



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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### Prepared by

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#### CASE NUMBER

Z24-00004

#### PLANNING & ZONING BOARD HEARING DATE

September 4, 2024

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#### PROPERTY OWNER & APPLICANT

Various Owners &  
City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

All parcels currently designated RM-10, Single-, Two-, Multiple-Family Residential District on the City of Palm Bay Official Zoning Map.

#### SUMMARY OF REQUEST

The City is proposing an administrative rezoning from RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-15, (Single-, Two-, Multiple-Family Residential District).

##### Existing Zoning

RM-10, Single-, Two-, Multiple-Family Residential

##### Existing Land Use

Varies

##### Site Improvements

Varies

##### Site Acreage

Approximately 361 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 eliminated the RM-10, Single-, Two-, Multiple-Family Residential Zoning District. As such, the subject parcels must be rezoned to a zoning district that is most compatible with the former RM-10 district; and, consistent with the High Density Residential Future Land Use designation.

The City of Palm Bay is requesting an administrative rezoning of the subject parcels from RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-15, (Single-, Two-, Multiple-Family Residential 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 RM-10 and RM-15 Zoning District regulations are nearly the same. The elimination of the RM-10 zoning will rid the LDC of redundancies between the two districts; however, 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 amount of existing (RM-15) undeveloped land in the general area of the subject site is unknown, as the proposed change is city-wide and relates to 689 separate parcels. The RM-15 zoning classification is used throughout the city and generally serves as a transition area between non-residential and low-density development. The proposed zoning classification is used throughout the city and is appropriate for the subject sites.”

(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 RM-15 zoning. The proposed amendment will further the purpose of the City Comprehensive Plan. Objective FLU-1.8 states that future development shall be compatible with established neighborhoods and strive to enhance the character of the community. The area is characterized by existing single-family development and the proposed rezoning is compatible with the community.”

(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:

<b>§ 185.036 RM-10 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.</b>	<b>RM-15 - Multiple-Family Residential District</b>
<b>(A) Intent.</b> The provisions of this district are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote medium density residential development, maintaining an adequate	<b>(H) Multiple-Family Residential Districts (RM-15 and RM-20).</b> The intent of these districts is to accommodate mainly multi-family development and a variety of other housing types at medium and high densities. Lot sizes and other restrictions are intended to promote and protect high

amount of open space for such development.	quality residential development.
<b>(B) Principal uses and structures:</b>	
<p>(1) Single-family dwellings.</p> <p>(2) Two-family dwellings/duplexes.</p> <p>(3) Multiple-family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre. For multiple-family residential development that includes five (5) or more units, the provisions of (a) through (d) below, shall apply. Multiple-family developments of less than five (5) units shall be exempt from these provisions.</p> <p>...</p>	<p>Single-family dwellings</p> <p>Duplexes</p> <p>Multi-family dwellings</p> <p>Townhomes</p> <p>Accessory dwelling units</p> <p>Assisted living facilities, Small</p> <p>Community residential homes</p> <p>Group homes</p> <p>Family day care home, large</p> <p>Family day care home, small</p> <p>Public parks and recreational facilities</p> <p>Public uses</p> <p>Public utility equipment and facilities</p>
<b>(C) Accessory uses and structures:</b> Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.	
<b>(D) Conditional uses:</b>	
<p>(1) Public or private schools.</p> <p>(2) Churches.</p> <p>(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.</p>	<p>Public and private schools (1)</p> <p>Churches (1) (3)</p> <p>Public utility equipment and facilities, major</p>
<b>(E) Prohibited uses and structures:</b> All uses not specifically or provisionally permitted herein. <p>(1) Corrections facilities.</p> <p>(2) All uses not specifically or provisionally provided for herein.</p>	
<b>(F) Lot and structure requirements, single-family:</b> <p>(1) Minimum lot area —6,000 sq. ft.</p> <p>(2) Minimum lot width —60'</p> <p>(3) Minimum lot depth —100'</p> <p>(4) Maximum building coverage —35%</p> <p>(5) Minimum living area — None.</p> <p>(6) Maximum height —25'</p> <p>(7) Minimum yard requirements:</p> <p>(a) Front —25'</p> <p>(b) Side interior — 8'</p> <p>(c) Side corner —25'</p> <p>(d) Rear —25'</p> <p>(e) Parking may be located in a required front, rear or side yard for multifamily</p>	<p>Density (units per acre) 15</p> <p>Minimum lot area (sq. ft.) 6,000 sq. ft.</p> <p>Minimum lot width (ft.) 50'</p> <p>Minimum lot depth (ft.) 100'</p> <p>Maximum building coverage (%) 40%</p> <p>Maximum height (ft.) 50'</p> <p>Minimum setback (ft.)</p> <ul style="list-style-type: none"> <li>• Front 20'</li> <li>• Side corner 15'</li> <li>• Side interior 8'</li> <li>• Rear 20'</li> <li>• Parking setback (ft.) 10'</li> </ul> <p>Impervious Surface Ratio 0.7</p>

<p>dwelling, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.</p>	
<p><b>(G) Lot and structure requirements, two-family:</b></p> <p>(1) Minimum lot area —10,000 sq. ft.  (2) Minimum lot width —100'  (3) Minimum lot depth —100'  (4) Maximum building coverage —35%  (5) Minimum living area — None.  (6) Maximum height —25'  (7) Minimum yard requirements:  (a) Front — 25'  (b) Side interior — 8'  (c) Side corner —25'  (d) Rear —25'  (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.</p>	<p>Density (units per acre) 15  Minimum lot area (sq. ft.) 8,000 sq. ft.  Minimum lot width (ft.) 80'  Minimum lot depth (ft.) 100'  Maximum building coverage (%) 40%  Maximum height (ft.) 50'  Minimum setback (ft.)  • Front 20'  • Side corner 15'  • Side interior 8'  • Rear 20'  • Parking setback (ft.) 10'  Building separation (ft.) 15'  Impervious Surface Ratio 0.7</p>
	<p><b>Townhomes</b></p> <p>Density (units per acre) - 15  Min. lot area (sq. ft.) - 1,600 sq. ft.  Min. lot width (ft.) - 20/40 (interior lot/end lot)  Min. lot depth (ft.) 100'  Max. building coverage (%) 40%  Max. height (ft.) 50'  Min. setback (ft.)  • Front 20'  • Side corner 15'  • Side interior 8'  • Rear 20'  • Parking setback (ft.) 10'  Building separation (ft.) 15'  Impervious Surface Ratio 0.7</p>
<p><b>(H) Lot and structure requirements, multiple-family:</b></p> <p>(1) Minimum lot area —10,000 sq. ft.  (2) Minimum lot width —100'  (3) Minimum lot depth —100'  (4) Maximum building coverage —35%  (5) Minimum living area: None.  (6) Maximum height —25'  (7) Minimum yard requirements:  (a) Front —25'  (b) Side interior —8'</p>	<p><b>Multi-Family (MF)</b></p> <p>Density (units per acre) 15  Minimum lot area (sq. ft.) 10,000 sq. ft.  Minimum lot width (ft.) 100'  Minimum lot depth (ft.) 100'  Maximum building coverage (%) 40%  Maximum height (ft.) 50'  Minimum setback (ft.)  • Front 20'  • Side corner 15'  • Side interior 8'</p>

(c) Side corner —25' (d) Rear —25' (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.	<ul style="list-style-type: none"><li>• Rear 20'</li><li>• Parking setback (ft.) 10'</li></ul> Building separation (ft.) 15' Impervious Surface Ratio 0.7
	<b>Non-residential</b> Density (units per acre) 15 Minimum lot area (sq. ft.) 10,000 sq. ft. Minimum lot width (ft.) 100' Minimum lot depth (ft.) 100' Maximum building coverage (%) 40% Maximum height (ft.) 50' Minimum setback (ft.) <ul style="list-style-type: none"><li>• Front 20'</li><li>• Side corner 15'</li><li>• Side interior 8'</li><li>• Rear 20'</li><li>• Parking setback (ft.) 10'</li></ul> Building separation (ft.) 15' Impervious Surface Ratio 0.7

**STAFF RECOMMENDATION:**

Case Z24-00004 is recommended for approval.