



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

SUMMARY:

The City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.036 through 185.038. The purpose of this amendment is to exempt multiple-family residential developments that create less than five (5) units from specific development standards. The amendment also revises the building setback criteria for the RM-15 and RM-20 zoning districts.

This amendment removes requirements from the development of multiple-family projects that contain less than five (5) units (i.e. duplexes, triplexes and quadplexes). Certain development standards are intended for multiple-family residential developments that contain several buildings with higher densities and are not intended for single buildings or developments of low-density. For the purpose of consistency and sensible development, the RM-15 and RM-20 districts shall also contain building setbacks commensurate with building heights sympathetic to adjacent properties.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-8-2020, based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, based on the analysis contained in the staff report.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

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Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on the analysis contained in the staff report. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent

Attachments:

- 1) Case T-8-2020 (*available upon request*)
- 2) Ordinance

ORDINANCE 2020-28

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SUPPLEMENTARY DISTRICT REGULATIONS', BY REVISING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

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

* * *

COMMERCIAL VEHICLES. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one half (1.5) ton gross weight.~~

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary General Regulations', Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas, is hereby amended and shall henceforth read as follows:

"Section 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL~~ VEHICLES IN RESIDENTIAL AREAS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

COMMERCIAL VEHICLES. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, ~~>>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<<~~ or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.

~~>>~~**INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

RECREATIONAL VEHICLE. Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, ~~>>or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles<<~~ excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.

RESIDENTIAL AREA. Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

~~NET WEIGHT.~~ The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, >>BMUV,<< RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>>(2) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4>>3<<) Exceptions. The provisions of this section shall not apply to:

* * *

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector.<<

>>(g) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.<<

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and side-corner building setback line. >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

(D) ~~*Prima facie evidence.*~~ It shall be ~~prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above.~~ >>No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<

(E) ~~*Authority of city to enter property.*~~ The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation. >>No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-8-2020

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.