

CITY OF PALM BAY, FLORIDA

**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
SPECIAL MEETING 2020-01**

Held on Wednesday, January 8, 2020, 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.

Ms. Khalilah Maragh led the Pledge of Allegiance to the Flag.

ROLL CALL:

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

Mr. Warner's absence was excused.

CITY STAFF: Present were Mr. Patrick Murphy, Assistant Growth Management Director; Ms. Chandra Powell, Recording Secretary; Ms. Jennifer Cockcroft, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-14; November 6, 2019 (Re-adoption). A request was made by Ms. Lynda Hauser to amend page 7, fourth paragraph, to reflect that her comments for Case T-27-2019 were an inquiry and were not against the request as stated. Motion by Ms. Maragh, seconded by Mr. Boerema to approve the re-adoption of the November 6, 2019 minutes as amended. The motion carried with members voting unanimously.

2. Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-15; December 4, 2019. Per staff, an amendment to page 2, Adoption of Minutes, to reflect the revision and re-adoption of Regular Planning and Zoning Board/Local Planning Agency Meeting No. 2019-14, November 6, 2019. Motion by Ms. Maragh, seconded by Ms. Jordan to approve the December 4, 2019 minutes as amended. 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.

NEW BUSINESS:

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

Mr. Murphy presented the staff report for Case T-1-2020. The applicant had requested 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. Staff recommended Case T-1-2020 for approval.

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. Boerema, seconded by Ms. Maragh to submit Case T-1-2020 to City Council for approval of 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. The motion carried with members voting unanimously.

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

Mr. Murphy presented the staff report for Case T-2-2020. The applicant had requested 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. Staff recommended Case T-2-2020 for approval.

Mr. Murphy explained that the proposed textual amendment had been prepared at the direction of City Council to permit smaller-sized homes in certain areas of the City that would create more housing opportunities and affordable housing. The minimum unit size for a dwelling would be dictated by development within zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts); BMU (Bayfront Mixed Use District); and BMUV (Bayfront Mixed Use Village District). The proposed modification to the parking regulation would correct a conflict with multi-family parking setbacks and yard areas. The amendment would allow for board and City Council review of commercial developments at a 10-acre threshold within zoning districts CC (Community Commercial); HC (Highway Commercial); and GC (General Commercial). The proposal would allow for tiny home PUDs (Planned Unit Developments) and individual tiny homes in RM-10 and RM-15 zoning districts. The amendment re-established the allowance of 16-foot deep parking spaces with 3-foot overhangs to add more design flexibility. Parking ratios were also established for interior self-storage facilities.

Ms. Maragh inquired whether the requirements for tiny homes focused on developers or could an individual build a single tiny home. She was also concerned about tiny homes neighboring larger homes. Mr. Murphy clarified that the amendment allowed for tiny home developments and individual tiny homes. Individual tiny homes could locate on RM-10 lots, which were predominantly in the southeast area of the City near Babcock Street SE and Eldron Boulevard SE.

Ms. Jordan wanted to know how tiny homes affected impact fees. Mr. Murphy stated that the impact fees were based on the dwelling unit and not the size of the home.

Mr. Boerema asked if there would be a limit to the number of tiny homes allowed on an acre of land. Mr. Murphy stated that the Single-Family Residential Land Use allowed for a maximum of five units per acre.

The floor was opened for public comments.

Mr. Thomas Gaume (resident at Lantana Court NW) spoke in favor of the request. He stated that his first home in Palm Bay was 840 square feet and affordable. Tiny homes were similar and could hopefully expand within the City.

Mr. Richard Hill (resident at O'Connel Avenue SW) commented on the request. There were no provisions in the Residential Building Code for tiny homes. Treatment of tiny homes similar to trailers and recreational vehicles would create a liability to the surrounding residences because of tie-down schedules and wheels. He stated that tiny homes should be within its own PUDs and not among other single-family homes.

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

In response to comments from the audience, Mr. Murphy explained that mobile homes were not allowed in RM-10 and RM-15 districts. A small home could be built, or a structure could be converted to meet the Florida Building Code (FBC). There was a builder who wanted to construct 400 to 500 square-foot, A-frame homes in Palm Bay that met the FBC.

Mr. Weinberg was opposed to the removal of minimum living areas for tiny homes. Slums would be a result once tiny home residents tired of the fad because of their cramped spaces and lack of storage and privacy. Affordable housing was a crisis that could not be resolved with tiny homes. He suggested small PUDs be instituted with certain limits on the living areas to establish affordable homes.

Ms. Maragh asked if there were existing tiny home communities the board could evaluate, and she wanted to know if the proposed amendment limited the number of residents allowed to reside in a tiny home. Mr. Murphy stated that several communities had been researched. South Florida communities and Indian River County had existed for years with no standards for minimum living areas in all or portions of their communities, and slums did not appear to result from their regulations. Tiny homes were being introduced to a small section of Palm Bay, and the FBC set minimum square-footage standards per person for residential occupancy.

Ms. Maragh asked if staff anticipated small tiny home PUDs next to 2,000 square-foot homes. Mr. Murphy stated that most RM-10 lots were located in Port Malabar Unit 46, which typically had 1,200 square-foot homes.

Ms. Jordan inquired about the possibility of variance submittals to build tiny homes on other single-family lots. She was opposed to eliminating the minimum living areas and wanted tiny homes limited to PUDs in a specific area on a smaller basis. She asked about the percentage of vacant RM-10 and RM-15 lots available for individual tiny homes. Mr. Murphy stated that a hardship had to be proven to be granted variances. He explained that the amendment would restrict tiny home PUDs to parcels of land that currently had a Multiple Family Residential land use designation, and that vacant RM-10 and RM-15 lots consisted of approximately two percent of the City for individual tiny homes.

Mr. Felix agreed that affordable housing needed to be addressed in the City. He supported tiny home PUDs but was opposed to having a neighbor with a home the size of a shed. The tiny homes should also have a minimum square footage.

Mr. Weinberg commented that there would not be a great demand for tiny homes, so the homes should be limited to specific, small PUDs where the zero square footage could then be an option.

Mr. Weinberg inquired about Section 185.043(D) that would require a permitted use by conditional use on parcels of ten acres or more. Mr. Murphy explained that any permitted commercial development on ten or more acres would have to receive conditional use approval which would allow for further review and additional conditions.

Ms. Maragh was in favor of minimizing where tiny homes would be allowed. The areas could be expanded in the future if the developments were successful. Mr. Murphy remarked that the feedback from City Council was to provide individuals with the ability to build a tiny home without having to wait on large developments. The subject proposal allowed for tiny home communities or individual tiny homes.

Mr. Weinberg noted the elimination of minimum living square footage for efficiencies and bedroom units in Multiple-Family Residential Districts. Mr. Murphy explained that those changes were to address a new type of development called micro-housing for smaller studio-type apartments in multiple-family housing.

Mr. Weinberg reiterated his opinion that tiny homes should be limited to small PUDs and suggested the proposal be redone by staff. Ms. Maragh stated that residents had a right to choose to live in a tiny home; however, she did not want neighborhoods with larger homes to be affected by the tiny homes.

Mr. Weinberg stated that he did not have a problem with the parking changes. Mr. Murphy noted that a reduction in the amount of required retail parking was also being proposed.

Motion by Ms. Jordan to submit Case T-2-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, with the exception to any reference to tiny homes with no restrictions.

Ms. Cockcroft and Mr. Murphy advised on the intent and clarity of the board's motion.

Motion amended by Ms. Jordan, seconded by Mr. Felix to submit Case T-2-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, with an exception to where the minimum living areas for single-family homes in the amendment were changed to "None" for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts); BMU (Bayfront Mixed Use District); and BMUV (Bayfront Mixed Use Village District).

Ms. Maragh commented that if tiny home PUDs were successful, the language could be adjusted in the future to allow for individual tiny homes. Mr. Murphy stated that the provision could be readjusted in the future if directed by City Council.

A vote was called on the amended motion by Ms. Jordan, seconded by Mr. Felix to submit Case T-2-2020 to City Council for approval of 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, with an exception to where the minimum living areas for single-family homes in the amendment were changed to "None" for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts); BMU (Bayfront Mixed Use District); and BMUV (Bayfront Mixed Use Village District). The motion carried with members voting unanimously.

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

Mr. Murphy presented the staff report for Case CP-1-2020. The applicant had requested 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. Staff recommended Case CP-1-2020 for approval.

Mr. Murphy explained that the proposed amendment would allow accessory dwelling units (ADU) as an allowed use under the Single Family Residential land use category.

Ms. Jordan and Mr. Weinberg wanted to know about the required minimum size of ADUs. Mr. Murphy stated that ADUs would have a 300 square-foot minimum with a maximum 50 percent of the existing primary home, or up to a maximum of 750 square feet, whichever was less.

Mr. Boerema asked if the ADUs would be stand-alone or attached dwellings. Mr. Murphy stated that ADUs could be either a stand-alone or an attached dwelling.

The floor was opened for public comments.

Mr. Bill Batten (resident at Ocean Spray Street SW) spoke in favor of the request. The proposal would allow him to move into an ADU when he grew older, and his grandchildren could move into the primary home. He commented that it was the resident and not the size or location of a house that made the home unkept.

Mr. Thomas Gaume (resident at Lantana Court NW) spoke in favor of the request. He commented on how ADUs would be a benefit that would allow adult children with special needs to live independently. Property rights should allow a property owner to have an additional dwelling on their site. He questioned the impact of moving residential sites with ADUs to multiple family accounts.

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

Ms. Maragh asked if the ADU would be required to have a kitchen and other utilities. Mr. Murphy confirmed that all utilities would be required.

Motion by Ms. Maragh, seconded by Ms. Jordan to submit Case CP-1-2020 to City Council for approval of 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. The motion carried with members voting unanimously.

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; 185.031 through 185.035; 185.049; and 185.051, to establish new language for accessory dwelling units. Staff recommended Case T-3-2020 for approval.

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

Ms. Jordan asked about the proposed requirement to treat an accessory dwelling unit (ADU) as a multi-family unit for impact fees. Mr. Murphy explained that multi-family units had a lesser rate. ADUs would be subordinate to primary structures in size and would have less of an impact on services. The impact fee for the primary home would remain at the single-family rate.

Ms. Jordan asked about the garage size reduction that was proposed by the amendment. Mr. Murphy stated that the City Council had requested that principal single-family homes be allowed to have a one-car garage. The option would apply to single-family residential zoning districts RS-1, RS-2, and SF-1.

Ms. Maragh inquired whether a 3,000 square-foot home on double lots would be allowed to have two ADUs. Mr. Murphy stated that properties would only be permitted to have one ADU, and that ADUs could not locate on a site without a primary residence. He gave the board an overview of each criteria proposed to permit an ADU.

Mr. Weinberg questioned how the City would be able to keep a property owner or developer from renting out both the primary and accessory dwellings on a lot. He was also concerned about septic systems being burdened by additional dwelling units.

Mr. Murphy indicated that the requirement for the property owner to reside onsite would be enforced by homestead exemption. He said that existing septic systems would have to be modified or an additional tank added if the State Health Department determined that a drainfield servicing a primary home could not accommodate an ADU. ADUs on septic could not be built without approval from the Health Department.

Mr. Weinberg was not in favor of eliminating the requirement for two-car garages. More people would be parking in driveways, side yards, and other areas. Mr. Murphy said that building a one-car garage would be an option that not every homeowner would desire. Mr. Weinberg felt that the requirement would provide developers with a profit margin to charge more for two-car garages.

Mr. Felix asked if the ADUs would have separate water lines. Mr. Murphy stated that ADUs would have their own electrical meter; however, the Utilities Department had not yet determined whether to require separate water meters. Mr. Weinberg wanted to know if there would be restrictions based on the sufficiency of whether existing wells could provide for the ADUs. Mr. Murphy noted that wells would also be reviewed by the Health Department for re-permitting.

Ms. Maragh asked if the Health Department was responsible for addressing the number of residents allowed to reside in an ADU. Mr. Murphy stated that the standards for residential occupancy were addressed by the Florida Building Code.

Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-3-2020 to City Council for approval of 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 establish new language for accessory dwelling units. The motion carried with members voting as follows:

Mr. Weinberg	Nay
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Felix	Aye
Ms. Maragh	Aye

Mr. Weinberg stated that his vote against the request was due to the option that allowed for the one-car garages.

OTHER BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:25 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

♣Quasi-Judicial Proceeding.