



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

Z24-00003

PLANNING & ZONING BOARD HEARING DATE

September 4, 2024

PROPERTY OWNER & APPLICANT

Various Owners &
City of Palm Bay

PROPERTY LOCATION/ADDRESS

All parcels currently designated RC, Restricted Commercial on the City of Palm Bay Official Zoning Map.

SUMMARY OF REQUEST

The City is proposing an administrative rezoning from RC, Restricted Commercial, to NC, Neighborhood Commercial.

Existing Zoning

RC, Restricted Commercial

Existing Land Use

Varies

Site Improvements

Varies

Site Acreage

Approximately 57 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 Commercial.

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 RC, Restricted Commercial District Regulations. As such, the subject parcels must be rezoned to a zoning district that is most compatible with the former RC district; and, consistent with the Commercial Future Land Use designation.

The City of Palm Bay is requesting an administrative rezoning of the subject parcels from RC, Restricted Commercial to NC, Neighborhood Commercial 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 RC and NC Zoning District regulations are nearly the same. The elimination of the RC zoning will rid the LDC of redundancies between the two districts; however, the allowable uses remain consistent with what's 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 (Neighborhood Commercial) undeveloped land in the general area of the subject sites is unknown, as the proposed change is city-wide and relates to 137 separate parcels. However, it is unlikely that other parcels with Neighborhood Commercial zoning lie in proximity to the subject sites, as

they are primarily located along major corridors (and their intersections). The proposed zoning classification is used throughout the city and is appropriate for the subject sites being rezoned.”

(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 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:

| <p>§ 185.052 RC - RESTRICTED COMMERCIAL DISTRICT.</p> | <p>Neighborhood Commercial District (NC).</p> |
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| <p>(A) Intent. The purpose of the restricted commercial district shall be to locate and establish areas within the city which are uniquely suited for commercial development but which are transitioning from residential or other noncommercial development to commercial use. Such areas to be primarily along major transportation corridors connecting other community commercial clusters. The uses and development standards included in the district are intended to provide compatibility between uses, protect nearby residential districts, provide access control along corridors, provide quality development, enhance corridor appearance, and</p> | <p>(J) The purpose of this district is to allow limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood. Development standards and provisions are established to ensure the proper development and location of neighborhood-serving uses, reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.</p> |

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| <p>provide additional commercial opportunities within the city.</p> | |
| <p>(B) Principal uses and structures.</p> | |
| <p>(1) Professional offices: accounting, architecture, engineering, dentistry, medical, insurance, legal, real estate, financial services (non-banking), and similar uses.</p> <p>(2) General offices: administrative, corporate, business, and similar uses.</p> <p>(3) Personal services: beauty, barber, dry cleaning pick-up, and similar uses (minimum fifteen thousand (15,000) square foot lot).</p> <p>(4) Business services: graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses (minimum fifteen thousand (15,000) square foot lot).</p> <p>(5) Financial institutions: banks, credit unions and savings and loans (minimum fifteen thousand (15,000) square foot lot).</p> <p>(6) Retail sales and service: clothing, jewelry, luggage, shoes, electronics, sporting goods, books, gift shops, florists, photographic supplies, art dealers, tobacco products, grocery stores, drug stores, cosmetic and beauty supply, optical, specialty food, and similar uses (minimum fifteen thousand (15,000) square foot lot).</p> <p>(7) Veterinarians and veterinary clinics provided all activities are within the principal structure and there is no boarding of animals (minimum fifteen thousand (15,000) square foot lot).</p> <p>(8) Schools licensed by the State of Florida (minimum fifteen thousand (15,000) square foot lot).</p> <p>(9) Day care centers licensed by the State of Florida (minimum fifteen thousand (15,000) square foot lot), provided the lot has frontage on an Arterial or Collector Roadway, as identified in the adopted City Comprehensive Plan.</p> <p>(10) Public uses: any federal, state, county, municipal, special district, or similar use.</p> <p>(11) Funeral homes (minimum fifteen thousand (15,000) square foot lot).</p> <p>(12) Eating establishments: restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses (minimum fifteen thousand (15,000) square foot lot).</p> | <p>General offices ⁽²⁾</p> <p>Service establishments, business ⁽¹⁾</p> <p>Service establishments, personal ⁽¹⁾</p> <p>Banks and financial institutions ⁽¹⁾</p> <p>Retail establishment ⁽²⁾</p> <p>Veterinarians and veterinary clinics (no boarding of animals) ⁽¹⁾</p> <p>Schools, elementary and middle</p> <p>Schools, high</p> <p>Childcare facilities ⁽²⁾</p> <p>Government establishments</p> <p>Public recreational facilities</p> <p>Funeral homes ⁽¹⁾</p> <p>Restaurants/eating establishments ⁽²⁾</p> <p>Pet day care ⁽¹⁾</p> <p>Tattoo parlors ⁽¹⁾</p> <p>Urgent care center ⁽¹⁾</p> <p>Churches ⁽²⁾</p> |

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| <p>(13) Contractors' administrative offices: 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, provided no storage occurs at the site, no construction equipment is parked or stored at the site, and all parking is on a paved surface (minimum fifteen thousand (15,000) square foot lot).</p> | |
| <p>(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the low intensity commercial nature of the district. All storage shall be within an enclosed structure unless clearly provided or excluded for herein.</p> | |
| <p>(D) Conditional uses.</p> | |
| <p>(1) Major retail sales, rental and service: building supply, major appliances, furniture, paint, hardware, lawn and garden supplies, consumer goods rentals, and similar uses (minimum fifteen thousand (15,000) square foot lot). (2) Plant nurseries, greenhouses (minimum fifteen thousand (15,000) square foot lot). (3) Public utility facilities. (4) Clubs, lodges, and fraternal organizations (minimum fifteen thousand (15,000) square foot lot). (5) Hospitals and nursing homes (minimum fifteen thousand (15,000) square foot lot). (6) Model home centers subject to the following: . . .</p> | <p>Plant nurseries and green houses Public utility facilities Clubs, lodges, and fraternal organizations ⁽¹⁾ Hospitals Fuel stations Nursing homes Recreation, indoor ⁽¹⁾ Small event space ⁽¹⁾ Drive-through establishments ⁽³⁾</p> |
| <p>(E) Prohibited uses and structures.</p> | |
| <p>(1) All uses not specifically permitted herein. (2) Building services: pest control, carpet cleaning, janitorial, water treatment, vending, and similar uses. (3) Retail automotive fuel sales. (4) Drinking establishments. (5) Pawn shops. (6) Tattoo parlors. (7) 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</p> | |

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| <p>conditioning installers, glass repair and replacement, and similar uses. (8) Dancing in eating establishments. (9) Fireworks sales. (10) Fortune tellers, tarot card reading, palm readers, and similar uses. (11) Commercial towers. (12) Pain-management clinic.</p> | |
| <p>(F) Lot and structure requirements.</p> | |
| <p>(1) Minimum lot area 15,000 sq. ft. (2) Minimum lot width 100' (3) Minimum lot depth – 150' (4) Maximum building coverage - 35% (5) Minimum floor area – 300 sq. ft. (6) Maximum height – 25' (7) Minimum yard requirements: (a) Front: 40' min. 30' facing arterial road. Parking areas may be located in the front yard except within 15' on the front lot line or 10' for parking areas located in a front yard which face an arterial road. (b) Side interior: 10'. Parking areas may be located in the side yard, except within 5' of the side lot line. Abutting residentially zoned property 30' min. setback for all buildings and parking. (c) Side corner: 25'. Parking areas may be located in side corner yard, except within 10' of any street. (d) Rear: 30' minimum building and parking setback.</p> | <p>Minimum lot area (sq. ft.) 10,000 Minimum lot width (ft.) 100' Minimum lot depth (ft.) 100' Maximum building coverage (%) 35% Minimum floor area (sq. ft.) 300 Maximum height (ft.) 25' Minimum building setback (ft.) (3) Front 30' Side corner 25' Side interior 10' Rear 25' 10' abutting dedicated alley Minimum parking setback (ft.) (3) Front 10' Side corner 10' Side interior 5' (25' next to residential zoning) Impervious Surface Ratio 0.7 Common open space 10% (see §177.005)</p> |

⁽¹⁾ Not to exceed 5,000 gross square feet

⁽²⁾ Establishments exceeding 5,000 sq. ft. of floor area require Conditional Use review.

⁽³⁾ The lot shall have frontage on an Arterial or Collector Roadway

STAFF RECOMMENDATION:

Case Z24-00003 is recommended for approval.