



Melbourne City Council
May 27, 2025
City Manager's Item Report

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	N/A
Reading Number:	1
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	C.18.

Subject:

Ordinance No. 2025-27, Zoning Text Amendment Request (TEXT2025-0010) Accessory Dwellings in REU Zoning

Background/Consideration:

This is the first reading of an ordinance amending City Code, Appendix B, Article V, and Article VI, as it relates to accessory dwellings in the REU Zoning District.

Earlier this year, City Council adopted an ordinance to allow a mobile home as a permitted accessory dwelling unit in the AEU zoning, subject to the use standards for accessory dwellings located in Appendix B, Article VI, Section 1(A) (Ordinance No. 2025-05).

At the April 8, 2025 City Council meeting, staff was directed to draft changes to allow a mobile home as an accessory dwelling unit in the REU zoning, as a way to resolve recent conflicts between rural residential property owners on a rezoning request to allow for the permanent accessory use of a mobile home on a 3.6±-acre property.

The proposed ordinance would make the same allowance within the REU zoning district, including a minimum acreage requirement of at least 2.5 acres (which is the same as the minimum lot size permitted within the AEU zoning). Within the use standards for accessory dwellings, staff has added language to increase the setbacks for the installation of any accessory mobile home to all property lines, utilizing the same setback requirements recently adopted for the AEU zoning.

On May 1, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed ordinance.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2025-27, based upon the findings contained in the Planning and Zoning Board memorandum.

Memorandum

To: Jenni Lamb, City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Cheryl A. Dean, AICP, Planning Manager
Re: **Zoning Text Amendment (TEXT2025-0010): Accessory Dwellings in REU Zoning**
Date: May 15, 2025

Owner/Applicant/Representative

➤ City of Melbourne

Proposed Actions

Amend City Code, Part III, Appendix B, Article V, Section 2(F), Standards for REU; and Article VI, Section 1(A), Accessory Dwellings; as it relates to accessory dwellings in the REU Zoning District.

Location

This action shall apply to all properties zoned REU in the City of Melbourne.

History

Following is the history of the REU zoning:

- 2004: City Council adopted a new zoning category, called Rural Estate Use, Single-Family Residential District (REU), (Z-2004-983AD/Ordinance No. 2004-37).
- 2005: City Council adopted a complete recodification of the Zoning Code (Z-2005-1043AD /Ordinance No. 2005-120).
- 2015: City Council adopted changes to overlay zoning and accessory uses and structures, including accessory dwellings (Z-2015-1219AD/Ordinance No. 2015-35).

At their April 8, 2025 meeting, City Council directed staff to draft changes to allow a mobile home as an accessory dwelling unit in the REU zoning, as a way to resolve recent conflicts between rural residential property owners on a rezoning request to allow for the permanent accessory use of a mobile home on a 3.6±-acre property.

Purpose of Establishing REU zoning district - 2004

In 2004, residents who had been recently annexed, or contemplated annexation into the City of Melbourne, expressed concerns about the differences in the City's Zoning Code requirements versus Brevard County's Zoning Code requirements. Although most of these concerns regarded the ability to maintain horses or certain rural residential uses on larger acreage properties located further away from, the city center, the residents were generally concerned about unforeseen issues arising due to their annexation into the City that would overly restrict their property rights. The REU zoning was then adopted and modeled after the County's RR-1 zoning. Additionally, the AEU zoning was adopted and modeled after the county AU zoning.

REU – current allowances/prohibitions

The REU zoning is a rural residential district that also allows single-family residential uses with a minimum lot size of one acre. In a layout similar to the city's other residential zoning categories, REU is broken into: principal uses and structures, accessory uses and structures, conditional uses permissible by the city council, and prohibited uses and structures.

Mobile homes are currently not permitted within the REU zoning; however, in 2004, a "dwelling, mobile home" was permitted as a principal use or an accessory use in the AEU zoning with minimum acreage requirements and setbacks to all property lines. In 2015, code amendments were adopted to eliminate a mobile home as an allowable principal use in the AEU section of City Code (Appendix B, Article V, Section 2(E)). In addition, the use of a mobile home as an accessory dwelling unit in AEU zoning was eliminated from City Code (Appendix B, Article VII, Section 2(C)). The result of these changes to City Code limited a mobile home to property zoned R-2T and located within a mobile home park.

Earlier this year, City Council adopted an ordinance to allow a mobile home as a permitted accessory dwelling unit in the AEU zoning, subject to the use standards for accessory dwellings located in Appendix B, Article VI, Section 1(A) (Ordinance 2025-05). The proposed ordinance would make the same allowance within the REU zoning district.

Proposed code provisions:

Staff has prepared zoning code text amendment changes to Article V, Section 2(F), establishing a mobile home as a permitted accessory dwelling unit in the REU zoning, subject to the use standards for accessory dwellings located in Appendix B, Article VI, Section 1(A), including a minimum acreage requirement of at least 2.5 acres (which is the same as the minimum lot size permitted within the AEU zoning). Within the use standards for accessory dwellings, staff has added language to increase the setbacks for the installation of any accessory mobile home to all property lines, utilizing the same setback requirements recently adopted for the AEU zoning. The text amendment language is attached to the staff memorandum.

Planning & Zoning Board Action

On May 1, 2025 following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of the proposed requests.

Recommendation

Approval of the ordinance based upon the findings contained in the Planning & Zoning Board memorandum.

Memorandum

To: Mayor and Council

From: Milo Zonka, Acting Chair, Planning and Zoning Board

Re: **Finding of Consistency (FOC2025-0002), and Zoning Text Amendment (TEXT2025-0010): Accessory Dwellings in REU Zoning**

Date: May 2, 2025

Applicant: City of Melbourne

The Planning and Zoning Board, at its regular scheduled meeting of May 1, 2025, reviewed the above Finding of Consistency and Text Amendment requests.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of FOC2025-0002 and TEXT2025-0010 to amend City Code, Amend City Code, Part III, Appendix B, Article V, Section 2(F), Standards for REU; and Article VI, Section 1(A), Accessory Dwellings; as it relates to accessory dwellings in the REU Zoning District.


The recommendation of the Planning and Zoning Board is based upon the following findings:

Findings for the Proposed Text Amendment

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the execution of policies within the Comprehensive Plan. The proposed revisions will implement policy language that address the use of a mobile home as an allowable accessory dwelling unit in the REU zoning district.
2. The proposed revisions are specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the Comprehensive Plan. The proposed modifications will aid in the implementation of City Code requirements by refining the use standards for accessory dwellings to increase the setbacks from property lines for the installation of any accessory dwelling unit mobile home in the REU district and requiring the minimum lot size of 2.5 acres.
3. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes assist in the implementation of City Code requirements regarding accessory mobile home dwelling units in the rural REU zoning district areas of the City.

4. The proposed changes will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments as the revisions reinforce the administration of City Code requirements. Specifically, the proposed modifications will permit mobile home accessory dwelling units on large rural lots of at least 2.5 acres that are zoned for rural residential uses. This change will provide an additional accessory dwelling option in rural areas of Melbourne.
5. The subject modifications will make City Code more user-friendly to property owners, the development community, and City staff.
6. The proposed change is consistent with the City Code purpose of promoting the health, safety, education, cultural and economic welfare of the public by increasing the options for accessory dwelling units in rural residential areas of the City.

Respectively Submitted,

 for
Milo Zonka, Acting Chair
Planning and Zoning Board

ORDINANCE NO. 2025-27

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING REGULATIONS AND USE STANDARDS RELATED TO ACCESSORY DWELLINGS IN THE RURAL ESTATE USE (REU) ZONING DISTRICT; MAKING FINDINGS; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE V, DISTRICT REGULATIONS; AMENDING ARTICLE VI, USE STANDARDS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2025-0002/ TEXT2025-0010)

WHEREAS, Rural Estate Use (REU) zoning is a rural residential district that also allows single-family residential uses with a minimum lot size of one acre; and

WHEREAS, mobile homes are not currently permitted within the REU zoning district; and

WHEREAS, at its January 28, 2025 meeting, City Council adopted Ordinance No. 2025-05 to allow a mobile home as a permitted accessory dwelling in the Agricultural Estate Use (AEU) zoning district, subject to the use standards for accessory dwellings located in Appendix B, Article VI, Section 1(A); and

WHEREAS, at its April 8, 2025 meeting, staff was directed by City Council to draft changes to allow a mobile home as an accessory dwelling in the REU zoning district; and

WHEREAS, the proposed ordinance would make the same allowance within the REU zoning district, including a minimum acreage requirement of at least 2.5 acres; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on May 1, 2025, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the foregoing recitals are hereby incorporated herein as findings supporting adoption of this ordinance.

SECTION 2. That Appendix B of the City Code of Melbourne, Florida, is hereby amended to read as follows:

APPENDIX B. ZONING

* * * *

ARTICLE V. DISTRICT REGULATIONS

* * * *

Sec. 2. District use and dimensional standards.

* * * *

(F) *Standards for REU – Rural Real Estate Use, Single-Family Residential District.*

* * * *

(2) *Accessory used and structures.*

* * * *

(h) Dwellings, accessory, including mobile homes/manufactured homes, subject to the standards of article VI, section 1(A).

* * * *

ARTICLE VI. USE STANDARDS

* * * *

Sec. 1. Residential uses.

(A) Accessory dwellings.

* * * *

(2) *Design standards for single-family dwelling properties located with in R-A, R-1AAA, R-1AA, R-1A, R-1B, R-2, R-3, REU, R-P, C-1A and C-1 zoning districts, and the*

CB-OZ or Eau Gallie art overlay zone (with one exception of C-E zoning, which is described in subsection (4) below).

* * * *

(b) *Requirements.* All accessory dwelling units must meet the following:

* * * *

2. Property size. Single-family properties must meet the following property size requirements to be permitted an accessory dwelling unit:
 - i. R-A, R-1AAA, R-1AA, R-1A, R-1B, R-2, R-3, R-1B, R-P, C-1A and C-1 zoning districts: minimum lot area of 14,520 square feet.
 - ii. ~~REU zoning~~, CB-OZ and Eau Gallie art overlay zone: No minimum.
 - iii. REU zoning district: No minimum, except that an accessory mobile home/manufactured home requires a minimum of 2.5 acres.

* * * *

(d) *Detached accessory dwelling units.* Detached accessory dwelling units must meet the following:

1. Setbacks.
 - i. For accessory dwellings 600 square feet or less, the structure must be located behind the principal dwelling and shall meet accessory structure setbacks defined in article VII, section 1.
 - ii. For accessory dwellings greater than 600 square feet, the structure shall meet principal structure setbacks defined in article V, section 2(D).
 - iii. Accessory mobile home/manufactured homes in the REU zoning district must meet the following setbacks:
 - a. Front: 50 feet;
 - b. Side corner: 50 feet;
 - c. Side interior: 30 feet; and
 - d. Rear: 40 feet.

* * * *

3. Character. The design, character, color and treatment of the detached accessory dwelling unit, including an accessory mobile home/manufactured home in the REU zoning district, should be as close as reasonably possible to those of the principal dwelling.

* * * *

SECTION 4. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 6. That this ordinance was passed on first reading at a regular meeting of the City Council on the day of , 2025, and adopted on the second and final reading at a regular meeting of the City Council on the day of , 2025.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2025-27

Business Impact Estimate

To: Jenni Lamb, City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Cheryl A. Dean, AICP, Planning Manager
Date: May 15, 2025
Re: Ordinance No. 2025-27 – TEXT2025-0010

Summary of the Proposed Ordinance

This ordinance serves to allow a mobile home as an accessory dwelling unit in the REU (Rural Estate Use) zoning district. City Council passed an ordinance earlier this year that permits a mobile home as an accessory dwelling unit in the AEU zoning, provided that it complies with the use requirements for accessory dwelling units found in Appendix B, Article VI, Section 1(A) (Ordinance No. 2025-05). Within the REU zoning district, the same permission would be made by the proposed ordinance.

This estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

No businesses should incur compliance costs associated with this text amendment ordinance, as it only impacts property owners with REU zoning, wishing to have a mobile home on their 2.5±-acre property an additional accessory option.

A requesting property owner in REU zoning with at least 2.5± acres is gaining the benefit of being able to install a mobile home as an accessory dwelling option, which is not currently permitted in City Code. This option may be a more affordable way for a property owner to add an accessory dwelling unit based on the request.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

There are no businesses which should be impacted by the proposed ordinance.