



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Laurence Bradley, AICP, Growth Management Director

**DATE:** June 4, 2020

**RE:** Textual Amendment Request – City of Palm Bay (Growth Management Department)

### SUMMARY:

The City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.036 through 185.038. The purpose of this amendment is to exempt multiple-family residential developments that create less than five (5) units from specific development standards. The amendment also revises the building setback criteria for the RM-15 and RM-20 zoning districts.

This amendment removes requirements from the development of multiple-family projects that contain less than five (5) units (i.e. duplexes, triplexes and quadplexes). Certain development standards are intended for multiple-family residential developments that contain several buildings with higher densities and are not intended for single buildings or developments of low-density. For the purpose of consistency and sensible development, the RM-15 and RM-20 districts shall also contain building setbacks commensurate with building heights sympathetic to adjacent properties.

### REQUESTING DEPARTMENTS:

Growth Management

### RECOMMENDATION:

Motion to approve Case T-8-2020, based on the analysis contained in the staff report.

### Planning and Zoning Board Recommendation:

Unanimous approval of the request, based on the analysis contained in the staff report.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

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Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on the analysis contained in the staff report. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent

Attachments:

- 1) Case T-8-2020 (*available upon request*)
- 2) Ordinance

## ORDINANCE 2020-35

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 'DISTRICT REGULATIONS', BY REVISING PROVISIONS RELATED TO MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS; 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 185.036, RM-10 – Single-, Two-, Multiple-Family Residential District, is hereby amended and shall henceforth read as follows:

“Section 185.036 RM-10 – SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

\* \* \*

(B) Principle uses and structures:

\* \* \*

(3) Multiple-family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre. >>For multiple-family residential development that includes five (5) or more units, the provisions of (a) through (d) below, shall apply. Multiple-family developments of less than five (5) units shall be exempt from these provisions.<<

\* \* \*”

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations',

Section 185.037, RM-15 – Single-, Two-, Multiple-Family Residential District, is hereby amended and shall henceforth read as follows:

“Section 185.037 RM-15 – SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

\* \* \*

(B) Principle uses and structures:

\* \* \*

(3) Multiple-family dwellings provided that in no case shall there be more than fifteen (15) dwelling units per gross residential acre. >>For multiple-family residential development that includes five (5) or more units, the provisions of (a) through (d) below, shall apply. Multiple-family developments of less than five (5) units shall be exempt from these provisions.<<

\* \* \*

(H) *Lot and structure requirements, multiple- family:*

\* \* \*

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet >>or equal to the height of the building, whichever is greater.<<

(b) Side interior — ten (10) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet >>or equal to the height of the building, whichever is greater.<<

(c) Side corner — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet >>or equal to the height of the building, whichever is greater.<<

(d) Rear — twenty-five (25) feet, plus one (1) foot for each one (1) foot in height over twenty-five (25) feet >>or equal to the height of the building, whichever is greater.<<

(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.”

**SECTION 3.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter ‘District Regulations’, Section 185.038, RM-20 – Multiple-Family Residential District, is hereby amended and shall henceforth read as follows:

“Section 185.038 RM-20 – MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

\* \* \*

(B) Principle uses and structures:

(1) Multiple-family dwellings, provided that in no case shall there be more than twenty (20) dwelling units per gross residential acre. >>For multiple-family residential development that includes five (5) or more units, the provisions of (a) through (f) below, shall apply. Multiple-family developments of less than five (5) units shall be exempt from these provisions.<<

\* \* \*

(F) *Lot and structure requirements:*

\* \* \*

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet minimum building setback >>, or equal to the height of the building, whichever is greater<<.

(b) Side interior — eight (8) >>fifteen (15)<< feet minimum building setback >>, or equal to the height of the building, whichever is greater<<.

(c) Side corner — twenty-five (25) feet minimum building setback >>, or equal to the height of the building, whichever is greater<<.

(d) Rear — twenty-five (25) feet minimum building setback >>, or equal to the height of the building, whichever is greater<<.

>>(e) The minimum separation distance between multiple family residential buildings on the same property shall be thirty (30) feet.<<

(e) >>(f)<< Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.”

**SECTION 4.** 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 5.** 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 6.** 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 7.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: City of Palm Bay  
Case: T-8-2020

***~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***