



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 5, 2015

SUBJECT: Comprehensive Plan Amendment – City of Palm Bay

The City of Palm Bay has submitted a request to amend the Future Land Use Element of the Comprehensive Plan to create the Bayfront Mixed Use land use category, and a request for associated textual amendments in order to remove conflicting language.

Specific goals, objectives and policies were proposed to regulate the development under this land use category including specific standards.

Staff Conclusion:

The proposed text amendment provides a new Future Land Use category and companion zoning district creates the level of urbanization necessary to support redevelopment, promote mass transit, and support surrounding restaurants and other commercial enterprises.

Planning and Zoning Board Recommendation:

The Board will consider this case at its meeting on November 4, 2015. The Board's recommendation will be provided to City Council prior to the regular Council meeting.

Ordinance No. 2015-54 has been prepared for consideration at tonight's meeting. If you should have any questions, please advise.

/tmj
Attachments

Case No. CP-9-2015



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
Landdevelopment@palmbayflorida.org

COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

1) NAME OF APPLICANT (Type or print) City of Palm Bay (Bayfront Community Redevelopment Agency)

ADDRESS 120 Malabar Road SE

CITY Palm Bay STATE FL ZIP 32907

PHONE # (321) 952-3400, Ext. 5428 FAX # (321) 952-3412

E-MAIL ADDRESS james.marshall@palmbayflorida.org

2) COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION N/A

SECTION _____ TOWNSHIP _____ R A N G E _____

3) SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): N/A

4) LAND USE CLASSIFICATION AT PRESENT OR PLAN SECTION Affected (ex.: Commercial, Single Family, Policy CIE-1.1B, etc.): See attached.

5) LAND USE CLASSIFICATION DESIRED OR PROPOSED TEXT CHANGE: See attached text change.

6) PRESENT USE OF THE PROPERTY: N/A

7) ARE ANY STRUCTURES NOW LOCATED ON THE PROPERTY: N/A

8) HAS A REZONING APPLICATION BEEN FILED IN CONJUNCTION WITH THIS APPLICATION: N/A

(If no rezoning application is filed, the City must assume the maximum impact permissible by the land use classification desired. Impacts to transportation facilities, water and sewer facilities, drainage, recreation facilities, and solid waste must be examined and justified before acceptance by the Florida Department of Economic Opportunity and the City of Palm Bay.)

CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
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9) JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary): To create a Future Land Use category called Bayfront Mixed Use.

10) SPECIFIC USE INTENDED FOR PROPERTY: N/A

11) THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP:

N/A *Application Fee. Make check payable to "City of Palm Bay."

Large Scale Map Amendment (10 acres or more) \$1,600.00 Text Amendment (Comp. Plan) \$1,600.00
 Small Scale Map Amendment (Less than 10 acres) \$1,000.00 Special Amendment Cycle \$4,000.00

N/A Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment(s)).

N/A A listing of legal descriptions (for land use amendments) of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.bcpao.us/paohome.asp). List shall be legible and the source of that information stated here: _____

N/A Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.

N/A Citizen Participation Plan (for land use amendments of more than five acres in size). Refer to Section 169.005 of the Land Development Code for guidelines.

N/A WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT.

N/A IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.

**CITY OF PALM BAY, FLORIDA
COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION
PAGE 3 OF 3**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A 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 COMPREHENSIVE PLAN OR FUTURE LAND USE MAP AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant



Date

10/29/2015

Printed Name of Applicant

James Marshal, BCRA Administrator

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**



DATE: November 4, 2015
CASE #: CP-9-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

COMPREHENSIVE PLAN AMENDMENT APPLICATION

PROPOSAL: Creation of Bayfront Mixed Use Future Land Use Catagory

LOCATION: Bayfront Community Redevelopment Agency District

APPLICANT: City of Palm Bay (Growth Management Department)

SITE DATA

PRESENT ZONING: N/A

LAND USE

DESIGNATION: N/A

ACREAGE: N/A

ADJACENT ZONING

& LAND USE: **N** -- N/A
E -- N/A
S -- N/A
W -- N/A

BACKGROUND:

Please find attached a draft amendment to the Future Land Use Element providing for the creation of a new Future Land Use classification, Bayfront Mixed Use. Included is an amendment to the existing Bayfront Mixed Use to rename the category to Bayfront Mixed Use Village for clarification. The companion rezoning item T-17-2015 creates the new BMU, Bayfront Mixed Use Zoning District. Any application of the proposed Future Land Use would require an application for a Future Land Use Map amendment and a second application for rezoning.

ANALYSIS:

The new Future Land Use requires a mixture of land uses and establishes a Floor Area Ratio (FAR). It includes a maximum density of 40 dwelling units per acre with a minimum of 8 dwelling units per acre to support the future of public transit.

The proposed Future Land Use category continues the requirement that the mix of uses must be monitored by the City of Palm Bay to ensure that the maximum residential development of 50% of the area and the maximum commercial development of 50% of the area is maintained. Alteration of these criteria shall require amendment to this policy.

STAFF CONCLUSION:

The proposed text amendment provides a new Future Land Use category and companion zoning district creates the level of urbanization necessary to support redevelopment, promote mass transit, and support surrounding restaurants and other commercial enterprises.

II. GOALS, OBJECTIVES AND POLICIES

OBJECTIVE:

FLU-1.1 Adopt land development regulations to implement this Plan no later than one year following any amendment.

FLU-1.1I Intensity standards permitted by the Land Development Regulations shall not exceed the maximum intensity established for each Future Land Use Map category by this policy. Intensity standards include ranges since other factors may determine maximum intensity permitted on individual parcels such as level of service standards, zoning setbacks and lot sizes, presence of wetlands or water bodies, and similar factors. Individual future land use map amendments may establish stricter intensity standards as conditions of approval and shall be incorporated into a specific policy under Objective FLU-8.3.

BAYFRONT MIXED USE VILLAGE – Permits a mix of Commercial and Residential Uses. Commercial Uses shall not exceed 50% and Residential Uses shall not exceed 50% within the overall area. Commercial Uses shall have a maximum floor area ratio of 1.8 with a range of 0 to 1.8. Typical commercial uses permitted include offices, retail businesses, personal service establishments, day care centers, restaurants, financial institutions, hotels and motels, institutional uses and similar uses. Residential Uses have a maximum density of 10 units per acre with a range of 0 to 10 units per acre. Typical uses include single family homes, duplexes, multiple family units, recreational uses and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use Village District zoning district category. This category may only be applied to the Bayfront Redevelopment District. The mix of uses must be monitored by the City of Palm Bay to ensure that the maximum residential development of 50% of the area and the maximum commercial development of 50% of the area is maintained. Alteration of these criteria shall require amendment to this policy.

BAYFRONT MIXED USE – Permits a mix of Commercial and Residential Uses. Commercial Uses shall not exceed 20% and Residential Uses, including Hotel uses, shall not exceed 80%. Commercial Uses shall have a maximum floor area ratio of 1.0 with a range of 0 to 1.0. Typical commercial uses permitted include offices, retail businesses, personal service establishments, day care centers, restaurants, financial institutions, hotels and motels, institutional uses and similar uses. Residential Uses have a maximum density of 40 units per acre with a range of 8 to 40 units per acre. Typical uses include single family homes, duplexes, multiple family units, recreational uses and institutional uses. Development standards shall follow the applicable policies within the Comprehensive Plan and the standards within the BMU, Bayfront Mixed Use District zoning district. This category may only be applied to the Bayfront Redevelopment District. The mix of uses must be monitored by the City of Palm Bay to ensure that the maximum residential development of 50% of the area and the maximum commercial development of 50% of the area is maintained. Alteration of these criteria shall require amendment to this policy.

ORDINANCE NO. 2015-54

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (C), ADOPTION OF COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on November 4, 2015, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on November 5, 2015, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity Division of Community Development for review and comment, and

WHEREAS, the Florida Department of Economic Opportunity Division of Community Development submitted an Objections, Recommendations, and Comments Report regarding the amendment, and

WHEREAS, the City Council of the City of Palm Bay has considered the Objections, Recommendations, and Comments provided and has addressed all objections, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on January 7, 2015, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said amendment to the Future Land Use Element of the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the changes to the Future Land Use Element as identified in Exhibit A, attached hereto and made an integral part hereof.

SECTION 2. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 4. This ordinance shall become effective when the state land planning agency issues a final order determining the adopted amendments to be in compliance in accordance with Section 163.3184(9), Florida Statutes, or when the Administrative Commission issues a final order determining the adopted amendments to be in compliance in accordance with Section 163.3184(10), Florida Statutes. If the Administration Commission issues a final order determining the adopted amendment to not be in compliance in accordance with Section 163.3184(11), Florida Statutes, this ordinance may still be made effective by resolution at a public meeting after public notice, subject to any sanctions imposed by the Administrative Commission pursuant to Section 163.3184(11), Florida Statutes.

City of Palm Bay, Florida
Ordinance No. 2015-54
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Read in title only at Meeting No. 2015- , held on , 2015; and read in title only
and duly enacted at Meeting No. 2015- , held on , 2015.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: CP-9-2015



MEMO TO: Honorable Mayor and Members of City Council

FROM: Terese M. Jones, City Clerk

DATE: November 5, 2015

SUBJECT: Textual Amendment – City of Palm Bay

The City of Palm Bay has submitted an application for a textual amendment to the Code of Ordinances, Chapter 185, Zoning Code, in order to rename the existing Bayfront Mixed Use Village District (BMU) zoning to BMUV, and to create and provide criteria for a new zoning district entitled BMU (Bayfront Mixed Use District).

Staff Conclusion:

The proposed zoning district will allow for the redevelopment of those areas in the BCRA outside of the Bayfront Village District. The additional density and allowable height promotes both the initiatives of the redevelopment district such as public pedestrian ways, shared stormwater and shared parking. The new district allows for the redevelopment of existing blighted properties by promoting new development, particularly national hotels that require a minimum height for construction.

Planning and Zoning Board Recommendation:

The Board will consider this case at its meeting on November 4, 2015. The Board's recommendation will be provided to City Council prior to the regular Council meeting.

Ordinance No. 2015-55 has been prepared for consideration at tonight's meeting. If you should have any questions, please advise.

/tmj
Attachments

Case No. T-17-2015



Land Development Division
120 Malabar Road SE
Palm Bay, FL 32907
321-733-3042
opment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

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1) NAME OF APPLICANT (Type or print) City of Palm Bay (Bayfront Community Redevelopment Agency)

ADDRESS 120 Malabar Road SE

CITY Palm Bay STATE FL ZIP 32907

PHONE # (321) 952-3400, Ext. 5428 FAX # (321) 952-3412

E-MAIL ADDRESS james.marshall@palmbayflorida.org

PERSON(S) TO BE NOTIFIED (if different from above) _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE # _____ FAX # _____

E-MAIL ADDRESS _____

2) ORDINANCE SECTION PROPOSED TO BE CHANGED: Chapter 185: Zoning Code, Sections 185.006, 185.045; and 185.046

3) PROPOSED LANGUAGE (attach addendum if necessary): See attached.

4) JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary): To add certain principal uses and development standards to the industrial zoning districts.

5) *A \$1,000.00 APPLICATION FEE. MAKE CHECK PAYABLE TO "CITY OF PALM BAY."

**CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2**

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A 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 CODE TEXTUAL AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Signature of Applicant

Date

10/29/2015

Printed Name of Applicant

James Marshal, BCRA Administrator

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**



DATE: November 4, 2015
CASE #: T-17-2015

CITY OF PALM BAY

LAND DEVELOPMENT DIVISION STAFF REPORT

TEXTUAL AMENDMENT APPLICATION

PROPOSAL: A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code to create a new zoning district called BMU, Bayfront Mixed Use and associated textual amendments removing conflicting language.

CODE CITATION: Not Applicable – Creation of new Code

APPLICABILITY: Bayfront Community Redevelopment Agency District (BCRA) – Not applicable within Bayfront Village District

APPLICANT: City of Palm Bay (Growth Management Department)

COMPLIANCE WITH THE

COMPREHENSIVE PLAN: The proposed Zoning District is consistent with the proposed textual amendment to the Comprehensive Plan creating the companion Future Land Use category, Case #CP-9-2015.

BACKGROUND:

The proposed creation of the new BMU, Bayfront Mixed Use Zoning District is the companion rezoning item to the new Bayfront Mixed Use Future Land Use category. Included is the renaming of the existing District to BMUV, Bayfront Mixed Use Village to provide for clarification.

ANALYSIS:

The proposed zoning district requires a mixture of land uses. The ratio of residential to non-residential includes a minimum of 85% residential uses, including hotel related uses, based upon Floor Area Ratio (FAR). It allows for a maximum height of 45', with up to 95' in height based upon project concessions promoting area wide initiatives, including; Providing public cross access for pedestrian/bicycle, Providing understory parking to reduce required surface parking; Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips; Provide a mixture of uses, such as restaurant with residential uses above; Providing shared storm water or shared parking with neighboring properties.

The BMU Zoning District may not be applied within the Bayfront Village Area limits as defined by the *City of Palm Bay Community Redevelopment Plan 2024, Creating a Bayfront Village on the Indian River Lagoon* adopted February 2010.

CODE REQUIREMENTS:

The proposal is the creation of a new Zoning District and amendment to existing Zoning District to remove conflicting language.

STAFF CONCLUSION:

The proposed Zoning District will allow for the redevelopment of those areas in the BCRA outside of the Bayfront Village District. The additional density and allowable height promotes both the initiatives of the redevelopment district such as public pedestrian ways, shared storm water and shared parking. The new district allows for the redevelopment of existing blighted properties by promoting new development, particularly national hotels that require a minimum height for construction.

Additions are underlined, deletions are ~~struck through~~.

185.053 BMUV - BAYFRONT MIXED USE VILLAGE 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

185.058 BMU - BAYFRONT MIXED USE RESIDENTIAL DISTRICT.

(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 non-residential shall have a minimum of 85% residential uses, including hotel related residential uses, based upon Floor Area Ratio (FAR). The BMU Zoning District may not be applied within the Bayfront Village Area limits as defined by the City of Palm Bay Community Redevelopment Plan 2024, Creating a Bayfront Village on the Indian River Lagoon adopted February 2010.

(B) *Principal uses and structures.*

- (1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.
- (2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.
- (3) General offices such as administrative, corporate, business, and similar uses.
- (4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.
- (5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.
- (6) Financial institutions (banks, credit unions, and savings and loan).
- (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).
- (8) Public uses (any federal, state, county, municipal, special district, or similar use).
- (9) Eating establishments, including dancing in eating establishments, sidewalk/ outdoor table service, on-premise alcohol consumption accessory to an eating establishment (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).
- (10) Retail bakeries.
- (11) Clubs, lodges, and fraternal organizations.
- (12) Nursing homes and adult congregate living facilities.
- (13) Hotel, motel, and bed and breakfast inns.
- (14) Public and private parking lots.
- (15) Shared Storm Water Facilities

(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.

(D) Conditional uses.

- (1) Public utility facilities.
- (2) Marinas with boat sales and rentals.
- (3) Planned commercial developments (any permitted commercial use over three (3) acres in size).

(E) Prohibited uses and structures.

- (1) All uses not specifically permitted herein.
- (2) Retail automotive fuel sales.
- (3) Pawn shops.
- (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) Fire works 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.

(15) Secondhand Dealer

(F) Lot and structure requirements.

(1) Minimum lot area – 1 acre.

(2) Minimum lot width - forty (40) feet.

(3) Minimum lot depth - one hundred twenty (120) feet.

(4) Maximum building coverage - sixty percent (60%).

(5) Maximum height - forty-five (45) feet, subject to the following provisions:

- a) Providing public cross access for pedestrian/bicycle, entitles an additional 10 feet in height.
- b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.
- 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.
- d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.
- e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height.

(6) Minimum floor area (nonresidential) - three hundred (300) square feet.

(7) Minimum living area for multifamily units:

- (a) Efficiency units: seven hundred (700) square feet.

- (b) One (1) bedroom units: eight hundred fifty (850) square feet.
- (c) Two (2) bedroom units: one thousand (1,000) square feet.
- (d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred fifty (150) square feet for each bedroom.

(8) Yard requirements:

- (a) Front: zero (0) foot minimum
- (b) Side interior: five (5) feet minimum.
- (c) Side corner: zero (0) foot minimum
- (d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.

- (e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.

(9) Shared access and parking areas:

- (a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of four (4) foot setback from a right-of-way line.

- (b) On-street parking spaces along the front property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.

- (c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

- 1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall.

- 2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

- 3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

- 4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit.

- (d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.

- (e) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

- (f) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenience access to the principal buildings. On street public parking may not be considered for reduction eligibility.

(10) Design requirements:

- (a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).

- (b) Structures in the following use category are exempt from the design review requirements of this subsection: public structures.

- (c) The city sign code shall be adhered to with the following additional requirements:

1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

2. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

3. Free standing signs shall have landscaping at the base.

(c) Structures having a federal or state historic site status shall be exempt from this subsection.

(d) Garages for residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(e) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1) and (2), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than four (4) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

(b) Be a minimum of four (4) feet in width.

(c) Comply with city engineering design standards.

(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited.

(15) Lighting. Buildings shall have no neon or high pressure sodium lighting on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.

ORDINANCE NO. 2015-55

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, BY RENAMING THE EXISTING BAYFRONT MIXED USED VILLAGE DISTRICT (BMU) ZONING TO BMUV; CREATING A NEW ZONING DISTRICT TO BE KNOWN AS THE BAYFRONT MIXED USE DISTRICT (BMU); PROVIDING CRITERIA FOR THE NEW ZONING DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; 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 City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.053, BMU – Bayfront Mixed Use Village District, is hereby amended and shall henceforth read as follows:

"Section 185.053 BMU - BAYFRONT MIXED USE VILLAGE DISTRICT.

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.055, Planned Community Redevelopment District (PCRD), is hereby amended and shall henceforth read as follows:

"Section 185.055 PLANNED COMMUNITY REDEVELOPMENT DISTRICT (PCRD).

* * *

(B) *Establishment of Planned Community Redevelopment Districts.* These districts may be applied within the Bayfront Community Redevelopment District established by the city. Such districts must be established by amendment of the official zoning map and shall

carry a zoning designation of PCR. The PCR District may be requested in any zoning category except BMUV, Bayfront Mixed Use Village District, LI, Light Industrial and Warehousing District and HI, Heavy Industrial District.

* * **

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', Section 185.133, Temporary Storage Units in Residential Areas, is hereby amended and shall henceforth read as follows:

"Section 185.133 TEMPORARY STORAGE UNITS IN RESIDENTIAL AREAS.

(A) *Definitions.*

RESIDENTIAL AREAS. Any land zoned RR, RE, SRE, RS-1, RS-2, RS-3, SF-1, SF-2, RMH, RM-10, RM-15, RM-20, PUD and single family and multiple family uses in the BMUV District.

* * **

SECTION 4. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, is hereby amended by including as Section 185.058 the following language:

"Section 185.058 BMU – BAYFRONT MIXED USE DISTRICT.

(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 non-residential shall have a minimum of 85% residential uses, including hotel related residential uses, based upon Floor Area Ratio (FAR). The BMU Zoning District may not be applied within the Bayfront Village Area limits as defined by the City of Palm Bay Community Redevelopment Plan 2024, Creating a Bayfront Village on the Indian River Lagoon adopted February 2010.

(B) Principal uses and structures.

(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.

(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.

(3) General offices such as administrative, corporate, business, and similar uses.

(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.

(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.

(6) Financial institutions (banks, credit unions, and savings and loan).

(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).

(8) Public uses (any federal, state, county, municipal, special district, or similar use).

(9) Eating establishments, including dancing in eating establishments, (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).

(10) Retail bakeries.

(11) Clubs, lodges, and fraternal organizations.

(12) Nursing homes and adult congregate living facilities.

(13) Hotel, motel, and bed and breakfast inns.

(14) Public and private parking lots.

(15) Shared Storm Water Facilities

(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.

(D) Conditional uses.

(1) Public utility facilities.

(2) On-premise alcohol consumption accessory to an eating establishment.

(3) Eating establishment with sidewalk/ outdoor table service.

(4) Marinas with boat sales and rentals.

(5) Planned commercial developments (any permitted commercial use over three (3) acres in size).

(E) Prohibited uses and structures.

(1) All uses not specifically permitted herein.

(2) Retail automotive fuel sales.

(3) Pawn shops.

(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) Fire works 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.

(15) Secondhand Dealer.

(F) Lot and structure requirements.

(1) Minimum lot area – 1 acre.

(2) Minimum lot width - forty (40) feet.

(3) Minimum lot depth - one hundred twenty (120) feet.

(4) Maximum building coverage - sixty percent (60%).

(5) Maximum height - forty-five (45) feet, subject to the following provisions:

(a) Providing public cross access for pedestrian/bicycle, entitles an additional 10 feet in height.

(b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.

(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.

(d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.

(e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height.

(6) Minimum floor area (nonresidential) - three hundred (300) square feet.

(7) Minimum living area for multifamily units:

(a) Efficiency units: seven hundred (700) square feet.

(b) One (1) bedroom units: eight hundred fifty (850) square feet.

(c) Two (2) bedroom units: one thousand (1,000) square feet.

(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred fifty (150) square feet for each bedroom.

(8) Yard requirements:

(a) Front: zero (0) foot minimum.

(b) Side interior: five (5) feet minimum.

(c) Side corner: zero (0) foot minimum.

(d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.

(e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.

(9) Shared access and parking areas:

(a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of four (4) foot setback from a right-of-way line.

(b) On-street parking spaces along the front property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.

(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.

2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit.

(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.

(e) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

(f) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenience access to the principal buildings. On street public parking may not be considered for reduction eligibility.

(10) Design requirements:

(a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).

(b) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.

(c) The city sign code shall be adhered to with the following additional requirements:

1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

2. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

3. Free standing signs shall have landscaping at the base.

(d) Structures having a federal or state historic site status shall be exempt from this subsection.

(e) Garages for residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(f) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1) and (2), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than four (4) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

(b) Be a minimum of four (4) feet in width.

(c) Comply with city engineering design standards.

(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited within twenty (20) feet of the front and side corner property lines.

(15) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

City of Palm Bay, Florida
Ordinance No. 2015-55
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Read in title only at Meeting No. 2015- , held on , 2015; and read in title only
and duly enacted at Meeting No. 2015- , held on , 2015.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-17-2015