

9. Ordinance 2024-55, rezoning all BMUV (Bayfront Mixed Use Village District) zoning district properties within the city limits to UMU (Urban Mixed-Use District) (Case Z24-00007, 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: October 17, 2024

RE: Z24-00007 – Rezoning from BMUV to UMU Citywide (Ordinance 2024-55) - City of Palm Bay, Brevard County, Florida, amending the Zoning Ordinance of the City of Palm Bay by changing the zoning of all BMUV (Bayfront Mixed Use Village) Zoning District Properties to UMU (Urban Mixed-Use District); Providing for a Change of the Zoning Map; Providing for an Effective Date

SUMMARY:

Ordinance 2024-33 was adopted by the City Council on September 19, 2024, to bring the land development regulations into compliance with the Palm Bay Comprehensive Plan and create an updated Land Development Code. The Ordinance also renamed BMUV (Bayfront Mixed Use Village) District to UMU (Urban Mixed-Use) District. As such, the subject parcels, consisting of approximately 29 acres, must be rezoned to a district classification that is provided for, and regulated, in the new Land Development Code.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Staff recommends approval of Case Z24-00007.

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. McLeod to submit Case Z24-00007 to the City Council for approval.

Result: Carried 4 to 1

Aye: Boerema, Jordan, McLeod, Olszewski

Nay: Warner

Abstain: None

ATTACHMENTS:

- 1 Z24-00007-Staff Report
- 2 Z24-00007-Location Map
- 3 Z24-00007 Public Input Summary
- 4 Z24-00007 Factors of Analysis
- 5 Z24-00007 Application
- 6 Z24-00007- Tax ID - BMUV
- 7 Z24-00007 Legal Acknowledgement
- 8 Z24-00007-Legal Ad
- 9 Z24-00007-Ordinance
- 10 Z24-00007-Business Impact Estimate



STAFF REPORT

LAND DEVELOPMENT DIVISION

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

landdevelopmentweb@palmabayflorida.org

Prepared by

Althea Jefferson, Assistant Growth Management Director

CASE NUMBER

Z24-00007

PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

PROPERTY OWNER & APPLICANT

Various Owners &
City of Palm Bay

PROPERTY LOCATION/ADDRESS

All parcels currently designated BMUV (Bayfront Mixed Use Village) District on the City of Palm Bay Official Zoning Map.

SUMMARY OF REQUEST

The City is proposing an administrative rezoning from BMUV (Bayfront Mixed Use Village District) to UMU (Urban Mixed-Use District).

Existing Zoning

BMUV (Bayfront Mixed Use Village)

Existing Land Use

Varies

Site Improvements

Varies

Site Acreage

Approximately 29 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 renamed BMUV (Bayfront Mixed Use Village District) to UMU (Urban Mixed-Use District). As such, the subject parcels must be rezoned to a district classification that is provided for, and regulated, in the new Land Development Code.

The City of Palm Bay is requesting an administrative rezoning of the subject parcels from BMUV (Bayfront Mixed Use Village District) to UMU (Urban Mixed-Use 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 request serves to rename BMUV to UMU. 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 renaming of BMUV to UMU will allow property owners 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. The proposed amendment will further the purpose of the City Comprehensive Plan, including the following: Policy FLU-1.7F. Update the LDC to incorporate criteria for mixed use development which includes industrial uses. Objective FLU-1.5. Support the creation of harmonious mixed-use communities with residential and nonresidential uses collocated and integrated into a sustainable development pattern.”

(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:

§ 185.053 BMUV - BAYFRONT MIXED USE VILLAGE DISTRICT.	UMU Urban Mixed-Use District.
(A) Intent. The purpose of the Bayfront mixed use village (BMUV) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of residential, office, neighborhood supporting commercial, institutional, and other similar low intensity land uses that are linked by a network of walkways to create a village center as recommended in the Bayfront Redevelopment Plan.	(N) The purpose of the mixed-use districts is to foster an attractive and functional mix of residential and nonresidential land uses within a walkable setting. The intent of the Urban Mixed-Use (UMU) district is to cultivate a vibrant mix of very dense and intense residential and nonresidential land uses within a highly walkable setting primarily consisting or vertical mixed-use buildings at the intersection of collector or arterial roadways.
(B) Principal uses and structures.	
(1) Single family dwellings. (2) Multiple family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre. (3) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses. (4) General offices such as administrative, corporate, business, and similar uses.	Multi-family dwellings General offices Service establishments, business Service establishments, personal Pet day care Banks and financial institutions Retail establishment Veterinarians and veterinary clinics (no boarding of animals)

<p>(5) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.</p> <p>(6) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.</p> <p>(7) Financial institutions (banks, credit unions, and savings and loan).</p> <p>(8) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).</p> <p>(9) Veterinary clinics provided all activities are within the principal structures and there is no boarding of animals.</p> <p>(10) Schools, churches, libraries, and museums.</p> <p>(11) Day care centers.</p> <p>(12) Public uses (any federal, state, county, municipal, special district, or similar use).</p> <p>(13) Funeral homes.</p> <p>(14) Eating establishments (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).</p> <p>(15) Retail bakeries.</p> <p>(16) Plant nurseries, greenhouses.</p> <p>(17) Clubs, lodges, and fraternal organizations.</p> <p>(18) Nursing homes and adult congregate living facilities.</p> <p>(19) Repair service establishments excluding auto repair.</p> <p>(20) Hotel, motel, and bed and breakfast inns.</p> <p>(21) Public and private parking lots.</p>	<p>Childcare facilities Government establishments Restaurants/eating establishments Clubs, lodges, and fraternal organizations Hotels, motels, tourist courts Bed and breakfast inns Parking garages (principal use) Public recreational facilities</p> <p>Drinking establishments Medical and dental labs Vehicle and major recreational equipment repair, light Dance clubs Event halls Recreation, indoor Recreation, nature Group homes Public utility facilities</p>
<p>(C) Accessory uses and structures.</p>	
<p>Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a village environment. All storage shall be in an enclosed structure unless clearly provided for herein.</p>	
<p>(D) Conditional uses.</p>	
<p>(1) Public utility facilities.</p> <p>(2) On-premise alcohol consumption accessory to an eating establishment.</p> <p>(3) Eating establishment with sidewalk/ outdoor table service.</p> <p>(4) Dancing in eating establishments.</p> <p>(5) Marinas with boat sales and rentals.</p> <p>(6) Residential and nonresidential uses in the same structure.</p>	<p>Educational service establishments Hospitals Recreation, outdoor Marinas</p>
<p>(E) Prohibited uses and structures.</p>	
<p>(1) All uses not specifically permitted herein.</p> <p>(2) Retail automotive fuel sales.</p> <p>(3) Pawn shops.</p>	

<p>(4) Tattoo parlors and body piercing establishments. (5) 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 conditioning installers, glass repair and replacement, and similar uses). (6) Adult entertainment. (7) Fireworks sales. (8) Commercial towers. (9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles. (10) Vehicle/automotive sales/lease. (11) Palm readers/fortunetellers and similar uses. (12) Flea markets and auction houses and similar uses. (13) Soup kitchens/homeless shelters. (14) Pain-management clinic.</p>	
<p>(F) Lot and structure requirements.</p>	
<p>(1) Minimum lot area - 4,800 sq. ft. (2) Minimum lot width – 40’ (3) Minimum lot depth – 120’ (4) Maximum building coverage - 60% (5) Maximum height – 35’ (6) Minimum floor area (nonresidential) - 300 sq. ft. (7) Min living area for single family detached - None. (8) Minimum living area for multifamily units: None. (9) Yard requirements: (a) Front: 0’ min., 20’ max. (b) Side interior: 5’ (c) Side corner: 0’ min., 20’ max. (d) Rear: 20’ min.; 10’ when abutting a ROW or alley. (e) Accessory structures: 20’ front and side corner, same side and rear as listed in divisions (b) and (d) above.</p>	<p>Density (units per acre) 40 max /10 min. Intensity (Floor Area Ratio) 2.5 Minimum lot area (sq. ft.): Multi-Family (MF) 10,000 sq. ft. Non-residential 10,000 sq. ft. Minimum lot width (ft.) <ul style="list-style-type: none"> • MF 100’ • Non-residential 100’ Minimum lot depth (ft.) 100’ Maximum building coverage (%)90% Maximum height (ft.) 70’ Minimum setback (ft.) <ul style="list-style-type: none"> • Front 5’ min./10’ max. • Side corner 5’ min./10’ max. • Side interior NA • Rear 10’ • Parking setback (ft.) 10’ Building separation (ft.) Per building code Impervious Surface Ratio 0.8 Common open space and recreation area 20%</p>
<p>(a) The Bayfront Architectural Style for each structure is required. This shall include the following architectural elevations facing public rights-of-way.</p>	<p>Subject to citywide non-res architectural standards</p>

STAFF RECOMMENDATION:

Case Z24-00007 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: Z24-00007

Subject Property

All parcels within the City's jurisdiction which are currently zoned BMUV, Bayfront

Mixed-Use Village

Zoning District

BMUV - Bayfront Mixed Use Village District

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



LOCATION MAP

CASE: Z24-00007

Subject Property

All parcels within the City's jurisdiction which are currently zoned BMUV, Bayfront Mixed-Use Village

Zoning District

BMUV - Bayfront Mixed Use Village District



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 request serves to rename BMUV to UMU. 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:

N/A
The renaming of BMUV to UMU will allow property owners 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. The proposed amendment will further the purpose of the City's Comprehensive Plan, including the following: Policy FLU-1.7F. Update the LDC to incorporate criteria for mixed use development which includes industrial uses. - Objective FLU-1.5. Support the creation of harmonious mixed-use communities with residential and nonresidential uses collocated and integrated into a sustainable development pattern.

(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: Z24-00007

Project Type: Rezoning Zoning Change

Project Location: 1451 MAPLEWOOD ST NE # LOT39 Palm Bay, FL 32905
Milestone: Submitted
Created: 8/19/2024
Description: Citywide Rezoning from BMUV to UMU
Assigned Planner: Althea Jefferson

Contacts

Contact	Information
Owner/Applicant	City of Palm Bay 120 Malabar Rd SE Palm Bay, FL 32907 (321) 451-5671 althea.jefferson@PalmBayFlorida.org
Legal Representative	Lisa Frazier 120 Malabar Rd. SE Palm Bay, FL 32907 (321) 733-3042 lisa.frazier@palmbayflorida.org
Submitter	Althea Jefferson, AICP, Assistant Growth Management Director 120 Malabar Rd. SE Palm Bay, FL 32907 (321) 451-5671 althea.jefferson@PalmBayFlorida.org
Assigned Planner	Althea Jefferson 120 Malabar Road SE Palm Bay, FL 32907 (321) 451-5671 althea.jefferson@palmbayflorida.org

Fields

Field Label	Value
Block	3
Lot	10
Township Range Section	28-37-24
Subdivision	27
Year Built	
Use Code	1000
Use Code Desc	VACANT COMMERCIAL LAND

Project Details: Z24-00007

Lot Size	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2832810
Flu Description	Urban Mixed-Use
Flu Code	UMU
Zoning Description	Bayfront Mixed Use / Village
Zoning Code	BMUV
Size of Area (acres)	
Present Use of Property	Varies
Zoning Classification Desired	UMU
Structures On Property?	False
Intended Use of Property	Mixed-Use
Justification for Change	LDC Update; consistency with Comp. Plan
Are You a Property Owner of Record?	False
Tax Account Number(s)	See Attached
Parcel Number(s)	
Ordinance Number	

**BMUV – Bayfront Mixed-
Use Village**

	2832786	2832556
	2832792	2832547
2832802	2832594	2832541
2832820	2862103	2832783
2832550	2832600	2832784
2832814	2862104	2832597
2832603	2832593	2832589
2832552	2832598	2832788
2859512	2832779	2832780
2832808	2832778	2832781
2832806	3013384	2832782
2832812	2866312	2832590
2832805	2832821	2862091
2832810	2832816	2832596
2832803	2832811	2832789
2832809	2852481	2832592
2832810	2832822	2862649
2832547	2832532	2832546
2832805	2832825	3013383
2832813	2832824	3013382
2832555	2832826	2832838
2832777	2832819	
2832557	2832807	
2832785	2832804	
2832599	2832827	
2832790	2832828	
2862105	2832551	
2832591	2832815	
2832595	2832817	

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:

8/19/2024 9:28:45 AM

Z24-00007

Select Language | ▼

AFFIDAVIT OF PUBLICATION

CITY OF PALM BAY
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:

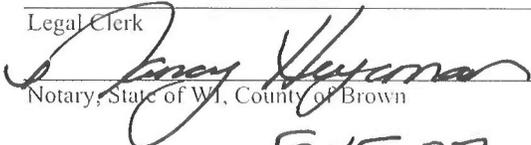
09/19/2024

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 09/19/2024



Legal Clerk



Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost:	\$498.80	
Tax Amount:	\$0.00	
Payment Cost:	\$498.80	
Order No:	10581357	# of Copies:
Customer No:	1127256	1
PO #:	P.O. 230085	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

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

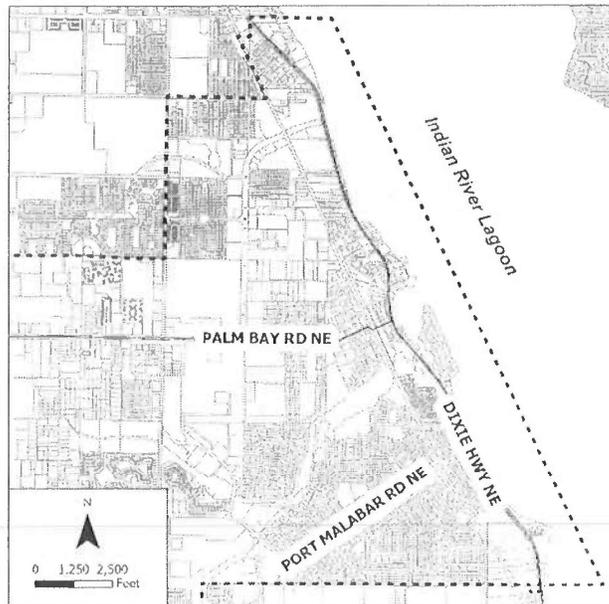
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for the City of Palm Bay Planning and Zoning Board on **October 2, 2024, at 6:00 PM**; and, a Public Hearing is scheduled for the Palm Bay City Council on **October 17, 2024, at 6:00 PM**, both to be held at City Hall in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida 32907 to consider adopting the following proposed ordinance(s):

ORDINANCE 2024-55

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 PROPERTIES WITH A ZONING DISTRICT OF BMUV (BAYFRONT MIXED USE VILLAGE) TO UMU (URBAN MIXED-USE DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.
(*Case Z24-00007)

ORDINANCE 2024-56

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 PROPERTIES WITH A ZONING DISTRICT OF BMU (BAYFRONT MIXED USE) TO CMU (COMMUNITY MIXED-USE DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.
(*Case Z24-00008)



**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

City of Palm Bay, Florida Business Impact Estimate

This form should be included in the City Council agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Palm Bay website by the time notice of the proposed ordinance is published, excluding the exceptions provided in 166.041(4), Florida Statutes.

ORDINANCE 2024-55

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 PROPERTIES WITH A ZONING DISTRICT OF BMUV (BAYFRONT MIXED USE VILLAGE) TO UMU (URBAN MIXED-USE DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE. (Case #Z24-00007)

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of Palm Bay is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the county;
 - c. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - d. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or

¹ See Section 166.041(4)(c), *Florida Statutes*.

- e. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Palm Bay hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): *The proposed ordinance was initiated by the City and rezones 77 lots (consisting of 29 acres) from BMUV to UMU. Both existing and proposed zoning districts are mixed-use zoning districts. As part of the 2024 update to the Land Development Code, the rezoning is proposed to allow mixed-use districts throughout the city, and to bring the LDC into compliance with the Comprehensive Plan.*

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Bay, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City of Palm Bay regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
No direct economic impact estimated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *None (0)*

4. Additional information the governing body deems useful (if any):
[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of Palm Bay staff solicited comments from businesses in the City of Palm Bay as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of Palm Bay's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.] Both the existing (BMUV) zoning district and proposed (UMU) zoning district provide lands for a mix of residential and non-residential uses in the City of Palm Bay. Stand-alone business uses are not permitted in mixed-use districts unless the development includes residential uses, as well.

ORDINANCE 2024-55

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 BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT) ZONING DISTRICT PROPERTIES TO UMU (URBAN MIXED-USE 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 properties city-wide from BMUV (Bayfront Mixed Use Village District) to UMU (Urban Mixed-Use District), as described herein as Attachment "A":

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 2024-55

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case File: Z24-00007

cc: Applicant
Case File

Attachment "A"

<u>BMUV – Bayfront Mixed- Use Village</u>	2832786	2832556
	2832792	2832547
2832802	2832594	2832541
2832820	2862103	2832783
2832550	2832600	2832784
2832814	2862104	2832597
2832603	2832593	2832589
2832552	2832598	2832788
2859512	2832779	2832780
2832808	2832778	2832781
2832806	3013384	2832782
2832812	2866312	2832590
2832805	2832821	2862091
2832810	2832816	2832596
2832803	2832811	2832789
2832809	2852481	2832592
2832810	2832822	2862649
2832547	2832532	2832546
2832805	2832825	3013383
2832813	2832824	3013382
2832555	2832826	2832838
2832777	2832819	
2832557	2832807	
2832785	2832804	
2832599	2832827	
2832790	2832828	
2862105	2832551	
2832591	2832815	
2832595	2832817	