

1. Ordinance 2024-45, rezoning all RM-10 (Single-, Two-, Multiple-Family Residential) zoning district properties within the city limits to RM-15 (Single-, Two-, Multiple-Family Residential District) (Case Z24-00004, City of Palm Bay), final 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: November 7, 2024

RE: Ordinance 2024-45, rezoning all RM-10 (Single-, Two-, Multiple-Family Residential) zoning district properties within the city limits to RM-15 (Single-, Two-, Multiple-Family Residential District) (Case Z24-00004, City of Palm Bay), final reading. (Quasi-Judicial Proceeding)

SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

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 eliminated the RM-10, Single-, Two-, Multiple-Family Residential Zoning District. As such, the subject parcels, consisting of approximately 361 acres, 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.

**Quasi-Judicial Proceeding.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Staff recommends approval of Case Z24-00004.

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 Z24-00004 to the City Council for approval.

Result: Carried 5 to 0

Aye: Boerema, Jordan, McLeod, Olszewski, Warner

Nay: None

Abstain: None

ATTACHMENTS:

- 1 Z24-00004 Staff Report
- 2 Z24-00004 Existing RM-10 Zoning Map
- 3 Z24-00004 Public Input Summary
- 4 Z24-00004 Factors of Analysis
- 5 Z24-00004 Application
- 6 Z24-00004 RM-10 District Tax IDs
- 7 Z24-00004 Legal Acknowledgement
- 8 Z24-00004 Legal Ad
- 9 Z24-00004 Correspondence
- 10 Ordinance 2024-45
- 11 Ordinance 2024-45 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

Z24-00004

PLANNING & ZONING BOARD HEARING DATE

September 4, 2024

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:

§ 185.036 RM-10 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.	RM-15 - Multiple-Family Residential District
(A) Intent. 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	(H) Multiple-Family Residential Districts (RM-15 and RM-20). 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) Principal uses and structures:	
(1) Single-family dwellings. (2) Two-family dwellings/duplexes. (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. ...	Single-family dwellings Duplexes Multi-family dwellings Townhomes Accessory dwelling units Assisted living facilities, Small Community residential homes Group homes Family day care home, large Family day care home, small Public parks and recreational facilities Public uses Public utility equipment and facilities
(C) Accessory uses and structures: Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.	
(D) Conditional uses:	
(1) Public or 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
(E) Prohibited uses and structures: All uses not specifically or provisionally permitted herein. (1) Corrections facilities. (2) All uses not specifically or provisionally provided for herein.	
(F) Lot and structure requirements, single-family: (1) Minimum lot area —6,000 sq. ft. (2) Minimum lot width —60' (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	Density (units per acre) 15 Minimum lot area (sq. ft.) 6,000 sq. ft. Minimum lot width (ft.) 50' 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' Impervious Surface Ratio 0.7

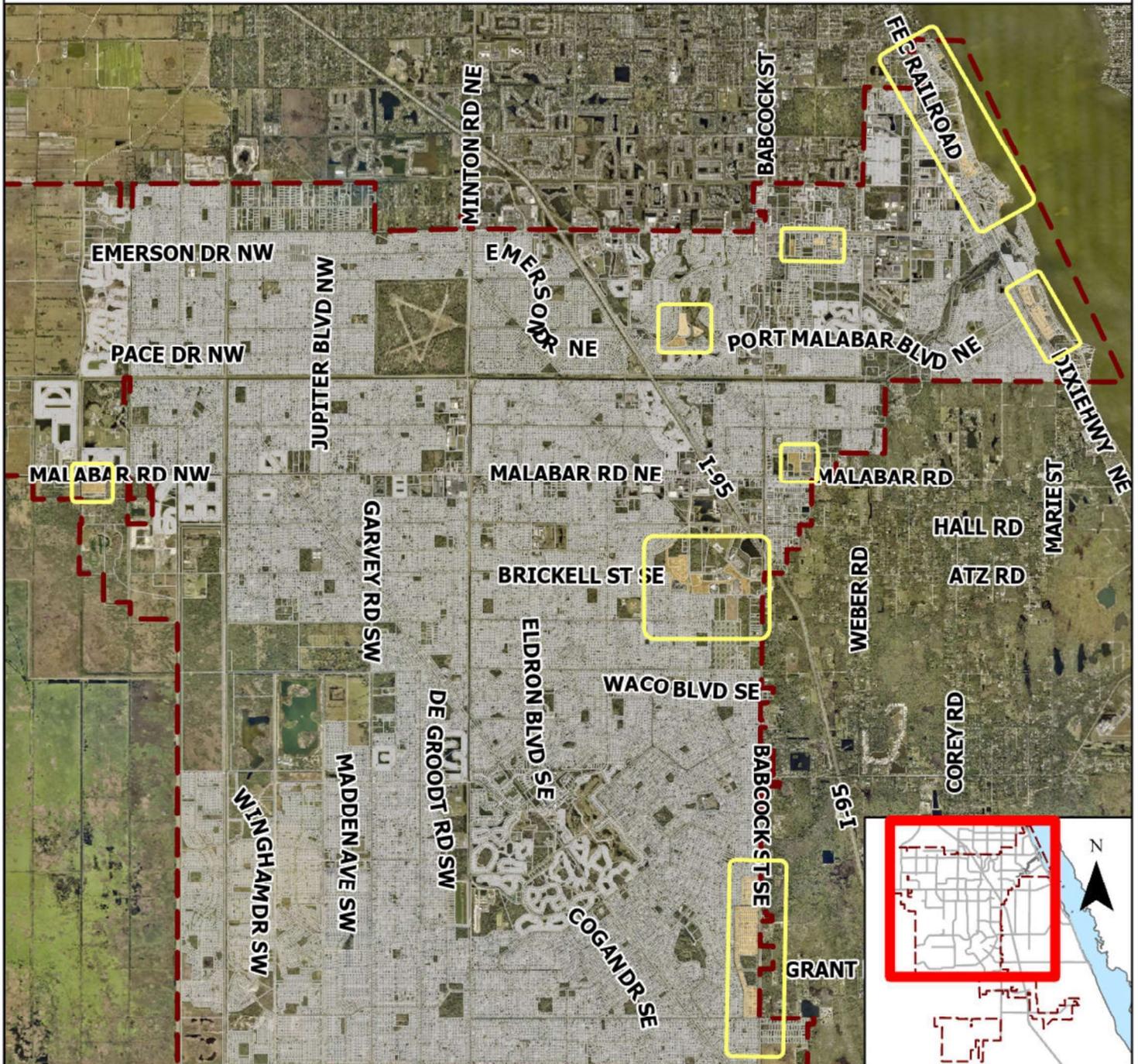
<p>dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.</p>	
<p>(G) Lot and structure requirements, two-family: (1) Minimum lot area —10,000 sq. ft. (2) Minimum lot width —100’ (3) Minimum lot depth —100’ (4) Maximum building coverage —35% (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>Townhomes 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>(H) Lot and structure requirements, multiple- family: (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>Multi-Family (MF) 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>

<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.</p>	<ul style="list-style-type: none"> • Rear 20’ • Parking setback (ft.) 10’ Building separation (ft.) 15’ Impervious Surface Ratio 0.7
	<p>Non-residential</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.)</p> <ul style="list-style-type: none"> • Front 20’ • Side corner 15’ • Side interior 8’ • Rear 20’ • Parking setback (ft.) 10’ Building separation (ft.) 15’ Impervious Surface Ratio 0.7

STAFF RECOMMENDATION:

Case Z24-00004 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: Z24-00004

Subject Property

All parcels within the City's jurisdiction which are currently zoned RM-10, Single-, Two-, Multi-Family Residential

Zoning District

RM-10 - Single-, Two-, Multi-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 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;

Applicant Response:

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 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 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; 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: Z24-00004

Project Type: Rezoning Zoning Change

Project Location: 1673 MORLEY ST SE Palm Bay, FL 32909
Milestone: Submitted
Created: 8/1/2024
Description: Rezoning from RM-10 to RM-15 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 Plair 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	2035
Lot	11
Township Range Section	29-37-28
Subdivision	KQ
Year Built	2020
Lot Size	
Use Code	0110

Project Details: Z24-00004

Use Code Desc	SINGLE FAMILY RESIDENCE
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Building SqFt	
Tax ID	2943985
Are You a Property Owner of Record?	False
Zoning Classification Desired	RM-15
Structures On Property?	False
Intended Use of Property	Residential
Justification for Change	Establish consistency with City of Palm Bay 2045 Comprehensive Plan
Size of Area (acres)	
Present Use of Property	Residential
Ordinance Number	Ordinance 2024-45
Zoning Code	RM-10
Zoning Description	Single-, Two-, Multi-Family Residential
Flu Code	HDR
Flu Description	High Density Residential
Tax Account Number(s)	Attached
Parcel Number(s)	688 Parcels Currently Zoned RM-10 within Palm Bay City Limits

**RM-10 – single-, two-,
multi-family residential**

2834611	2943469	2943432
2825849	2943959	2943880
2825872	2860841	2943442
2825868	2860858	2943446
2826141	2836572	2943920
2826139	2836568	2943947
2852927	2833780	2860829
2860860	2860822	2860838
2852945	2860821	2860875
2852918	2860810	2860872
2852920	2860819	2833807
2852923	2860814	2833873
2831933	2834583	2860805
2852903	2860844	2860861
2831936	2833850	2834616
2860879	2834591	2833843
2836579	2833860	2833851
2860816	2833775	2834570
2943973	2833829	2833793
2943970	2833772	2833798
2943991	2833770	2833871
2943987	2833842	2960919
2833865	2834580	2834598
2834577	2834581	2860852
2944009	2834584	2826046
2943400	2834594	2826136
2944007	2834596	2831930
2944014	2834596	2831930
2944028	2834586	2831931
2943417	2834585	2852938
2943887	2833801	2831938
2943429	2833800	2831939
2943431	2834597	2860871
2943437	2833789	2951944
2943411	2826045	2951923
2943460	2852833	2944006
2943909	2831929	2944012
2943935	2852911	2944013
2943934	2852922	2943405
2943930	2852901	2943424
2943913	2852904	2943886
2943914	2852932	2943434
2943916	2943402	2943927
2943450	2943451	2943467
2943465	2951922	2943958
2943466	2943971	2860837
	2943978	2860836
	2944025	2860828
	2944022	2834578

2833806	2943969	2943906
2833784	2943401	2943944
2833854	2943414	2833813
2834595	2943425	2943438
2833858	2943423	2943449
2834574	2943408	2943917
2834572	2944021	2943907
2825861	2943430	2943945
2852477	2943413	2943965
2860885	2943925	2833840
2852943	2943929	2833781
2860851	2860865	2860877
2860825	2860820	2833855
2836583	2834582	2860884
2836584	2860849	2959892
2961924	2860831	2833812
2951961	2860880	2833819
2951924	2951946	2833824
2943399	2959891	2833792
2944018	2833830	2944004
2943407	2833827	2834612
2943420	2833826	2825877
2943439	2834592	2826135
2943440	2833791	2831765
2943443	2833799	2852942
2943445	2833867	2852930
2943453	2834589	2852936
2943331	2833803	2860817
2943942	2860853	2951954
2943948	2825863	2951958
2833804	2825860	2951932
2860827	2825842	2951931
2836573	2826048	2951950
2860804	2852934	2951927
2860823	2852935	2943912
2860807	2852940	2943923
2833794	2831937	2943398
2833868	2951935	2943422
2860862	2951934	2943427
2833828	2951952	2943435
2834579	2951930	2943883
2833852	2951929	2943441
2834615	2951962	2943943
2834613	2943967	2860799
2852896	2943989	2860867
2860824	2943999	2860864
2951926	2944027	2860874
2951925	2943884	2833839

2833795	2943963	2833779
2833808	2860839	2833817
2833814	2833809	2833816
2833769	2860870	2833810
2833835	2860873	2833832
2833823	2833864	2833862
2833846	2833874	2833863
2834614	2860848	2834587
2834573	2959894	2833797
2951947	2833841	2826074
2825895	2833838	2852921
2826075	2833831	2852925
2825850	2833834	2852929
2826142	2834588	2852931
2860857	2944001	2852906
2852899	2825895	2831941
2852900	2825879	2836580
2852933	2861557	2951943
2852939	2826144	2951953
2852905	2860863	2951921
2836570	2852910	2943995
2836574	2852913	2943997
2836575	2852945	2943892
2836581	2831940	2943885
2836585	2836576	2943436
2951945	2836582	2943910
2951940	2951955	2943915
2951936	2951938	2943924
2943897	2943979	2943459
2943895	2943982	2943470
2943985	2951920	2943946
2943404	2943977	2943458
2944011	2943893	2943937
2944017	2944005	2943931
2944026	2943410	2943902
2944024	2943447	2833818
2943419	2943456	2860842
2943421	2943936	2860834
2943409	2943940	2860881
2943426	2943951	2860889
2943433	2860800	2860890
2943881	2836586	2836565
2943454	2860887	2860809
2943463	2860806	2860811
2943939	2836567	2860847
2943905	2860868	2833815
2943950	2860850	2833833
2943961	2860830	2833790

2833857	2825870	2943990
2833853	2825869	2944010
2833848	2826047	2943412
2825853	2861556	2943448
2825862	2826143	2943462
2861445	2860854	2943955
2852834	2831928	2943957
2866116	2852917	2943468
2826145	2852924	2860826
2860855	2852944	2860813
2831927	2831934	2833796
2852895	2860878	2833856
2852912	3019473	2860803
2852915	2943980	2860843
2962922	2943992	2930867
2951928	2943998	2833773
2943904	2943403	2833777
2943984	2944020	2930868
2943994	2943921	2833825
2943975	2943455	2833787
2943976	2943457	2959883
2943983	2943962	2833788
2943406	2833869	2833802
2943416	2860883	2825896
2943418	2959893	2834610
2943444	2833776	2825144
2943918	2833861	2861446
2943938	2834575	2860882
2943933	2951948	2831932
2943932	2944002	2852897
2860798	2825871	2852919
2860840	2825878	2852902
2860866	2852625	2852926
2836569	2826137	2852928
2860808	2852909	2852941
2833870	2852914	2836571
2860846	2852916	2951956
2833778	2852937	2951960
2833782	2852908	2943974
2833774	2836577	2943988
2834571	2951942	2944008
2833866	2951937	2944016
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2833836	2826062	
2833820	2826071	
2834593	2826069	
2833847	2826061	

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 6:51:35 PM

Z24-00004

Select Language | ▼

AFFIDAVIT OF PUBLICATION

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

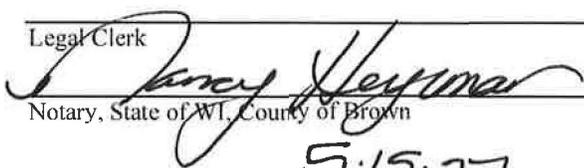
STATE OF WISCONSIN, COUNTY OF BROWN

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
Tax Amount: \$0.00
Payment Cost: \$498.80
Order No: 10493527 # of Copies:
Customer No: 1127256 1
PO #:

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 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

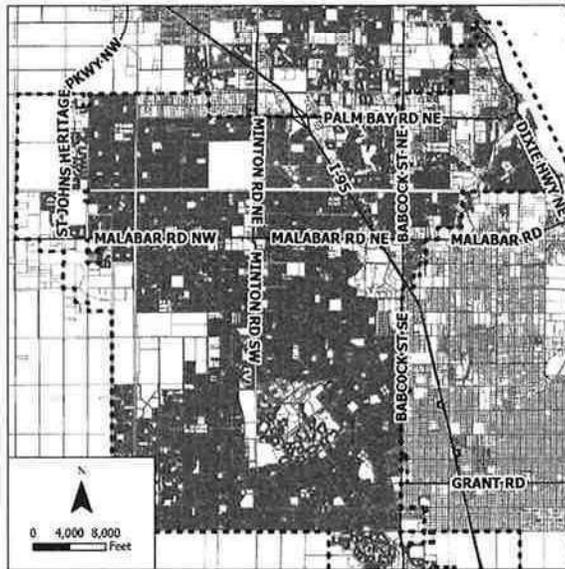
AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF ALL RC (RESTRICTED COMMERCIAL) ZONING DISTRICT PROPERTIES WITHIN THE CITY LIMITS TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); PROVIDING FOR A CHANGE OF THE ZONING 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

Chandra Powell

From: Terese Jones
Sent: Thursday, September 5, 2024 9:20 AM
To: Chandra Powell; Carol Gerundo
Subject: FW: Re z24-0004

From: Rob Medina <Rob.Medina@palmbayflorida.org>
Sent: Monday, September 2, 2024 10:10 AM
To: Carolyn Picard <carolynpicard71@gmail.com>; Terese Jones <Terese.Jones@palmbayflorida.org>; Suzanne Sherman <Suzanne.Sherman@palmbayflorida.org>; Patricia D. Smith <Patricia.Smith@palmbayflorida.org>
Subject: Re: Re z24-0004

Thank you for your email and information. I appreciate you taking the time to share your thoughts and concerns with me. I have added our City Clerk and City Attorney to this email for record keeping purposes.

Rob Medina
Mayor

From: Carolyn Picard <carolynpicard71@gmail.com>
Sent: Sunday, September 1, 2024 11:54 AM
To: City Council <CityCouncil@palmbayflorida.org>
Subject: Re z24-0004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Robert Campbell (owner, husband)

And myself both reside at 2390 Madrid Ave SE, Palm Bay, FL 32909. We both do not agree with the higher density building at this area. Once Babcock is widened then revisit this. The rate and concentration of building is insane. And this area is not designed to handle that volume of growth.

Thank you

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 2024-45

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)

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;

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

- d. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- 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 688 lots (consisting of 361 acres) from RM-10 to RM-15. Both existing and proposed zoning districts are single-, two-, and multiple-family residential districts. As part of the 2024 update to the Land Development Code, the rezoning is proposed to rid the code of redundancies that exist in the zoning district regulations. In the case of RM-10 and RM-15, both districts serve the same purpose, allow the same uses, and entail nearly duplicate regulations, including density/intensity limitations and lot requirements.*

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 (RM-10) zoning district and proposed (RM-15) zoning district provide lands for high density residential uses in the City of Palm Bay. Stand-alone business uses are not permitted in RM-10 and RM-15, other than family day care homes. Family day care homes are only permitted in an occupied residence (home occupation). As such, the proposed ordinance affects individuals and businesses alike.

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.

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 from RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-15 (Single-, Two-, Multiple-Family Residential District), as described herein as Attachment “A” with Tax Identification Numbers, consisting of approximately 361 acres, and depicted on the attached map.

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 2024-45

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case File: Z24-00004

cc: Applicant
Case File

Attachment "A"
RM-10 Tax Identification Numbers
Case # Z24-00004

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	2943959	2943880
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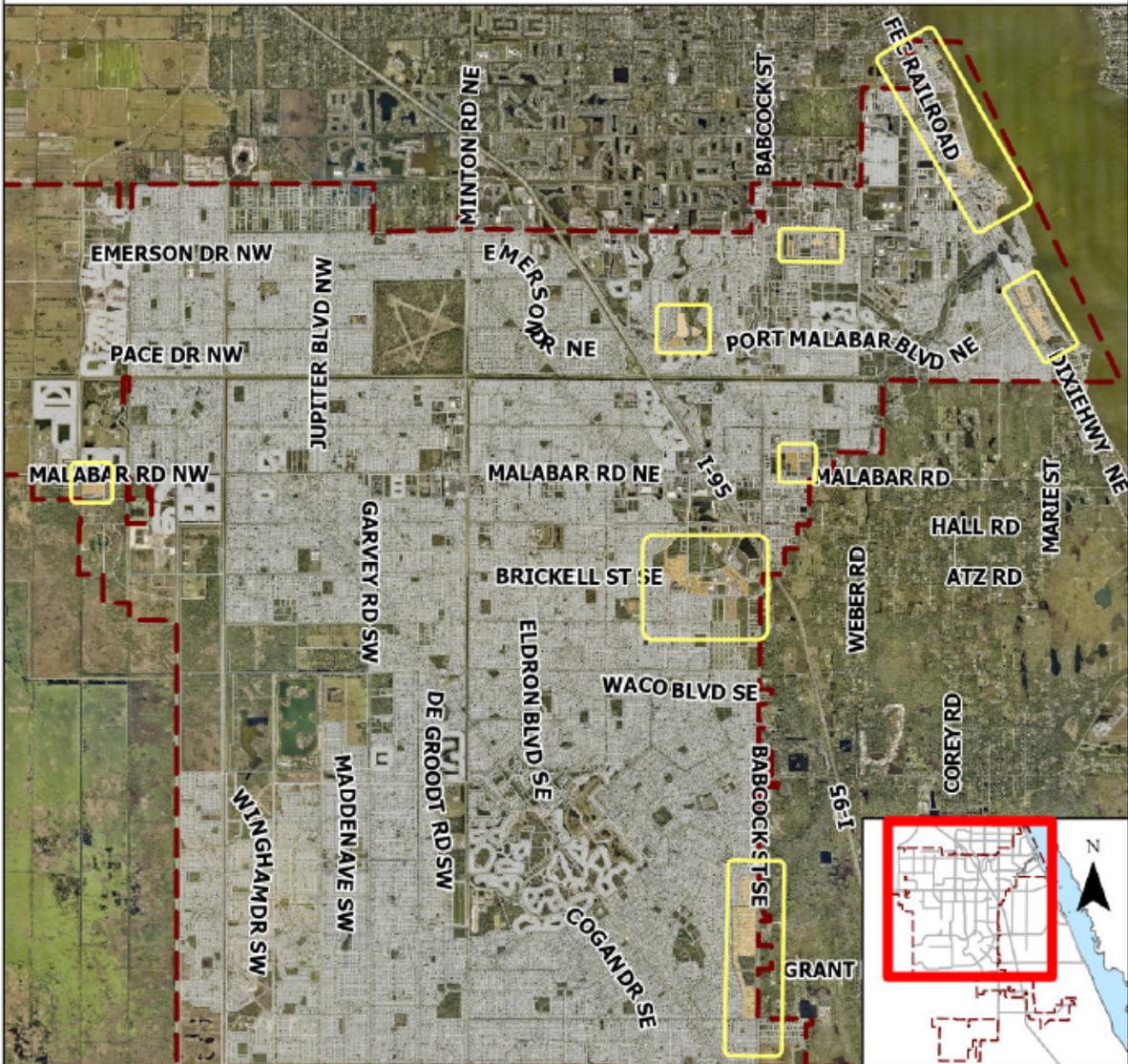
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2834593	2826069	
2833847	2826061	



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



ZONING MAP

CASE: Z24-00004

Subject Property

All parcels within the City's jurisdiction which are currently zoned RM-10, Single-, Two-, Multi-Family Residential

Zoning District

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