



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

Z24-00008

PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

PROPERTY OWNER & APPLICANT

Various Owners &
City of Palm Bay

PROPERTY LOCATION/ADDRESS

All parcels currently designated BMU (Bayfront Mixed Use) District on the City of Palm Bay Official Zoning Map.

SUMMARY OF REQUEST

The City is proposing an administrative rezoning from BMU (Bayfront Mixed Use District) to CMU (Community Mixed-Use District).

Existing Zoning

BMUV (Bayfront Mixed Use)

Existing Land Use

Varies

Site Improvements

Varies

Site Acreage

Approximately 117 acres collectively

SURROUNDING ZONING AND EXISTING USES

North

Varies

East

Varies

South

Varies

West

Varies

COMPREHENSIVE PLAN

The Future Land Use (FLU) of all subject parcels is High Density Residential.

COMPATIBILITY

The FLU designation and proposed zoning is compatible.

BACKGROUND:

The Palm Bay 2045 Comprehensive Plan Future Land Use Element was adopted on May 1, 2023, and became effective on June 10, 2023. The remaining Palm Bay Comprehensive Plan

Elements were adopted on May 18, 2023, and became effective on July 20, 2023. Pursuant to Chapter 163.3202, F.S., a local government must adopt and enforce land development regulations that are consistent with and implement the adopted comprehensive plan.

Case T24-00004, heard by the Planning and Zoning Board in August 2024 was one of the first actions taken to bring the land development regulations into compliance with the Palm Bay Comprehensive Plan. The textual amendment to the Code of Ordinances, as presented in Case T24-00004 renamed BMU (Bayfront Mixed Use District) to CMU (Community Mixed-Use District). As such, the subject parcels must be rezoned to a district classification that is provided for, and regulated, in the new Land Development Code.

The City of Palm Bay is requesting an administrative rezoning of the subject parcels from BMU (Bayfront Mixed Use District) to CMU (Community Mixed-Use District) to establish consistency with the adopted 2045 City of Palm Bay Comprehensive Plan.

ANALYSIS:

Pursuant to the City of Palm Bay Code of Ordinances, proposed amendments to the official Zoning Map of the City shall be submitted to the Planning and Zoning Board, which shall analyze the factors of analysis applicable to the proposed amendment prior to making a recommendation to City Council.

(A) The applicant's need and justification for the change and whether it aligns with the community's current or future needs.

The submitted Factors of Analysis states, "The proposed change aligns with the community's current and future needs by establishing consistency with City of Palm Bay 2045 Comprehensive Plan."

(B) The effect of the change, if any, on a particular property and surrounding properties.

The submitted Factors of Analysis states, "The change in zoning has no impact on the surrounding properties. The request serves to rename BMUV to UMU. The allowable uses remain consistent with what is currently permitted. Surrounding properties would be affected no differently than they are today."

(C) The amount of existing undeveloped land in the general area of the city having the same classification as that requested.

The submitted Factors of Analysis states, "The renaming of BMUV to UMU will allow property owners to retain current rights, including permitted uses, lot requirements, and other development regulations. Surrounding properties would be affected no differently than they are today."

(D) Whether the proposed amendment furthers the purpose of the City's Comprehensive

Plan or strategic plans applicable to the proposed development and the provisions in the Land Development Code.

The submitted Factors of Analysis states, “The Future Land Use designation of the property is consistent with the proposed zoning. The proposed amendment will further the purpose of the City Comprehensive Plan, including the following: Policy FLU-1.7F. Update the LDC to incorporate criteria for mixed use development which includes industrial uses. Objective FLU-1.5. Support the creation of harmonious mixed-use communities with residential and nonresidential uses collocated and integrated into a sustainable development pattern.”

(E) Whether the requested district is substantially different from that of the surrounding area.

The submitted Factors of Analysis states, “The proposed rezoning is not substantially different from the existing zoning; therefore, the character of the area will remain essentially the same. Although the zoning classification will change, the proposed rezoning will have a "net zero" effect on the surrounding area.”

(F) Whether the request provides for a transition between areas of different character, density, or intensity.

The submitted Factors of Analysis states, “The proposed rezoning is not substantially different from the existing zoning; therefore, the character of the area will remain essentially the same. The request provides for a transition between areas of different character, density, or intensity.”

The existing and proposed zoning district regulations are provided below:

| § 185.058 BMU - BAYFRONT MIXED USE DISTRICT. | (CMU) – Community Mixed Use District |
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| (A) Intent. The purpose of the Bayfront mixed use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high-density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings. | The purpose of the mixed-use districts is to foster an attractive and functional mix of residential and nonresidential land uses within a walkable setting. The Community Mixed-Use (CMU) district is to be applied to large development sites where the primary use is single family residential supported by a variety of multifamily, commercial, recreational, and institutional uses. |
| (B) Principal uses and structures. | |
| (1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre. | Single family dwellings Townhomes Multi-family dwellings |

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| <p>(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.</p> <p>(3) General offices such as administrative, corporate, business, and similar uses.</p> <p>(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.</p> <p>(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.</p> <p>(6) Financial institutions (banks, credit unions, and savings and loan).</p> <p>(7) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).</p> <p>(8) Public uses (any federal, state, county, municipal, special district, or similar use).</p> <p>(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).</p> <p>(10) Retail bakeries.</p> <p>(11) Clubs, lodges, and fraternal organizations.</p> <p>(12) Nursing homes and adult congregate living facilities.</p> <p>(13) Hotel, motel, and bed and breakfast inns.</p> <p>(14) Public and private parking lots.</p> <p>(15) Brew pubs and/or other drinking establishments.</p> | <p>Zero-Lot-Line</p> <p>General offices</p> <p>Service establishments, business</p> <p>Service establishments, personal</p> <p>Banks and financial institutions</p> <p>Retail establishment</p> <p>Veterinarians and veterinary clinics (no boarding of animals)</p> <p>Schools, elementary and middle</p> <p>Schools, high</p> <p>Educational service establishments</p> <p>Government establishments</p> <p>Churches</p> <p>Childcare facilities</p> <p>Funeral homes</p> <p>Restaurants/eating establishments</p> <p>Clubs, lodges, and fraternal organizations</p> <p>Hotels, motels, tourist courts</p> <p>Drinking establishments</p> <p>Medical and dental labs</p> <p>Pet day care</p> <p>Vehicle and major recreational equipment repair, light</p> <p>Hospitals</p> <p>Urgent care center</p> <p>Bed and breakfast inns</p> <p>Dance clubs</p> <p>Event halls</p> <p>Golf courses and clubhouses</p> <p>Public recreational facilities</p> <p>Recreation, indoor</p> <p>Recreation, nature</p> <p>Group homes</p> <p>Public utility facilities</p> |
| <p>(C) Accessory uses and structures Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.</p> | |
| <p>(D) Conditional uses.</p> | |
| <p>(1) Public utility facilities.</p> <p>(2) Marinas with boat sales and rentals.</p> | <p>Marinas</p> |

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| (3) Public and Private Schools | |
| (E) Prohibited uses and structures. | |
| <p>(1) All uses not specifically permitted herein.</p> <p>(2) Retail automotive fuel sales.</p> <p>(3) Pawn shops.</p> <p>(4) Tattoo parlors and body piercing establishments.</p> <p>(5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).</p> <p>(6) Adult entertainment.</p> <p>(7) Fireworks sales.</p> <p>(8) Commercial towers.</p> <p>(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.</p> <p>(10) Vehicle/automotive sales/lease.</p> <p>(11) Palm readers/fortunetellers and similar uses.</p> <p>(12) Flea markets and auction houses and similar uses.</p> <p>(13) Soup kitchens/homeless shelters.</p> <p>(14) Pain-management clinic.</p> <p>(15) Secondhand Dealer.</p> <p>(16) Warehousing and/or self-storage facilities.</p> | |
| (F) Lot and structure requirements. | |
| <p>(1) Minimum lot area - 43,560 sq. ft.</p> <p>(2) Minimum lot width – 40’</p> <p>(3) Minimum lot depth – 120’</p> <p>(4) Maximum building coverage - 60%</p> <p>(5) Maximum height – 60’ Additional building height may be permitted, subject to the following provisions:</p> <p>(a) Providing public a space or public amenity totaling ten percent (10%) of the site, entitles an additional 10 feet in height.</p> <p>(b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.</p> <p>(c) Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.</p> <p>(d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.</p> <p>(e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall</p> | <p>Density (units per acre) 30 (3)</p> <p>Intensity (Floor Area Ratio)1.0 (3)</p> <p>Minimum lot area (sq. ft.)</p> <p>Single-Family (SF) Detached 6,000 sq. ft.</p> <p>Duplex (1) 8,000 sq. ft.</p> <p>Townhomes (TH) 1,600 sq. ft.</p> <p>Multi-Family (MF) 10,000 sq. ft.</p> <p>Non-residential 10,000 sq. ft.</p> <p>Minimum lot width (ft.)</p> <ul style="list-style-type: none"> • SF Detached 50’ • Duplex (1) 80’ • TH (interior lot/end lot)20/40 • MF 100’ • Non-residential 100’ <p>Minimum lot depth (ft.) 100’</p> <p>Maximum building coverage (%)50%</p> <p>Maximum height (ft.)35’ SF/70’ other</p> <p>Minimum setback (ft.)</p> <ul style="list-style-type: none"> • Front 5’ min./10’ max. (4) |

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| <p>be recorded as an easement or agreement, in the public records of Brevard County.</p> <p>(6) Minimum floor area (nonresidential) – 300 sq. ft.</p> <p>(7) Minimum living area for single family detached dwellings - None.</p> <p>(8) Minimum living area for multifamily units: None.</p> <p>(9) Yard requirements:</p> <p>(a) Front: 0’ min, 20’ max.</p> <p>(b) Side interior: 5’, twenty-five (25) foot minimum when the property is adjacent to single-family development not separated by waterway, railroad, or street.</p> <p>(c) Side corner: 0’ min, 20’ max.</p> <p>(d) Rear: 20’ min.; 10’ min when abutting a right-of-way or alley.</p> <p>(e) Accessory structures: 20’ front and side corner, same side and rear as listed in divisions (b) and (d) above.</p> <p>(f) For buildings sixty (60) feet in height, or greater, the building(s) shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.</p> <p>(g) For buildings taller than sixty (60) feet; the building shall be stepped-back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single-family development not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.</p> | <ul style="list-style-type: none"> • Side corner 5’ min./10’ max. (4) • Side interior TH 0’/15’ Other (2) • Rear 10’ • Parking setback (ft.) 10’ <p>Building separation (ft.) Per building code</p> <p>Impervious Surface Ratio 0.7</p> <p>Common open space and recreation area 20%</p> |
| <p>Design requirements:</p> <p>(a) The Bayfront Architectural Style for each structure is required. This shall include the following architectural elevations facing public rights-of-way.</p> | <p>Subject to citywide non-residential architectural standards</p> |

STAFF RECOMMENDATION:

Case Z24-00008 is recommended for approval.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE: Z24-00008

Subject Property

All parcels within the City's jurisdiction which are currently zoned BMU, Bayfront Mixed-Use

Zoning District

BMU - Bayfront Mixed Use District