



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Althea Jefferson, Assistant Growth Management Director

CASE NUMBER

Z24-00005

PLANNING & ZONING BOARD HEARING DATE

September 4, 2024

PROPERTY OWNER & APPLICANT

Zoltan Szabo Revocable Trust &
City of Palm Bay

PROPERTY LOCATION/ADDRESS

East of Dixie Highway NE, south of Kingswood Drive
NE, west of the Indian River (Parcel ID 28-37-14-00-1.2)

SUMMARY OF REQUEST

The City is proposing an administrative rezoning from SF-1, Single-Family Residential, to RS-1, Single-Family Residential.

Existing Zoning

SF-1, Single-Family Residential

Existing Land Use

Vacant Land

Site Improvements

None

Site Acreage

Approximately .14 acres

SURROUNDING ZONING AND EXISTING USES

North

Bayfront Mixed Use, Vacant Land

East

Indian River

South

ROW/Vacant Land

West

Bayfront Mixed Use, Vacant Land

COMPREHENSIVE PLAN

The Future Land Use (FLU) of the subject parcel is Low 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 SF-1 Zoning District Regulations. As such, the subject parcel must be rezoned to a zoning district that is most compatible with the former SF-1 district; and, consistent with the Low-Density Future Land Use.

The City of Palm Bay is requesting an administrative rezoning of the subject parcel from SF-1, Single-Family Residential to RS-1, Single-Family Residential to establish consistency with the adopted 2045 City of Palm Bay Comprehensive Plan.

ANALYSIS:

The subject property is generally located east of Dixie Highway NE, south of Kingswood Drive NE, west of the Indian River, and labeled as Parcel ID 28-37-14-00-1.2 and Tax Account #2826091 in the Brevard County Property Appraiser's official records.

The subject property is legally described as the North 100 Ft of Govt Lot 1, Lying East of US Hwy 1 in Section 14, Township 28 S, Range 37 E, in Brevard County, FL, with Parcel ID 28-37-14-00-1.2, and containing 0.14 Acres, more or less.

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 SF-1 and RS-1 Zoning District regulations are nearly the same. The subject site is the only parcel within the city limits assigned to the SF-1 zoning classification. Elimination of the SF-1 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, “There are no other parcels with RS-1 zoning in proximity to the subject site; however, the rezoning Will allow the current owner 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.”

(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 pf 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:

§ 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.	RS-1 - Single-Family Residential District
(A) Intent. The provisions of this category are intended to apply to an area of medium density single-family residential development. Lot sizes, minimum living area standards, and other restrictions are intended to promote high quality residential development.	(E) Single-Family Residential Districts (RS-1, RS-2, and RS-3). The purpose of these districts is to accommodate low density single-family residential development of an increasingly urban character. (Note: Sites previously zoned and developed under the SF-1 district regulations are now subject to the RS-1 district standards).

(B) Principal uses and structures.	
<p>(1) Single-family dwellings.</p> <p>(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.</p> <p>(3) Public parks, playgrounds and other public recreational facilities.</p> <p>(4) Public utility equipment and facilities located within a utility easement or right-of-way.</p>	<p>Single-family dwellings</p> <p>Accessory dwelling units</p> <p>Public parks and recreational facilities</p> <p>Public utility equipment and facilities</p> <p>Assisted living facilities, Small</p> <p>Community residential homes</p> <p>Group homes</p> <p>Family day care home, small</p>
(C) Accessory uses and structures.	
<p>(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to 1 or more principal uses.</p>	
(D) Conditional uses.	
<p>(1) Public and 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> <p>Cluster subdivision</p>
(E) Prohibited uses and structures.	
<p>(1) All uses not specifically or provisionally permitted herein.</p>	
(F) Lot and structure requirements.	
<p>(1) Minimum lot area —8,000 sq. ft.</p> <p>(2) Minimum lot width — 80’.</p> <p>(3) Minimum lot depth —100’</p> <p>(4) Maximum building coverage — 30%</p> <p>(5) Minimum living area —1400 sq. ft.</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>(8) Minimum 1 car enclosed garage required at the time of the issuance of the structure’s certificate of occupancy.</p>	<p>Minimum lot area 8,000 sq. ft.</p> <p>Minimum lot width 80’</p> <p>Minimum lot depth 100’</p> <p>Maximum building coverage 30%</p> <p>Minimum living area 1,400 sq. ft.</p> <p>Maximum height 25’</p> <p>Minimum setback</p> <ul style="list-style-type: none"> • Front 25’ • Side corner 25’ • Side interior 8’ • Rear 20’ • Site perimeter setback --- <p>Impervious Surface Ratio 0.5</p> <p>Common open space and recreation area 20% (see §177.005 (2))</p>

STAFF RECOMMENDATION:

Case Z24-00005 is recommended for approval.