

TITLE XVII Land Development Code – updated 8/23/2024 UPDATED

CURRENT: TITLE XVII Chapters	PROPOSED AMENDMENTS
Chapter 169: Land Development Code	Repealed entirely , see new Chapter 170, ‘General Provisions’ ⁴
Chapter 170: Construction Codes and Regulations	Repealed entirely , sections moved out of LDC to administrative manuals or other Titles within the Palm Bay Code of Ordinances ⁴ : Title III, Administration, Chapter 33 Title VII, Traffic and Vehicles, Chapter 75 Title IX, General Regulations, Chapter 102 Title X, Impact Fees, Chapter 103 Title XX, Utilities Code, Chapter 204
Chapter 171: Fair Share Impact Fees	Repealed entirely; moved out of LDC to Title X, Impact Fees, Chapter 103 (Parks, Police, Fire, Transportation, and Water and Wastewater) ⁴
Chapter 172: Environmental Regulations	Repealed entirely; moved to new Chapter 175, ‘Tree Protection, Landscaping, and Buffering’
Chapter 173: Adult Entertainment Code	RENUMBERED to Chapter 180: Adult Entertainment Subchapter ‘Public Nudity’ moved out of LDC to Title IX, General Regulations, Chapter 102 ⁴
Chapter 174: Floodplain & Stormwater Management	Repealed entirely ; sections moved out of LDC to Title XX, Utilities Code, Chapter 204, ‘Stormwater Management Utility’ ⁴ and to new Chapter 177: Subdivision, Site, and Building Design ^{1&2}
Chapter 175: Mining/Excavation Operations	Repealed entirely; moved to new LDC chapters: Chapter 171, ‘Definitions’ Chapter 173, ‘Zoning’ (<i>use</i>) Chapter 174, ‘Accessory, Temporary, and Permanent Uses’ (<i>standards</i>) Chapter 179, ‘Natural Resources’
Chapter 176: Fuel Storage Tank Systems	Repealed entirely; moved to new LDC chapters: Chapter 171, ‘Definitions’ Chapter 173, ‘Zoning’ (<i>use</i>) Chapter 174, ‘Accessory, Temporary, and Permanent Uses’ (<i>standards</i>) Chapter 179, ‘Natural Resources’

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Chapter 177: Fire Prevention and Protection	Moved out of LDC to Title III, Administration, Chapter 33, Fire Department, subchapter ‘Fire Prevention and Protection; Buildings and Structures’ ⁴
Chapter 178: Signs	Chapter 178: Signs – NO CHANGES
Chapter 179: Streets & Other Rights-of-Way	Repealed entirely; Moved out of LDC to administrative manuals and to other titles within the Palm Bay Code of Ordinances ⁴ : Title VII, Traffic and Vehicles Chapter 70 Title IX, General Regulations, Chapter 103 ‘Closure and Abandonment of Easements and Drainage Rights-of-Way’; and Chapter 75, ‘Golf Carts’
Chapter 180: Trees and Shrubbery; Landscaping	RENUMBERED and RENAMED to Chapter 175: Tree Protection, Landscaping, and Buffering ³ Municipal Tree Code moved out of LDC to Title IX, Chapter 103 (currently Section 180.04 – 180.99) ⁴
Chapter 181: Water and Sewers	Repealed entirely; moved out of LDC to Title XX, Utilities Code, Chapter 201, ‘Sewer Use’ subchapter ‘Private Lift Stations’ ⁴ ; and Chapter 205, ‘Water Shortage Emergency’ ⁴
Chapter 182: Public Improvements	Moved to new Chapter 177 ‘Subdivision, Site, and Building Design’ ^{1&2}
Chapter 183: Comprehensive Plan Regulations	Repealed entirely; moved out of LDC: subsection ‘Proportionate Fair Share Transportation’ moved to Title X, Impact Fees ⁴
Chapter 184: Subdivisions	RENUMBERED and RENAMED to Chapter 177: Subdivision, Site, and Building Design ^{1&2}
Chapter 185: Zoning Code	RENUMBERED to Chapter 173: Zoning ¹ Subsection ‘Regulation of Vehicles in Residential Areas’ moved out of LDC to Title VII, Traffic and Vehicles, Chapter 74 ‘Stopping, Standing, and Parking’ subchapter ‘Parking Regulation’ ⁴
Chapter 186: Communication Towers and Facilities	Repealed entirely; moved to new LDC chapters: Chapter 171, ‘Definitions’ Chapter 173, ‘Zoning’ (<i>use</i>) Chapter 174, ‘Accessory, Temporary, and Permanent Uses’ (<i>standards</i>)
Chapter 187: Administrative Moratoria	Repealed entirely

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NEW CHAPTERS – QUICK REFERENCE

Chapter 170: General Provisions

Chapter 171: Definitions; Abbreviations and Acronyms

Chapter 172: Development Review Process

Chapter 173: Zoning

Chapter 174: Accessory, Temporary, and Permanent Structures

Chapter 175: Tree Protection, Landscaping, and Buffering

Chapter 176: Streets, Parking, and Loading

Chapter 178: Signs

Chapter 179: Natural Resources

Chapter 180: Adult Entertainment

The proposed changes can be found online, both the clean and ‘tracked changes’ versions:
www.pbfl.org/LDCupdates

Phase 1

General highlights:

- Internal inconsistencies (i.e. definitions and procedures that conflict; outdated CoO and F.S. references)
- Extensive changes required a repeal and replace of the entire LDC
- Some chapters will move out of the LDC and fall under other titles (see attached) within the City’s Code of Ordinances, which resulted in renumbering of the chapters within the LDC
- Chapters within the LDC were consolidated into sections that fit together and some items, which are administrative in nature were moved to manuals, i.e. Public Works Manual
- Tremendous input by Land Development staff, as well as staff from PW, Utilities, and Building
- All proposed amendments had input and final review by the CAO
- Reorganize chapters

Chapter 170: General Provisions⁴

- Entirely new chapter that establishes the City’s authority to adopt the LDC, its purpose, administration and enforcement of the LDC

Chapter 171: Definitions; Abbreviations and Acronyms^{1,2,4}

- **Added a definition for ‘Convention Centers’.**
- Entirely new chapter that consolidates definitions from all chapters of the LDC
- Removed conflicting definitions within the LDC and not consistent with the Comp Plan (i.e. open space)

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- Removed definitions not referenced within the LDC; added missing definitions (i.e. flag lots)
- Updated definitions that need to be consistent with Florida Statute (i.e. Adult Congregate Living)
- Removed standards (i.e. mobile home standards) from the definition and placed within the appropriate chapter

Chapter 172: Development Review Procedures^{1, 2, 4}

- Changes to section 172.030 related to submittal requirements Preliminary Development Plans for PUDs.
- Retitled reference to Development Agreements for PUDs to ‘PUD Agreement’ to differentiate from Development Agreements defined by Chapter 163, F.S.
- ***OVERALL: Appears to be significant changes; however much of this existed within the LDC but disjointed in varying chapters. Consolidates content from current chapters 169, 182, 183, 185 and streamlines the process for PUDs, reducing the number of public, hearings required.***
- Part 1 Applicability:
 - Establishes the applicability of the code as it relates to approvals required prior to construction (site work and building permits) as well as violations
- Part 2 General Procedures:
 - Establishes the level of review required for varying development review applications; creates Table 172-1 providing for the application type (i.e. site plan, rezoning, conditional use, construction plans), code reference, approval type (administrative, planning and zoning board, city council), etc.
 - Establishes new / clarified requirements for pre-application meetings, complete application submittals, alignment with new online permitting procedures
 - Removes moratorium on Comprehensive Plan Amendments
- Part 3 Application Types:
 - Summarizes what is contained in Table 172-1 and details the various application types, submittal requirements, procedures, type of approval required, cross references to Florida Statutes
 - Incorporates variances as part of the development review process, submittal requirements, review criteria, approval authority, and appeals
 - Establishes a master site plan requirement for mixed use projects, submittal requirements, process, and review criteria.
- Part 4 Zoning Map Amendment to PUD (Planned Unit Development)
 - Establishes the submittal requirements for Preliminary Development Plan (PDP) and a Final Development Plan (FDP) – biggest change is that the PDP establishes the zoning while FDP serves as a master site plan
 - Clarifies submittal requirements (i.e. traffic study, surveys)
 - Incorporates sections from current Subdivision Code (i.e. platting, public infrastructure, stormwater management)
 - Formally provides for application and procedures for obtaining a Site Work Permit
 - Formally establishes the requirement for a development agreement (DA) for all PUDs concurrent with PDP approval.

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- Establishes review criteria for PUD (previously contained under the PUD zoning district and Subdivision codes)
- Allows a preliminary plat to accompany a FDP; reduces the number of public hearings. A preliminary plat must match the FDP, so they should come together.
- Allows administrative review of construction plans to be submit concurrent with a FDP and preliminary plat
- Removes the requirement for a final plat to go to the Planning & Zoning Board, which will see and vote on the FDP and preliminary plat. Florida Statutes only requires a final plat to go before City Council.
- Authorizes issuance of building permits at preliminary plat, in accordance with new State legislation
- Part 5 Zoning Map Amendment to RAC PUD (Regional Activity Center)
 - Provides that the process for establishing a RAC zoning shall follow the same process as a PUD.
- Part 6 Subdivision Application and Approval Process
 - References Florida Statute requirements
 - Establishes review process for preliminary plat versus final plat
 - Sets forth a timeline for when a final plat shall be submitted following a preliminary plat
 - Clarifies requirements for construction of public improvements versus performance bonds
 - Clarifies requirements for approval of a final plat (i.e. public improvements completed and inspected by the City)
 - Provides requirements for acceptance and dedication of public rights-of-way and maintenance requirements and bonds
 - Clarifies requirements for performance and maintenance bonds
 - Eliminates minor subdivisions
- Part 7 Vacating Plats and Rights-of-Way
 - No real changes; mostly clean up
- Part 8 Concurrency Management Plan
 - Establishes that concurrency must be met for PUDs, ensuring that development meets levels of service (LOS) as established in the adopted Comprehensive Plan, to include transportation, solid waste, potable water, drainage, sanitary sewer, public schools, and park facilities and services.
- Part 9 Development Agreements
 - No real changes; mostly clean up and references to Florida Statutes

Chapter 173 Zoning^{1,2,4}

- References to Restricted Commercial (RC) have been added back to the Zoning Code. Previous amendment combined the RC and NC zoning districts. These remain two separate zoning districts.
- Section 173.002: Added Commercial Mixed Use (CMU) as a zoning district compatible with the Urban Mixed Use (UMU) Future Land Use (FLU).
- Section 173.020(N), amended cross-reference from Part 5 to Part 8.

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- Table 173-1: Added additional agricultural uses as permitted in GU and RR, and footnote 4.
- Table 173-2: Corrected scrivener's error. Added brew pubs as a permitted use in UMU. Added restaurants/eating establishments as permitted use in HC, conditional use in LI. Added retail establishments as a permitted use in HC. Added convention center as a permitted use in GC, HC, UMU, and LI. Added churches as a permitted use in UMU. Revised adult entertainment establishments as permitted only in LI, where one currently exists in Palm Bay, and removed them from permitted in IU and C.
- Table 173-5: Reduced minimum lot depth from 100' to 80' in RT-10, RM-15, RM-20, CMU, and UMU. Increased impervious surface ratio from 0.7 to 0.8.
- Table 173-7: Reduced minimum open space requirement to 10% in LI, HI, IU, and C.
- 173.068: Amended minimum living area, reducing the minimum living area for tiny homes from 500 SF to 120 SF, and moved additional standards that were previously contained in the definitions chapter under 'Tiny Homes'. Eliminated the maximum living area for multi-family detached homes.
- Other changes include scrivener's errors and amendments to cross-references.
- **OVERALL: shift from text-based to tables for quick reference; reorganization of the Zoning Code; consolidation of zoning districts in accordance with the policies contained within the adopted Comp Plan; added and clarified permitting and conditional use types. Consolidates content from current chapters 169, 185**
- Part 1 General Provisions
 - Establishes a table matching future land use categories to compatible zoning districts
 - Eliminates RV Park zoning district; no current zoning in the city
 - Consolidates zoning districts (SF-1 > RS-1; RM-10 > RM-15; RC > NC; BMU > CMU; BMUV > UMU); No adverse impacts, rather provides the property owner more density in most cases
- Part 2 Standard Zoning District Regulations
 - Establishes the intent of each district in complying with and meeting the policies established within the adopted Comp Plans
 - Moves standards out of the Zoning Code to a new Chapter 174, Accessory, Temporary, and Permanent Structures.
 - Moves parking requirements to Chapter 176: Streets, Parking, and Loading; landscaping requirements to Chapter 175: Tree Protection, Landscaping, and Buffering; design and lighting requirements to Chapter 177 Subdivision, Site, and Building Design; signage requirements to Chapter 178 Signs
 - Creates a Residential Transitional District (RT-10) to address the "missing middle" moderate-density residential types, i.e. townhomes, duplexes, triplexes
 - Changes Bayfront Mixed Use (BMU) and Bayfront Mixed Use Village (BMUV) to Commercial Mixed Use (CMU) and Urban Mixed Use (UMU) zoning districts
 - Eliminates and consolidates all planned development zoning districts (Parkway Mixed Use, Planned Commercial Development, and Planned Community Redevelopment District) into PUD, in accordance with the adopted Comp Plan. The intent of these districts can now be accomplished by PUD, CMU, and UMU.

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- Establishes Table 173-1 (Uses in Residential Districts), 173-2 (Uses in Office, Commercial, and Mixed-Use Districts), and 173-3 (Uses in Industrial and Other Districts) – tables provide permitted, conditional, and prohibited uses with a reference to Chapter 174 Accessory, Temporary, and Permanent Structures for any relevant standards pertaining to that use
- Establishes tables providing for dimensional standards (i.e. min living area, setbacks) Table 173-4 (Single Family and Mobile Home Residential Districts), 173-5 (Multi-Family Residential and Mixed-Use Districts), 173-6 (Office and Commercial Districts), 173-7 (Industrial & Other Districts)
- Part 3 Residential Development Types
 - Establishes different residential development types and standards for each, i.e. multi-family, townhomes, manufactured/mobiles homes, zero-lot line (i.e. tiny homes)
 - Provides for a new residential development type: Cluster Subdivisions, permitted by Conditional Use only within RR, RE, SRE, RS-1, RS-2, and RS-3 and requires a minimum of 10 acres. Seeks to encourage preservation of open space by offering smaller lot sizes and reduction in setback requirements
- Part 4 Architectural Standards – no changes
- Part 5 Development Bonuses and Incentives
 - Consolidates waivers and flexibilities already existing within the Code and adds a few, in accordance with the adopted Comp Plan.
 - Establishes Table 173-8 (Development Bonus Program) providing density and intensity bonuses to encourage affordable housing, open space, parking garages rather than surface parking, LID, emergency storm shelters¹ in exchange for waivers, flexibilities, density, and intensity bonuses
- Part 6 PUD standards – no major changes
 - Moved the process for application submittal to Chapter 172 Development Review Process
 - Redefines ‘Common Recreation and Open Space’ to align with the adopted Comp Plan, providing for passive (wetlands) and activated open space (walking trail around a stormwater pond); requires a minimum of 20% open space for all residential development
- Part 7 RAC – no major changes, mirrors PUD district; further defines RAC with a focus on commercial uses/centers and nodes of activity
- Part 8 CMU and UMU
 - Following sunset of Bayfront CRA on May 4, 2024, these districts seek to replace BMU and BMUV, providing distinction between horizontal vs. vertical mixed-use development; districts may be applied anywhere in the city limits, not just the former redevelopment area; encourages walkability, compatibility of uses
- Part 9 Nonconformance – just moved
- Part 10 Vested Rights – previously existing

Chapter 174 Accessory, Temporary, and Other Uses and Structures^{1,3,4}

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- **174.022: Exempted height of accessory structures and sizes of animal enclosures for parcels two acres or more in GU, RE, SRE, and RR zoning districts**
- **174.007: Limited additional setback requirement on chain link fences to CMU and UMU zoning districts only.**
- **OVERALL: consolidates and relocates standards in various Chapters: 170, 176, 185, and 186**
- Part 1 Accessory Uses and Structures
 - Clarifies Accessory Dwelling Units (ADU); clarifies ADUs are not permitted on a lot without a principal structure, to avoid scenarios where an ADU is constructed on a separate lot adjacent to the principal structure and later sold; thereby creating a lot with a nonconforming structure; allows ADUs in PUDs if applicant expressly includes it as a use; provides that an ADU does not count towards density calculations
- Part 2 Temporary Uses and Structures
 - Clarifies incorporates “early start homes” into model homes section; requires pedestrian connection from parking to model home via sidewalk
 - Additional regulation of mobile food vendors; establishes locations for which a vendor is authorized to operate and other guidance
- Part 3 Standards for Specific Uses
 - Moved from Zoning Code
 - Addresses home occupations, to include new State legislation
 - Incorporates “Event Halls” and provides additional standards for large event venues, i.e. convention center.
 - Recreational Vehicle Park standards – the zoning district was eliminated but permitted by Conditional Use in GC and HC

Chapter 175 Tree Protection, Landscaping, and Buffering^{3,4}

- Part 1 Tree Preservation Code – already existed in Chapter 180
 - Added additional criteria for removal of existing trees and vegetation
- Part 2 Tree Removal, Grubbing, and Site Work Permit – already existed in Chapter 180
 - Added tree removal, land clearing, and grubbing for all single-family residential lots, regardless of acreage; however, establishes a simplified application process for property owners of single family lots less than one acre. A survey is NOT required. A simple site sketch can be submitted, i.e. aerial photo identifying tree(s) to be removed vs. preserved, including species and diameter of tree.
 - Added requirement for a building permit prior to submitting application for lot clearing on single- and two-family residential lots under one acre
 - Establishes the Site Work Permit process and exemptions
 - Violation for tree removal, grubbing, or lot clearing without a permit is a stop work order and a violation notice providing two weeks for application submittal and compliance. Continued violation could result in a citation/fee for work without a permit.
- Part 3 Landscaping and Buffer Requirements

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- Establishes a minimum requirement for landscaping within vehicular use areas (i.e. parking lot medians), within setbacks, perimeters and buffering along rights-of-way
- Establishes requirement for street trees in residential developments
- Establishes that irrigation, where required, shall be from reclaim, stormwater from wet detention areas, wells, etc – prohibiting the use of potable water sources within large residential developments

Chapter 176 Streets, Parking and Loading^{1,3,4}

- **176.047: Provided exclusion of storage space from the calculation of required parking spaces**
- Part 1 Streets and Sidewalks – minimal change, already existed in Chapter 179
 - Added quick reference table providing for minimum design standards based on street type
 - Added requirements for sidewalks and bikeways ^{1,3} on both sides of the public and private streets, which didn't previously exist and requiring connection to nearest local road, transit stops, parks, employment centers, etc.
 - Requires sidewalks within residential and non-residential sites to install private pedestrian walkways, connecting its principal buildings, site amenities, and parking areas to existing public sidewalks
 - Establishes clearer standards for bikeways
- Part 2 Driveways – no change, already existing in Chapter 179
- Part 3 Transit Facilities - NEW
 - Provides new language requiring developments generating 200 or more daily trips and located along a fixed bus route to coordinate with Space Coast Area Transit and City to provide for bus stops, shelters, turnouts, and other improvements
- Part 4 Off-Street Parking Requirements – minimal changes, moved from Chapter 185
 - Requires that parking lots include pedestrian pathways/circulation along the perimeter of the parking area to the primary building(s)
 - Provides a reduction in one parking space per or 10% of total parking for preserving onsite specimen and historic trees
 - Establishing a maximum number of parking spaces – no more than 1.15 times the minimum number of parking spaces required
 - New minimum parking standards; calculation adopted in line with ITE Parking Generation Manual based on use type
 - Conversion of garage to living area: previously existing, but now requires residential parking spaces shall be accommodated in lieu of a garage
- Part 5 Off-Street Parking Loading and Service Facilities - minimal change, already existed in Chapter 179
 - Proves a quick reference table for minimum loading spaces based on use type

Chapter 177 Subdivision, Site, and Building Design^{1,2,4}

- Part 1 Subdivision Design – this was previously Chapter 184 (Subdivision Code)
 - Adds stronger requirement for pedestrian and bicycle movement within the subdivision

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- Common Open Space¹ – new requirement to ensure consistency with adopted Comp Plan; minimum 20% for residential development and 10% for nonresidential development; allows certain open space, such as stormwater retentions areas to be counted towards open space requirement if “activated” with pathways or gathering areas; requires that common open space throughout all phases should later phases not be developed
- Subdivision Access – required two means of public ingress and egress to/from a public street designed and constructed to City standards
- Adds bikeways requirement into subdivision designs and standards
- Adds requirement for safe and direct pedestrian connection from subdivision to nearby educational facilities
- Clarifies that new subdivisions served by centralized water and wastewater.
- Part 2 Stormwater Management and Conservation – this was previously Chapter 174
 - Clarifies requirement for a drainage plan and other governmental entities having jurisdiction, to include their review and approval of designs and construction plans
 - Excludes variances to for properties that degrade water quality and further contribute to the TMDL as established Basin Management Action Plan, in accordance with new State legislation
 - Incorporated language previously contained within administrative manuals and cross reference to Low Impact Design (LID) standards
 - Incorporates requirements of FWC related to threatened or endangered species
- Part 3 Lighting Standards – renumbering and cosmetic changes only

Chapter 178 Signs

- No change, just updated reference to Code Board (now Special Magistrate)
- This will be reviewed in Phase 2. City Attorney’s Office will be the lead.

Chapter 179 Natural Resources⁴

- Part 1 Floodplain Management – previously in Chapter 174 – renumbering and cosmetic changes; most items in this chapter are statutory requirements
- Part 2 Groundwater/Wellfield Protection – previously in Chapter 181
 - Incorporated the protection of groundwater resources

Chapter 180 Adult Entertainment⁴

- No change, just renumbering.
- This will be reviewed in Phase 2. City Attorney’s Office will be the lead.

PHASE 2 – expected to kick off at the start of the 2025 calendar year

- Glitch ordinances
- Additional textual amendments at the direction of the City Manager and City Council, i.e. signs, adult entertainment, citizen participation plans

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