

16. Ordinance 2024-46, rezoning all SF-1 (Single-Family Residential) zoning district properties within the city limits to RS-1 (Single-Family Residential District) (Z24-00005, City of Palm Bay), first reading. (Quasi-Judicial Proceeding)



MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Lisa Frazier, AICP, Growth Management Director

DATE: September 19, 2024

RE: ****Z24-00005 – Rezoning from SF-1 to RS-1 Citywide (Ordinance 2024-46) - City of Palm Bay, Brevard County, Florida, amending the Zoning Ordinance of the City of Palm Bay by changing the zoning of all SF-1 (Single-Family Residential) zoning district properties to RS-1 (Single-Family Residential District); providing for a change of the Zoning Map; providing for an effective date**

SUMMARY:

Case T24-00004, heard by the Palm Bay City Council 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.

Staff is requesting to continue Case Z24-00005 to the October 17, 2024 City Council meeting to allow this case to be considered with all other administrative city-wide rezoning applications.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Approval

Planning & Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Ms. Jordan, **Seconded** by Mr. Warner to submit Case Z24-00005 to the City Council for approval.

Result: Carried 6 to 0

Aye: Good, Boerema, Jaffe, Jordan, McLeod, Warner

Nay: None

Abstain: None

ATTACHMENTS:

- 1 Z24-00005 Staff Report
- 2 Z24-00005 Existing SF-1 Zoning Map
- 3 Z24-00005 Public Input Summary
- 4 Z24-00005 Factors of Analysis
- 5 Z24-00005 Application
- 6 Z24-00005 Legal Acknowledgement
- 7 Z24-00005 Legal Ad



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).

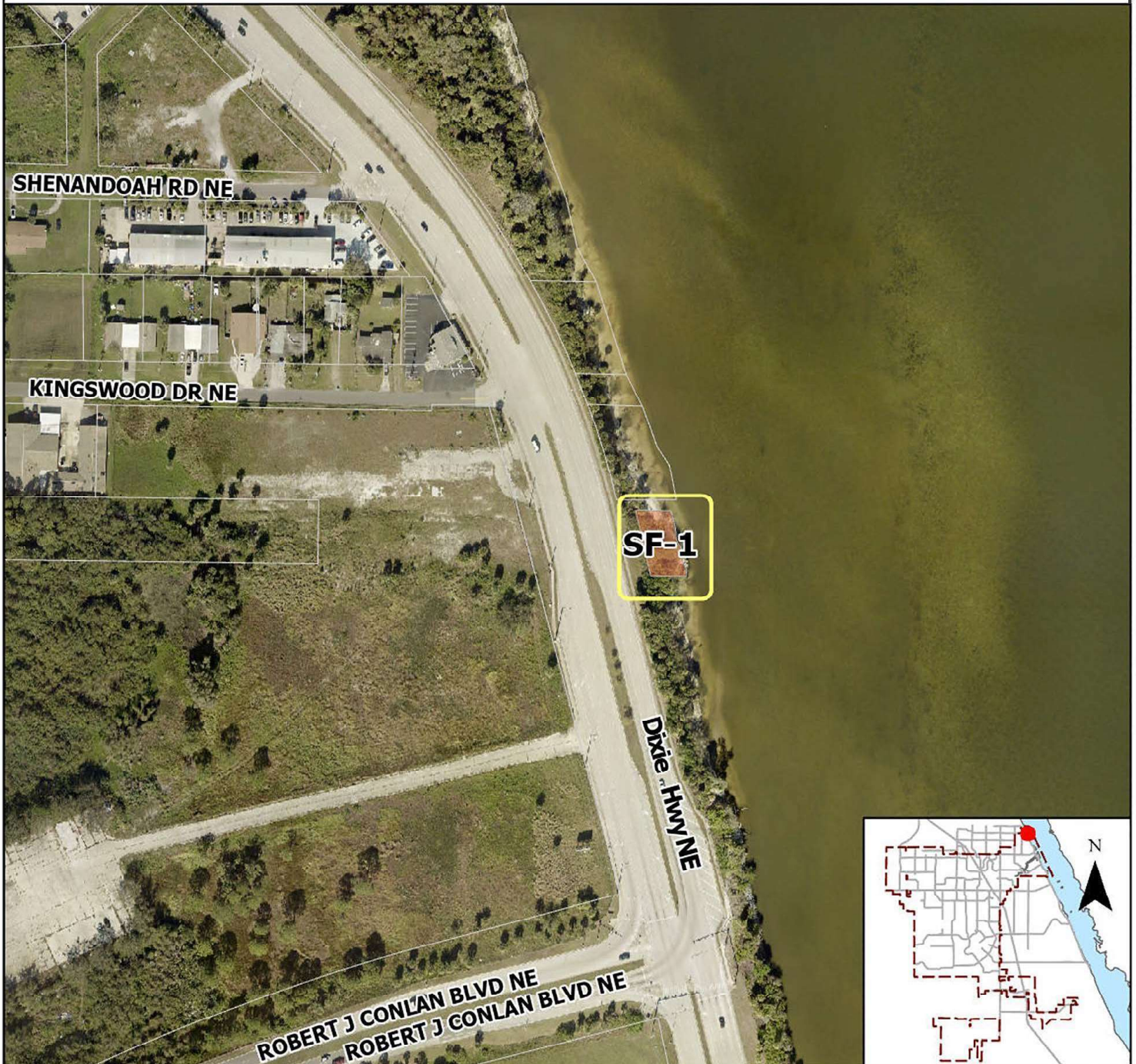
(B) Principal uses and structures.	
(1) Single-family dwellings. (2) Accessory dwelling units; subject to the provisions listed in the § 185.006. (3) Public parks, playgrounds and other public recreational facilities. (4) Public utility equipment and facilities located within a utility easement or right-of-way.	Single-family dwellings Accessory dwelling units Public parks and recreational facilities Public utility equipment and facilities Assisted living facilities, Small Community residential homes Group homes Family day care home, small
(C) Accessory uses and structures.	
(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to 1 or more principal uses.	
(D) Conditional uses.	
(1) Public and private schools. (2) Churches. (3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.	Public and private schools (1) Churches (1) (3) Public utility equipment and facilities, major Cluster subdivision
(E) Prohibited uses and structures.	
(1) All uses not specifically or provisionally permitted herein.	
(F) Lot and structure requirements.	
(1) Minimum lot area —8,000 sq. ft. (2) Minimum lot width — 80'. (3) Minimum lot depth —100' (4) Maximum building coverage — 30% (5) Minimum living area —1400 sq. ft. (6) Maximum height —25' (7) Minimum yard requirements: (a) Front —25' (b) Side interior — 8' (c) Side corner — 25' (d) Rear — 25' (8) Minimum 1 car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.	Minimum lot area 8,000 sq. ft. Minimum lot width 80' Minimum lot depth 100' Maximum building coverage 30% Minimum living area 1,400 sq. ft. Maximum height 25' Minimum setback • Front 25' • Side corner 25' • Side interior 8' • Rear 20' • Site perimeter setback --- Impervious Surface Ratio 0.5 Common open space and recreation area 20% (see §177.005 (2))

STAFF RECOMMENDATION:

Case Z24-00005 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: Z24-00005

Subject Property

All parcels within the City's jurisdiction which are currently zoned SF-1, Single Family Residential

Zoning District

SF-1 - Single Family Residential



PUBLIC INPUT SUMMARY

CASE DETAILS

Applicant Name:	City of Palm Bay
Project Name:	City-wide Rezoning
Case Type:	Rezoning
Case Description:	City-wide rezoning
Intended Month of Submission:	Sept. 2024

Summary

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. As part of the update to the Comprehensive Plan, the City is required to review and update the Land Development Code (LDC) to ensure consistency with the recently adopted plan. The LDC is intended to establish policy that guides development of property within Palm Bay City limits.

The City's Growth Management Department, in coordination with Inspire Placemaking, kicked off the LDC overhaul in May of 2023 and held several public workshops with stakeholders on proposed amendments to the zoning code. An onsite public workshop was held in the Council Chambers on September 21, 2023, and a virtual workshop was held on October 2, 2023, to solicit input on general and specific concerns of the community.

Growth Management Department and Inspire Placemaking hosted in-person public input sessions on August 15th and 16th. On August 19, 2024, a virtual public input session was held via Microsoft Teams. Staff and consultants also presented the proposed amendments to the Planning & Zoning Board on August 7, 2024, and City Council on August 29, 2024.



LAND DEVELOPMENT DIVISION

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

<https://ims.palmbayflorida.org>

PLANNING AND ZONING BOARD FACTORS OF ANALYSIS

(1) Future Land Use Map Amendment Factors of Analysis

- (a) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget, or the economy of the city;

Applicant Response:

N/A

- (b) Whether the proposed amendment will adversely affect the level of service of public facilities;

Applicant Response:

N/A

- (c) Whether the proposed amendment will adversely affect the environment or the natural or historical resources of the city or the region as a result of the proposed amendment;

Applicant Response:

N/A

(d) Whether the amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;

Applicant Response:

N/A

(e) Whether the proposed amendment will promote or adversely impact the public health, safety, welfare, or aesthetics of the region or the city;

Applicant Response:

N/A

(f) Whether the requested amendment is consistent with all elements of the Comprehensive Plan and established Levels of Service.

Applicant Response:

N/A

(g) Whether the request maximizes compatibility (consistent with the definition found in [Florida Statutes 163.31649](#)) between uses;

Applicant Response:

N/A

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

Applicant Response:

N/A

(i) Whether the request relocates higher density and intensity uses in areas which already feature adequate vehicular access and access to public facilities; and

Applicant Response:

N/A

(j) Whether the request has potential for creating land use inequities per Policy FLU – 1.12A of the Comprehensive Plan.

Applicant Response:

N/A

(2) Zoning Map Amendment Factors of Analysis

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

Applicant Response:

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;

Applicant Response:

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;

Applicant Response:

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 other strategic plans applicable to the proposed development and the provisions in the Land Development Code;

Applicant Response:

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; and

Applicant Response:

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.

Applicant Response:

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.

Please note: You may add supplemental information or documents to this form for consideration.

Project Details: Z24-00005

Project Type: Rezoning Zoning Change

Project Location: nan UNKNOWN Palm Bay, FL
Milestone: Submitted
Created: 8/1/2024
Description: Rezoning from SF-1 to RS-1 City-wide
Assigned Planner: Althea Jefferson

Contacts

Contact	Information
Owner/Applicant	City of Palm Bay 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 lisa.frazier@palmbayflorida.org
Legal Representative	Lisa Frazier, AICP, Growth Management Director 120 Malabar Rd. SE Palm Bay, FL 32907 (321) 733-3042 lisa.frazier@palmbayflorida.org
Submitter	Althea Jefferson 120 Malabar Rd. SE Palm Bay, FL 32907 (321) 733-3042 althea.jefferson@PalmBayFlorida.org
Assigned Planner	Althea Jefferson 120 Malabar Road SE Palm Bay, FL 32907 (321) 733-3042 althea.jefferson@palmbayflorida.org

Fields

Field Label	Value
Block	1.2
Lot	
Township Range Section	28-37-14
Subdivision	00
Year Built	
Lot Size	
Use Code	1000

Project Details: Z24-00005

Use Code Desc	VACANT COMMERCIAL LAND
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Building SqFt	
Tax ID	2826091
Are You a Property Owner of Record?	False
Zoning Classification Desired	RS-1
Structures On Property?	False
Intended Use of Property	Single Family Residence
Justification for Change	Establish consistency with City of Palm Bay 2045 Comprehensive Plan
Size of Area (acres)	
Present Use of Property	Vacant
Ordinance Number	Ordinance 2024-46
Zoning Code	SF-1
Zoning Description	Single Family Residential
Flu Code	LDR
Flu Description	Low Density Residential
Tax Account Number(s)	2826091
Parcel Number(s)	28-37-14-00-1.2

Acknowledgement Log

Header:

Legal Acknowledgement

Text:

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By:

Althea Jefferson

On:

8/1/2024 6:58:02 PM

☒ Z24-00005

Select Language | ▼

AFFIDAVIT OF PUBLICATION

Chandra Powell
attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

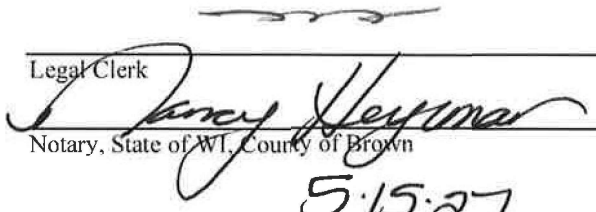
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

08/22/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/22/2024

Legal Clerk


Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost:	\$498.80	
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PO #:		

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NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF ZONING CHANGE CITY OF PALM BAY, FLORIDA PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for the City of Palm Bay Planning and Zoning Board on September 4, 2024, at 6:00 PM; and, a Public Hearing is scheduled for the Palm Bay City Council on September 19, 2024, at 6:00 PM, both to be held at City Hall in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida 32907 to consider adopting the following proposed ordinance(s):

ORDINANCE 2024-44

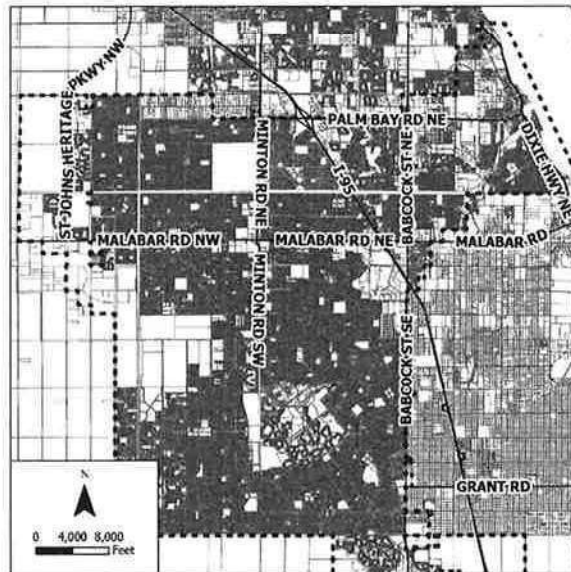
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF ALL RC (RESTRICTED COMMERCIAL) ZONING DISTRICT PROPERTIES WITHIN THE CITY LIMITS TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE. (**Case Z24-00003)

ORDINANCE 2024-45

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF ALL RM-10 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT PROPERTIES TO RM-15 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE. (**Case Z24-00004)

ORDINANCE 2024-46

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF ALL SF-1 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT PROPERTIES TO RS-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE. (**Case Z24-00005)



**Indicates quasi-judicial request(s).

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s). The ordinance draft(s) may be inspected by the public from 8:30 A.M. to 5:00 P.M., weekdays, in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida.

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency, or City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

For additional information about the ordinance(s), please contact Growth Management staff at 321-733-3041.

Chandra Powell
Planning Specialist

ORDINANCE 2024-46

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF ALL SF-1 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT PROPERTIES TO RS-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from SF-1 (Single-Family Residential District) to RS-1 (Single-Family Residential District), being legally described as follows:

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.

SECTION 2. The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

SECTION 3. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on _____, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on _____, 2024.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2024-46

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case File: Z24-00005

cc: Applicant
Case File