



LAND DEVELOPMENT DIVISION
120 MALABAR ROAD SE
PALM BAY, FL 32907
T: 321-733-3042 F: 321-953-8920

STAFF REPORT
PREPARED BY:
Christopher Balter
Acting Assistant Community Planning &
Economic Development Director

CASE NUMBER

T-29-2018

APPLICANT/PROPERTY OWNER

The City of Palm Bay (Community Planning and Economic Development Department)

PLANNING & ZONING BOARD HEARING DATE

December 5, 2018

PROPERTY LOCATION/ADDRESS

N/A

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Section 185.140: Off-Street Parking and Traffic Circulation in order to define driveway separation to a minimum of fifty (50) feet. The wording defining the placement of wheel stops has been revised to note the requirement of maintaining an unobstructed sidewalk width of (4) feet to meet ADA requirements.

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SITE ACREAGE	SURROUNDING ZONING & LAND USE
N/A	N/A	N/A	N/A	N: N/A E: N/A S: N/A W: N/A

PROPERTY HISTORY

Revisions to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Section 185.140, last revised in Ordinance No. 2018-33, on 09-06-18.

COMPATIBILITY with the COMPREHENSIVE PLAN

Citywide

COMPATIBILITY with the CODE OF ORDINANCES

Not specifically addressed.

STAFF RECOMMENDATION:TRANSMIT ☐APPROVE ☒APPROVE WITH CONDITIONS ☐DENY ☐

ANALYSIS:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185.140: Off-Street Parking and Traffic Circulation in order to revise the minimum separation between driveways and to revise the wording pertaining to unobstructed sidewalk widths to meet ADA requirements.

1. Chapter 185, Section 185.140

The new code defines driveway separation to a minimum of fifty (50) feet. The wording defining the placement of wheel stops has been revised to note the requirement of maintaining an unobstructed sidewalk width of (4) feet to meet ADA requirements.

The written text is amended in legislative style, with additions underlined in blue and ~~deletions~~ in red in strikethrough format.

STAFF RECOMMENDATION:

Case T-29-2018 is recommended for approval.

§ 185.140 OFF-STREET PARKING AND TRAFFIC CIRCULATION**(D) Design Requirements.**

(1) All parking spaces, access drives, and loading zones shall be improved in accordance with the design standards set forth in the current edition of the city of Palm Bay Public Works Manual and the Land Development Code.

(2) Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet.

(a) Accessible spaces shall follow the current editions of the ADA, the FDOT Manual on Uniform Traffic Control Devices (MUTCD), the Florida Accessibility Code for Building Construction (FACBC), and F.S. Chapter 208.

(b) Wheel stops may be used to ~~keep vehicles from reducing the clear width of an accessible route below four (4) feet per the City of Palm Bay Land Development Code § 179.032(B).~~ prevent a vehicle from encroaching on adjacent sidewalks or property. The wheel stop shall be set back a distance that provides an unobstructed sidewalk width of four (4) feet to meet the Americans with Disabilities Act and the Florida Accessibility Code for Construction.

~~(c) A wheel stop shall be set back three (3) feet from the front of the parking space.~~

(3) All off-street parking areas shall be designed so as to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. ~~Black-Back-out~~ parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses or on a street where the posted speed limit is thirty (30) miles or less. Ten (10) consecutive parking stalls are permitted provided each ten (10) are separated by a two hundred (200) square foot landscaped island. Interior aisle widths shall conform to the minimum requirements below:

Parking	Aisle Width	
Angle	One-Way	Two-Way
30°	12 feet	22 feet
45°	14 feet	22 feet
60°	18 feet	22 feet
90°	24 feet	24 feet
Parallel	12 feet	22 feet

(4) Non-residential driveways.

(a) Non-residential driveways widths measured at the right-of-way line shall be a minimum width of fifteen (15) feet for one-way traffic and twenty-four (24) feet for two-way traffic.

(b) One (1) driveway per parcel shall be permitted for properties with up to one hundred and fifty (150) feet of street frontage. ~~Driveway separation shall meet the current requirements of Florida Administrative Rule 14-97 and FDOT Driveway Information Guide.~~ An additional driveway may be permitted for each additional one hundred and fifty (150) feet of street frontage.

(c) ~~Driveway separation shall be three hundred and thirty-three (333) feet for urbanized areas and six hundred and sixty (660) feet for transitioning and rural areas measured from the closest driveway edge at the right-of-way line. FDOT roadway classifications apply.~~ Driveways shall be at least fifty (50) feet apart measured from the closest driveway edge at the right-of-way line.

(d) Driveways along a minor side street shall not be located closer than one hundred twenty (120) feet to the nearest major street intersection.

(e) In no case, however, shall a driveway or curb cut be permitted on the radii of any intersection. All driveways that connect to a public road right-of-way shall be paved from the property line to the edge of the right-of-way.



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

CODE TEXTUAL AMENDMENT APPLICATION

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, Monday through Friday, during division office hours, to be processed for consideration by the Planning and Zoning Board. The application will then be referred by 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.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Chapter 185, Section 185.140: Off-Street Parking and Traffic Circulation

PROPOSED LANGUAGE (attach addendum if necessary):

See Staff Report

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary):

See Staff Report

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

N/A *\$1,500.00 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 Christopher Balter Digitally signed by Christopher Balter
Date: 2018.11.29 13:16:16 -05'00' **Date** 11-29-2018

Printed Name of Applicant City of Palm Bay (Community Planning and Economic Development)

Full Address 120 Malabar Rd SE Palm Bay, FL 32907

Telephone 321-733-3042 **Email** Christopher.Balter@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ **Email** _____

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

CITY OF PALM BAY, FLORIDA
**PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY**

RECOMMENDATION
December 5, 2018

As the Planning and Zoning Board minutes are not fully transcribed at this time, an excerpt of the minutes is being provided.

**T-29-2018 – CITY OF PALM BAY (COMMUNITY PLANNING AND
ECONOMIC DEVELOPMENT DEPARTMENT)**

Staff Conclusion:

Approval of the request.

Planning and Zoning Board Recommendation:

Motion by Mr. Pezzillo, seconded by Ms. Maragh to submit Case T-29-2018 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.140 Off-Street Parking and Traffic Circulation, in order to define driveway separation at a 50-foot minimum. The motion carried with members voting unanimously.

ORDINANCE NO. 2018-68

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, SUBCHAPTER 'OFF-STREET PARKING AND LOADING REQUIREMENTS', BY REVISING PROVISIONS RELATED TO DESIGN REQUIREMENTS; 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 'Off-Street Parking and Loading Requirements', Section 185.140, Off-Street Parking and Traffic Circulation, is hereby amended and shall henceforth read as follows:

"185.140 OFF-STREET PARKING AND TRAFFIC CIRCULATION.

In all districts, off-street parking shall be provided as follows:

* * *

(D) *Design Requirements.*

* * *

(2) Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet.

* * *

(b) Wheel stops may be used to ~~keep vehicles from reducing the clear width of an accessible route below four (4) feet per the City of Palm Bay Land Development Code § 179.032(B)~~ prevent a vehicle from encroaching on adjacent sidewalks or property. The wheel stop shall be set back a distance that provides an unobstructed sidewalk width of four (4) feet to meet the Americans with Disabilities Act and the Florida Accessibility Code for Construction.

~~(c) A wheel stop shall be set back three (3) feet from the front of the parking space.~~

(3) All off-street parking areas shall be designed so as to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. ~~Black~~Back-out parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses or on a street where the posted speed limit is thirty (30) miles or less. Ten (10) consecutive parking stalls are permitted provided each ten (10) are separated by a two hundred (200) square foot landscaped island. Interior aisle widths shall conform to the minimum requirements below:

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(4) *Non-residential driveways.*

* * *

(b) One (1) driveway per parcel shall be permitted for properties with up to one hundred and fifty (150) feet of street frontage. ~~Driveway separation shall meet the current requirements of Florida Administrative Rule 14-97 and FDOT Driveway Information Guide. An additional driveway may be permitted for each additional one hundred and fifty (150) feet of street frontage.~~

(c) ~~Driveway separation shall be three hundred and thirty three (333) feet for urbanized areas and six hundred and sixty (660) feet for transitioning and rural areas measured from the closest driveway edge at the right-of-way line. FDOT roadway classifications apply. Driveways shall be at least fifty (50) feet apart measured from the closest driveway edge at the right-of-way line.~~

* * *

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.

Read in title only at Meeting No. 2018- , held on , 2018; and read in title only and duly enacted at Meeting No. 2018- , held on , 2018.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case No.: T-29-2018

cc: (date) Case File