount equal to the total of the requirements for all uses unless a shared parking arrangement is approved pursuant to division (G)>>E<<.

(G) *Amount of off-street parking required.* Off-street parking shall be provided based on the following minimum requirements:

(6) Day care centers: One and one-half (1½) spaces per state required staff person plus one (1) space per ten (10) children, based on state license maximum.

(12) Hospital: One (1) space for each two (2) beds, excluding bassinets, plus one (1) space for each employee at maximum employment on a single shift.

(14) Manufacturing and industrial activities: One (1) space for every two (2) employees on the largest working shift, or one (1) space for each one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle operating from the premises.

(20) Restaurants and drinking establishments >>establishments<<: One (1) space for each three (3) seats, plus one (1) space for every employee.

(25) Shopping centers.

(a) For commercially zoned developments with twenty-five thousand (25,000) gross square feet or greater, >>minimum<< off-street parking shall be provided according to the following schedule:

Gross Floor Area Parking/Square Feet

25,000 to ~~400,000~~ >>50,000<< sq. ft ~~4.0 spaces/1,000~~ >>1 space per 250 sq. ft.<<

~~400,000~~ >>50,000<< sq. ft. and over ~~5.0 spaces/1,000~~ >>1 space per 400 sq. ft.<<

>>(b) There shall be no other parking space reductions in shopping centers than provided above.<<

(~~b~~)>>c<< When tenants of a shopping center include theaters, the following also applies:

>>(28) Multi-tenant warehouse buildings (typically used for contractors and other service establishments): One (1) space for each five hundred (500) square feet of gross floor area, plus one (1) space for each company vehicle operating from the premises.<<

(~~28~~)>>9<< Indoor Recreation: For those indoor recreation categories not specifically provided for herein, there shall be a minimum of one (1) space for each three hundred (300) square feet of gross floor area or one (1) space for each two (2) machines, whichever is greater.

>>(30) Self-storage facilities:<<

>>(a) Internally-accessed self-storage facilities (indoor, climate-controlled):
One (1) space for each 25 units, plus three (3) spaces for the facility's lease office.<<

>>(b) Externally-accessed facilities (drive-up storage units):<<

>>At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading, as well as through and/or emergency traffic.<<

>>(c) Outdoor storage of vehicles (boats, R.V.'s, etc.) may occur at either of the above facility, on paved or stabilized surfaces as approved by the City Engineer. The outdoor storage area must be screened from any public rights-of-way or adjacent residentially zoned property by an 8' tall completely opaque wood or PVC fence, or masonry wall that has a finished appearance on both sides of the wall.<<

(H) Off-site parking and storage lots. All off-site parking and storage lot applications shall be considered individually by the Director of Growth Management and shall be subject to the requirements of this section and the City Land Development Code for site plan approval.

>>(2) The applicant must submit a survey showing any exceptional specimen trees on site and submit a parking plan with details for surface material, traffic and safety devices, along with storm water treatment, for administrative site plan review.<<

>>(3) Any exceptional specimen trees to be preserved in-place shall be effectively fenced or separated so that no damage shall occur to these trees while the site is being used for parking of vehicles or storage of materials on site.<<

>>(4) Storage lots shall be screened on all sides by a minimum 6' tall completely opaque wood or PVC fence, or a masonry wall with a finished exterior surface.<<

>>(5) Storage lots shall be constructed of paved or stabilized surfaces as approved by the City Engineer, or designee, and the driveway shall be paved from the property line to the edge of pavement of the abutting roadway.<<

>>(6) Parking lots shall meet the parking development standards of this section and meet the landscape requirements of Section 185.142.<<

>>(7) The proposed off-site parking or storage lot must post the identity of the business(es) that has control of the site, the hours of operation for the lot, as well as emergency contact information that is clearly visible from the street. This information shall remain posted for as long as the site is in use.<<

>>(8) Any lot or parcel of land leased for off-site parking or storage shall cease use at the same time the lease agreement is terminated.<<

(2>>9) A unity of title shall be required for off-site parking lots where they are utilized to meet the minimum parking requirements of the parent parcel.<<

(I) Parking rate adjustment.

(1) Any deviation in parking from the acceptable thresholds set forth in ~~division (F)~~ >>this section<<, shall require approval by the Director of Growth Management. This approval shall rely on an ~~application~~ >>written request<< for a parking rate adjustment filed with the >>Director of<< Growth Management ~~Department~~. At a minimum the application shall include:

(c) A parking study that identifies the relevant facts upon which the application >>request<< is based, and describes in detail the basis for the proposed rate adjustment, and

(2) The parking study required in section may include, but is not limited to:

~~(e) Availability of on-street parking and other relevant features which have the effect of reducing parking demand at the subject site; this must be clearly and unequivocally documented.~~

(3) In granting a parking rate adjustment, the Director of Growth Management shall determine that the proposed rate adjustment would not result in undesirable overflow parking, nor otherwise adversely impact the character and integrity of the surrounding area. ~~The Director may also prescribe appropriate conditions within the development order including, but not limited to, a requirement that the applicant enter into a written multiparty agreement with the city that includes, but is not limited to:~~

~~(a) The location and description of parking areas designated and reserved for shared parking, if relevant, and each specific commitment put forward in the parking adjustment application and during any public hearings on the matter.~~

~~(b) A requirement that the applicant consistently adhere to the executed agreement.~~

~~(c) A requirement that failure in any regard will nullify the agreement and the applicant will be required to provide for the full parking requirement.~~

~~(J) On-street parking. On-street parking shall be permitted within community redevelopment districts unless, in the judgment of the Director of Growth Management, the on-street parking poses a safety hazard.~~

(K>>J<<) *Paving standards.* All parking spaces, access drives, and loading zones shall be paved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.

(L>>K<<) *Vehicular and pedestrian interconnections.* For commercial development, vehicular and pedestrian interconnections are encouraged.



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 state

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.036 through 185.038; 185.043; 185.044; 185.053; 185.054; 185.058; 185.060; 185.062; 185.065; and 185.140.

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

See attached.

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 Digitally signed by Laurence Bradley
DN: cn=org, ou=palmbayflorida, ou=Community Planning & Economic
Development, email=Development, cn=Laurence Bradley
Date: 2019.12.12 08:48:24 -0500 Date

Printed Name of Applicant

Full Address

Telephone Email

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



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

Prepared by

Christopher Balter, Planner II

CASE NUMBER

CP-1-2020

PLANNING & ZONING BOARD HEARING DATE

January 8, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Comprehensive Plan Amendment to amend the Future Land Use Element text to provide for accessory dwelling units in the Single Family Residential Use category.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

City-Wide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed

BACKGROUND:

A Comprehensive Plan Amendment to amend the Future Land Use Element text to provide for accessory dwelling units in the Single Family Residential Use category. The applicant for this amendment is the City of Palm Bay, Growth Management Department.

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

ANALYSIS:

The amendment proposes to add Accessory Dwelling Units as a typically-allowed use in the Single Family Residential Future Land Use (FLU) category to support the initiatives of Florida State Statute 163.31771 and allow for more housing opportunities throughout the City.

Although the companion land development code textual amendment (Case T-3-2020) requires Accessory Dwelling Units to be subordinate in size, such a requirement does not change the **use** of the property. Even a “tiny home” placed on the same lot as a standard residential structure, to serve as an ADU, is still called two-family housing, as two (2) separate family units may reside upon the same parcel of land. This FLU textual amendment ensures that the textual amendment of T-3-2020 will be consistent and compatible with the City’s Comprehensive Plan.

STAFF RECOMMENDATION:

Case CP-1-2020 is recommended for approval.

SINGLE FAMILY RESIDENTIAL USE – Maximum residential density of 5 units per acre with a range of 0 to 5 units per acre. Typical uses permitted include single family homes, >>accessory dwelling units<<, recreational uses, and institutional uses such as schools, churches and utilities.



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

**COMPREHENSIVE PLAN OR FUTURE LAND USE MAP 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.

APPLICATION AMENDMENT TYPE:

Small Scale (Less than 10 acres)

Text Amendment (Comp. Plan)

Large Scale (10 acres or more)

PARCEL ID

N/A

TAX ACCOUNT NUMBER

N/A

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

Citywide

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):

N/A

LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION AFFECTED (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.):

Single Family Residential Use

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 2 OF 3**

LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE (attach additional sheets if necessary):

Single Family Residential Use - Maximum residential density of 5 units per acre with a range of 0 to 5 units per acre. Typical uses permitted include single family homes, recreational uses, and institutional uses such as schools, churches and utilities.

PRESENT USE OF PROPERTY

STRUCTURES LOCATED ON THE PROPERTY

REZONING FILED IN CONJUNCTION WITH THIS APPLICATION

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary)

To allow for accessory dwelling units to provide for more affordable housing opportunities throughout the City.

SPECIFIC USE INTENDED FOR PROPERTY

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

*Application Fee. Make Check payable to "City of Palm Bay."

\$1,200.00 - Small Scale (Less than 10 acres)

\$2,000.00 - Large Scale (10 acres or more)

\$2,000.00 - Text Amendment (Comp. Plan)

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3**

N/A Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

N/A List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)

N/A School Board of Brevard County School Impact Analysis Application (if applicable).

N/A Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.

N/A **Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.**

Name of Representative

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 TO 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 COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Owner Signature Digitally signed by Laurence Bradley
DN: cn=org, o=palmabayflorida, ou=Community Planning & Economic Development,
ou=Land Development, cn=Laurence Bradley
Date: 2019.12.19 10:28:55 -0500 **Date**

Printed Name

Full Address

Telephone **Email**

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



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-3-2020

PLANNING & ZONING BOARD HEARING DATE

January 8, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

Create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

City-Wide

**COMPREHENSIVE PLAN
COMPATIBILITY**

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006, 185.031 through 185.035, 185.049, and 185.051; to create a definition for accessory dwelling units; establish regulations for said units; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts.

The applicant for this amendment is the City of Palm Bay.

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

ANALYSIS:

The Florida Legislature, upon studying recent housing trends, finds that the median prices of homes in Florida has increased steadily over the last decade and at a greater rate of increase than the median income in many urban and suburban areas. The Legislature finds that the cost of rental housing has also increased, and the cost often exceeds an amount that is affordable to low-income and even moderate-income persons, which has resulted in a shortage of affordable rental units in many urban areas of the state.

In concert with these findings the Palm Bay City Council has directed City Staff to develop criteria for the allowance of accessory dwelling units in an effort to assist with addressing this issue. A secondary directive was to determine which zoning districts that accessory dwelling units would best serve and have the greatest positive impact.

Upon this policy direction the Growth Management Staff researched recent "Planning trends" throughout the state of Florida and drafted the attached amendment for the Planning and Zoning Board and City Council's consideration. This amendment includes a definition for accessory dwelling units, the parameters by which they may be permitted, and the zoning districts that will permit this use. The amendment is not solely to provide more affordable housing opportunities though; it is also designed to allow aging and/or displaced family members to reside upon the same property, in a separate dwelling unit.

An additional Council directive was to explore the requirements of a two-car garage in the single-family residential districts. Staff has determined that such a requirement may be cost prohibitive in some areas of the City and believes this requirement may be reduced to a one-car garage to provide new or existing homeowners with this design flexibility. Those districts chosen for reduction (RS-1, RS-2, SF-1) are those that allow smaller homes on smaller lots and cover the largest geographic region of Palm Bay.

STAFF RECOMMENDATION:

Case T-3-2020 is recommended for approval.

§ 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

>>*ACCESSORY DWELLING UNIT.* A residential dwelling unit, but not a mobile home or recreational vehicle, located on the same lot or parcel of land as a single-family dwelling unit, with a separate, complete housekeeping unit including a separate kitchen, sleeping area, and full bathroom facilities. The unit may be attached to the single-family dwelling unit or detached in a free-standing structure. An accessory dwelling unit is not permitted as accessory to a two-family dwelling, multi-family dwelling, or mobile home dwelling.<<

>>(1) The unit shall be accessory to and on the same property as a single-family dwelling unit and may only be located on lots or parcels of land that meet the minimum lot size requirement of this zoning district.<<

>>(2) The unit shall be developed in conjunction with or after development of the principal dwelling unit and the owner of the property must reside within either the principal or the accessory dwelling unit.<<

>>(3) Not more than one (1) accessory dwelling unit per property is permitted.<<

>>(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels unified under a recorded unity of title document.<<

>>(5) The air-conditioned floor area of the accessory dwelling unit shall not exceed 50% of the air-conditioned floor area of the principal structure, or 750 square feet, whichever is less. The accessory dwelling unit shall be no less than 300 square feet of air-conditioned floor area.<<

>>(6) The unit shall meet the accessory structure setback and height provisions identified in Section 185.118(A)&(B).<<

>>(7) Excluding converted (existing) garage accessory dwelling units, the unit shall be designed so that the exterior façade material is similar in appearance (material and color) of the existing principal structure.<<

>>(8) A minimum of one (1), but not more than two (2) parking spaces shall be provided for the accessory dwelling unit, in addition to the spaces required for the principal dwelling unit.<<

>>(9) Construction of the accessory dwelling unit, in combination with all structures on the property, shall not cause the maximum lot coverage of this zoning district to be exceeded.<<

>>(10) The accessory dwelling unit shall be serviced by centralized water and waste water or meet the health department's well and septic tank and drain field requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.<<

>>(11) An accessory dwelling unit shall be treated as a multi-family unit for impact fees.<<

DISTRICT REGULATIONS

§ 185.031 RR — RURAL RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(~~2~~)>>3<< General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.

(~~3~~)>>4<< Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.

(~~4~~)>>5<< Public parks, playgrounds and other public recreational facilities.

(~~5~~)>>6<< Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.

(~~6~~)>>7<< Keeping or raising for sale of small domestic animals, birds, or fish.

(~~7~~)>>8<< Keeping or raising for sale of small farm animals, such as goats, chickens, pigs and other small animals typically found on a farm, provided the total of all such animals shall not exceed five (5) for each one half (½) acre of lot area.

(8>>9<<) The acreage used in determining the number of animals that may be kept upon the premises may only be used for one (1) type of animal. For example, an acre of land would allow for two (2) horses, but it would not allow for an additional five (5) goats. The land needed to support one type of animal cannot in turn be counted to permit further animals. This provision is to protect the health of the animal(s) and to ensure the residential character of the neighborhood is maintained.

§ 185.032 RE — ESTATE RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2>>3<<) Public parks, playgrounds and other public recreational facilities.

(3>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

§ 185.033 RS-1 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2>>3<<) Public parks, playgrounds and other public recreational facilities.

(3>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

(F) *Lot and structure requirements:*

(8) Minimum ~~two (2)~~ >>one (1) << car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

§ 185.034 RS-2 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2>>3<<) Public parks, playgrounds and other public recreational facilities.

(3>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

(F) Lot and structure requirements:

(8) Minimum ~~two (2)~~ >>one (1) << car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

§ 185.035 RS-3 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2>>3<<) Public parks, playgrounds and other public recreational facilities.

(3>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

§ 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2>>3<<) Public parks, playgrounds and other public recreational facilities.

(3>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

(F) *Lot and structure requirements.*

(8) Minimum ~~two (2)~~ >>one (1) << car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

§ 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(~~2~~>>3<<) Public parks, playgrounds and other public recreational facilities.

(~~3~~>>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.



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 state

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Title XVII, Land Development Code, Chapter 185: Zoning Code, Sections 185.006; 185.030 through 185.035; 185.049; and 185.051

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

See attached.

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 Digitally signed by Laurence Bradley
DN: cn=org, o=PalmBayFlorida, ou=Community Planning & Economic
Development, ou=L and Development, ou=Laurence Bradley
Date: 2019.12.18 15:23:13 -0500 Date

Printed Name of Applicant

Full Address

Telephone Email

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