



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

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**CASE NUMBER**

MOR24-00002 Car Wash Facilities

**PLANNING & ZONING BOARD HEARING DATE**

May 1, 2024

**PROPERTY OWNER & APPLICANT**

City of Palm Bay (Growth Management Department)

**PROPERTY LOCATION/ADDRESS**

Citywide

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**SUMMARY OF REQUEST**

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE, PROCESSING, OR CONSIDERATION OF APPLICATIONS FOR A PERMIT OR DEVELOPMENT ORDER FOR STAND-ALONE AUTOMATED AND SELF-SERVICE CAR WASHES; ADOPTING FINDINGS OF FACT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**Existing Zoning** N/A

**Existing Land Use** N/A

**Site Improvements** N/A

**Site Acreage** N/A

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**SURROUNDING ZONING & USE OF LAND**

**North** N/A

**East** N/A

**South** N/A

**West** N/A

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**BACKGROUND:**

The establishment of a temporary moratorium suspends the development orders and development permits associated with the approval of new applications or applications that have not been advertised for the Conditional Use (CU) of Car Wash Facilities.

**ANALYSIS:**

The City of Palm Bay has comprehensively evaluated and updated its comprehensive plan providing land use and population projections through 2045. The city has realized significant growth since the Comprehensive Plan was last amended in 2000 and data and analysis from the updated plan suggested that approximately 64% of the City of Palm Bay has land use allowing residential and multi-family housing, while only approximately 9% of the City of Palm Bay has commercial and industrial land use (not including approximately 12% of mixed-use categories). The remainder of the categories include approximately 16% public use. Therefore, level of service (LOS) standards such as police, fire, transportation capacity, drainage and infrastructure should be considered when making residential development decisions. The explosive population growth and the desire to increase or maintain commercial and industrial uses within the City of Palm Bay were considered during the update of the comprehensive plan. Consequently, the City is currently updating the existing Land Development Code (LDC) in accordance with Florida Statute 163.3202 which states that within 1 year of the comprehensive plan update, the municipality “shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.” This process is scheduled to be completed no later than September 30, 2024.

The City of Palm Bay has undertaken a complete review of its Comprehensive Plan and is currently updating the land use regulations. A temporary moratorium is a recognized important land-use planning tool to preserve the status quo during the planning process and ensure the community's problems are not exacerbated during the time it takes to formulate updated conditions for approval.

Additionally, the Growing Smart User's Manual, published by the American Planning Association, identifies a temporary moratorium as a smart growth tool used to avoid “a rush of development applications before a local government can adopt or amend its comprehensive plan or development regulations” (Meck, S. E.D., 2002a, p51). The Growing Smart Legislative Guidebook, also published by the American Planning Association, conveys that the “first purpose for moratoria is when a local government is preparing a comprehensive plan or extensive amendment of land development regulations” (Meck, S. E.D., 2002b, p 8-179). As such, a temporary moratorium is intended to assist in the successful adoption and application of an updated Comprehensive Plan and Land Development Code.

The City is seeking a temporary moratorium while staff is completing a comprehensive review of its land development regulations to implement the goals, objectives, and policies of the Palm Bay 2045 Comprehensive Plan. The City has a limited amount of commercial property and a need to support neighborhoods with commercial areas for goods, services, and employment. This moratorium will allow staff to determine whether new or amended Land Development Codes are needed pertaining to stand-alone car washes and to prepare any needed regulations.

Presently there are approximately seven (7) car wash facilities in or near the City of Palm Bay, and approximately one (1) new car wash facility currently under review. The City of Palm Bay Land Development Code requires General Requirements and Conditions for approval of self-storage facilities in accordance with Section 185.087 which is applied through the Conditional Use (CU) process.

### **185.087 GENERAL REQUIREMENTS AND CONDITIONS.**

*Standards for approval.* In its deliberations concerning the granting of a conditional use, the City Council shall carefully consider the following guidelines and standards:

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

(D) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

(E) Signs, if any, and proposed exterior lighting will be designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

(G) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation or type, of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

(H) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begin or be completed, or both.

**STAFF FINDINGS:**

The Moratorium meets the basic requirements of a Moratorium request.