

4. Ordinance 2024-56, rezoning all BMU (Bayfront Mixed Use District) zoning district properties within the city limits to CMU (Community Mixed-Use District) (Case Z24-00008, 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 2024-56, rezoning all BMU (Bayfront Mixed Use District) zoning district properties within the city limits to CMU (Community Mixed-Use District) (Case Z24-00008, 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 renamed BMU (Bayfront Mixed Use) District to CMU (Community 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 Z24-00008.

### **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 Z24-00008 to the City Council for approval.

**Result:** Carried 4 to 1

**Aye:** Boerema, Jordan, McLeod, Olszewski

**Nay:** Warner

**Abstain:** None

**ATTACHMENTS:**

- 1 Z24-00008 - Staff Report
- 2 Z24-00008 - Location Map
- 3 Z24-00008 - Public Input Summary
- 4 Z24-00008 - Factors of Analysis
- 5 Z24-00008 - Application
- 6 Z24-00008 - Tax ID - BMUV
- 7 Z24-00008 Legal Acknowledgement
- 8 Z24-00008 - Legal Ad
- 9 Z24-00008 - Ordinance
- 10 Z24-00008 - Business Impact Estimate



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

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

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Althea Jefferson, Assistant Growth Management Director

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#### CASE NUMBER

Z24-00008

#### PLANNING & ZONING BOARD HEARING DATE

October 2, 2024

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#### PROPERTY OWNER & APPLICANT

Various Owners &  
City of Palm Bay

#### PROPERTY LOCATION/ADDRESS

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

#### SUMMARY OF REQUEST

The City is proposing an administrative rezoning from BMU (Bayfront Mixed Use District) to CMU (Community Mixed-Use District).

##### Existing Zoning

BMUV (Bayfront Mixed Use)

##### Existing Land Use

Varies

##### Site Improvements

Varies

##### Site Acreage

Approximately 117 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 BMU (Bayfront Mixed Use District) to CMU (Community 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 BMU (Bayfront Mixed Use District) to CMU (Community 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:

§ 185.058 BMU - BAYFRONT MIXED USE DISTRICT.	<b>(CMU) – Community Mixed Use District</b>
(A) Intent. The purpose of the Bayfront mixed use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high-density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.	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 Community Mixed-Use (CMU) district is to be applied to large development sites where the primary use is single family residential supported by a variety of multifamily, commercial, recreational, and institutional uses.
<b>(B) Principal uses and structures.</b>	
(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.	Single family dwellings Townhomes Multi-family dwellings

<p>(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.</p> <p>(3) General offices such as administrative, corporate, business, and similar uses.</p> <p>(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.</p> <p>(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.</p> <p>(6) Financial institutions (banks, credit unions, and savings and loan).</p> <p>(7) 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>(8) Public uses (any federal, state, county, municipal, special district, or similar use).</p> <p>(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).</p> <p>(10) Retail bakeries.</p> <p>(11) Clubs, lodges, and fraternal organizations.</p> <p>(12) Nursing homes and adult congregate living facilities.</p> <p>(13) Hotel, motel, and bed and breakfast inns.</p> <p>(14) Public and private parking lots.</p> <p>(15) Brew pubs and/or other drinking establishments.</p>	<p>Zero-Lot-Line</p> <p>General offices</p> <p>Service establishments, business</p> <p>Service establishments, personal</p> <p>Banks and financial institutions</p> <p>Retail establishment</p> <p>Veterinarians and veterinary clinics (no boarding of animals)</p> <p>Schools, elementary and middle</p> <p>Schools, high</p> <p>Educational service establishments</p> <p>Government establishments</p> <p>Churches</p> <p>Childcare facilities</p> <p>Funeral homes</p> <p>Restaurants/eating establishments</p> <p>Clubs, lodges, and fraternal organizations</p> <p>Hotels, motels, tourist courts</p> <p>Drinking establishments</p> <p>Medical and dental labs</p> <p>Pet day care</p> <p>Vehicle and major recreational equipment repair, light</p> <p>Hospitals</p> <p>Urgent care center</p> <p>Bed and breakfast inns</p> <p>Dance clubs</p> <p>Event halls</p> <p>Golf courses and clubhouses</p> <p>Public recreational facilities</p> <p>Recreation, indoor</p> <p>Recreation, nature</p> <p>Group homes</p> <p>Public utility facilities</p>
<p><b>(C) Accessory uses and structures 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 mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.</b></p>	
<p><b>(D) Conditional uses.</b></p>	
<p>(1) Public utility facilities.</p> <p>(2) Marinas with boat sales and rentals.</p>	<p>Marinas</p>

(3) Public and Private Schools	
<b>(E) Prohibited uses and structures.</b>	
<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.</p> <p>(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).</p> <p>(6) Adult entertainment.</p> <p>(7) Fireworks sales.</p> <p>(8) Commercial towers.</p> <p>(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.</p> <p>(10) Vehicle/automotive sales/lease.</p> <p>(11) Palm readers/fortunetellers and similar uses.</p> <p>(12) Flea markets and auction houses and similar uses.</p> <p>(13) Soup kitchens/homeless shelters.</p> <p>(14) Pain-management clinic.</p> <p>(15) Secondhand Dealer.</p> <p>(16) Warehousing and/or self-storage facilities.</p>	
<b>(F) Lot and structure requirements.</b>	
<p>(1) Minimum lot area - 43,560 sq. ft.</p> <p>(2) Minimum lot width – 40’</p> <p>(3) Minimum lot depth – 120’</p> <p>(4) Maximum building coverage - 60%</p> <p>(5) Maximum height – 60’ Additional building height may be permitted, subject to the following provisions:</p> <p>(a) Providing public a space or public amenity totaling ten percent (10%) of the site, entitles an additional 10 feet in height.</p> <p>(b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.</p> <p>(c) Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.</p> <p>(d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.</p> <p>(e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall</p>	<p>Density (units per acre) 30 (3)</p> <p>Intensity (Floor Area Ratio)1.0 (3)</p> <p>Minimum lot area (sq. ft.)</p> <p>Single-Family (SF) Detached 6,000 sq. ft.</p> <p>Duplex (1) 8,000 sq. ft.</p> <p>Townhomes (TH) 1,600 sq. ft.</p> <p>Multi-Family (MF) 10,000 sq. ft.</p> <p>Non-residential 10,000 sq. ft.</p> <p>Minimum lot width (ft.)</p> <ul style="list-style-type: none"> <li>• SF Detached 50’</li> <li>• Duplex (1) 80’</li> <li>• TH (interior lot/end lot)20/40</li> <li>• MF 100’</li> <li>• Non-residential 100’</li> </ul> <p>Minimum lot depth (ft.) 100’</p> <p>Maximum building coverage (%)50%</p> <p>Maximum height (ft.)35’ SF/70’ other</p> <p>Minimum setback (ft.)</p> <ul style="list-style-type: none"> <li>• Front 5’ min./10’ max. (4)</li> </ul>

<p>be recorded as an easement or agreement, in the public records of Brevard County.</p> <p>(6) Minimum floor area (nonresidential) – 300 sq. ft.</p> <p>(7) Minimum living area for single family detached dwellings - None.</p> <p>(8) Minimum living area for multifamily units: None.</p> <p>(9) Yard requirements:</p> <p>(a) Front: 0’ min, 20’ max.</p> <p>(b) Side interior: 5’, twenty-five (25) foot minimum when the property is adjacent to single-family development not separated by waterway, railroad, or street.</p> <p>(c) Side corner: 0’ min, 20’ max.</p> <p>(d) Rear: 20’ min.; 10’ min when abutting a right-of-way or alley.</p> <p>(e) Accessory structures: 20’ front and side corner, same side and rear as listed in divisions (b) and (d) above.</p> <p>(f) For buildings sixty (60) feet in height, or greater, the building(s) shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.</p> <p>(g) For buildings taller than sixty (60) feet; the building shall be stepped-back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single-family development not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.</p>	<ul style="list-style-type: none"> <li>• Side corner 5’ min./10’ max. (4)</li> <li>• Side interior TH 0’/15’ Other (2)</li> <li>• Rear 10’</li> <li>• Parking setback (ft.) 10’</li> </ul> <p>Building separation (ft.) Per building code</p> <p>Impervious Surface Ratio 0.7</p> <p>Common open space and recreation area 20%</p>
<p><b>Design requirements:</b></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-residential architectural standards</p>

**STAFF RECOMMENDATION:**

Case Z24-00008 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: Z24-00008**

**Subject Property**

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

**Zoning District**

BMU - Bayfront Mixed Use District

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



**LOCATION MAP**

**CASE: Z24-00008**

**Subject Property**

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

**Zoning District**

BMU - Bayfront Mixed Use District



## **PUBLIC INPUT SUMMARY**

### **CASE DETAILS**

<b>Applicant Name:</b>	City of Palm Bay
<b>Project Name:</b>	City-wide Rezoning
<b>Case Type:</b>	Rezoning
<b>Case Description:</b>	City-wide rezoning
<b>Intended Month of Submission:</b>	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 15<sup>th</sup> and 16<sup>th</sup>. 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 BMU to CMU 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: Z24-00008

## Project Type: Rezoning Zoning Change

Project Location: 4220 DIXIE HWY NE Palm Bay, FL 32905  
Milestone: Submitted  
Created: 8/19/2024  
Description: Citywide Rezoning from BMU to CMU  
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 Palm Bay, FL 32907 (321) 733-3042 althea.jefferson@PalmBayFlorida.org
Submitter	Althea Jefferson, AICP, Assistant Growth Management Director 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) 451-5671 althea.jefferson@palmbayflorida.org

### Fields

Field Label	Value
Block	2
Lot	1
Township Range Section	28-37-24
Subdivision	27
Year Built	1993
Use Code	1700
Use Code Desc	OFFICE BUILDING - SINGLE TENANT - 1 STORY

# Project Details: Z24-00008

Lot Size	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2832794
Flu Description	Urban Mixed-Use
Flu Code	UMU
Zoning Description	Bayfront Mixed Use
Zoning Code	BMU
Size of Area (acres)	
Present Use of Property	varies
Zoning Classification Desired	CMU
Structures On Property?	False
Intended Use of Property	Mixed-Use
Justification for Change	Consistency with City of Palm Bay 2045 Comprehensive Plan
Are You a Property Owner of Record?	False
Tax Account Number(s)	See Attached
Parcel Number(s)	
Ordinance Number	

**BMU – Bayfront Mixed Use**

	2832549
2850764	2832794
2833766	2833783
2825813	2833763
2833768	2866311
2825825	3026665
2832554	2832558
2832544	2832559
3026671	2832536
3026666	2825921
3026668	
2832800	
2832797	
2832801	
2834607	
2826109	
2832601	
2826106	
2832833	
2833767	
2862284	
2850760	
2832553	
2832545	
2832602	
3026667	
3026669	
3026670	
2832548	

# 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 9:36:02 AM

Z24-00008

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:

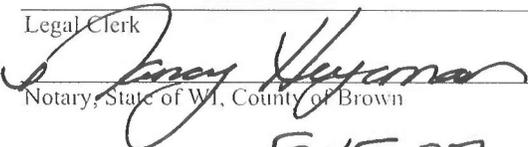
09/19/2024

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

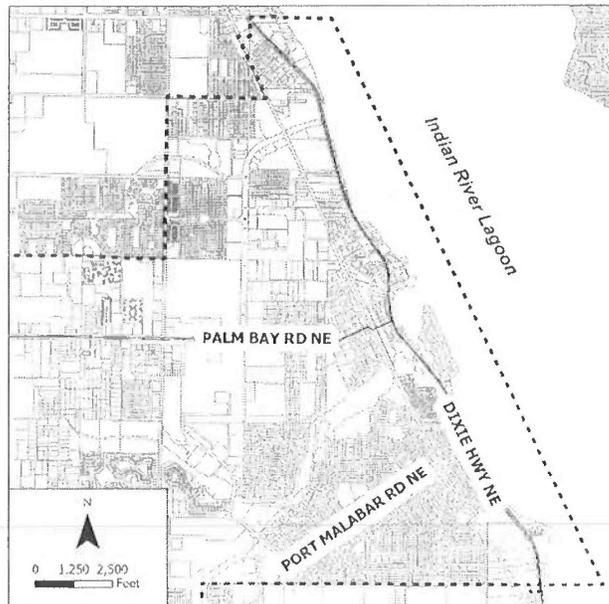
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for the City of Palm Bay Planning and Zoning Board on **October 2, 2024, at 6:00 PM**; and, a Public Hearing is scheduled for the Palm Bay City Council on **October 17, 2024, at 6:00 PM**, both to be held at City Hall in the Council Chambers, 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 2024-56

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)

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 law<sup>1</sup> 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

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<sup>1</sup> 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 38 lots (consisting of 117 acres) from BMU to CMU. 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 (BMU) zoning district and proposed (CMU) 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 2024-56**

**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 BMU (BAYFRONT MIXED USE DISTRICT) ZONING DISTRICT PROPERTIES TO CMU (COMMUNITY 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 BMU (Bayfront Mixed Use District) to CMU (Community 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 2024-56

Reviewed by CAO: \_\_\_\_\_

Applicant: City of Palm Bay  
Case: Z24-00008

cc: Applicant  
Case File

## Attachment "A"

<b><u>BMU – Bayfront Mixed Use</u></b>	
	2832549
2850764	2832794
2833766	2833783
2825813	2833763
2833768	2866311
2825825	3026665
2832554	2832558
2832544	2832559
3026671	2832536
3026666	2825921
3026668	
2832800	
2832797	
2832801	
2834607	
2826109	
2832601	
2826106	
2832833	
2833767	
2862284	
2850760	
2832553	
2832545	
2832602	
3026667	
3026669	
3026670	
2832548	