

ORDINANCE 2024-05

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 INCLUDING PROVISIONS FOR FITNESS CENTERS AND OTHER INDOOR/OUTDOOR HEALTH FACILITIES AND ACTIVITIES WITHIN CERTAIN ZONING DISTRICTS; 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 185.042, NC – Neighborhood Commercial District, is hereby amended and shall henceforth read as follows:

"Section 185.042 NC – NEIGHBORHOOD COMMERCIAL DISTRICT.

* * *

(D) *Conditional uses:*

* * *

(4) Indoor commercial recreation and amusement such as batting cages, miniature vehicle racetracks and similar uses >>, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities containing less than five thousand (5,000) square feet of floor area. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.<<

* * *"

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

Section 185.043, CC – Community Commercial District, is hereby amended and shall henceforth read as follows:

“Section 185.043 CC – COMMUNITY COMMERCIAL DISTRICT.

* * *

(B) *Principal uses and structures.* The following uses and structures are permitted:

* * *

(24) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs >>, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities containing less than five thousand (5,000) square feet of floor area. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval<<.

* * *”

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter ‘District Regulations’, Section 185.044, HC – Highway Commercial District, is hereby amended and shall henceforth read as follows:

“Section 185.044 HC – HIGHWAY COMMERCIAL DISTRICT.

* * *

(B) *Principal uses and structures.* The following uses and structures are permitted:

* * *

(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs >>, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval<<.

* * *”

SECTION 4. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.045, LI – Light Industrial and Warehousing District, is hereby amended and shall henceforth read as follows:

“Section 185.045 LI – LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.

* * *

(B) *Principal uses and structures:*

* * *

>>(17) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval<<.

* * *”

SECTION 5. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', Section 185.054, GC – General Commercial District, is hereby amended and shall henceforth read as follows:

“Section 185.054 GC – GENERAL COMMERCIAL DISTRICT.

* * *

(B) *Principal uses and structures.* The following uses and structures are permitted:

* * *

(29) Indoor commercial recreation (excluding dance clubs). In buildings with multiple tenants, indoor commercial recreational uses may occupy up to five thousand (5,000) square feet of gross floor area>>, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval<<.

* * *

(D) Conditional uses.

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~~(8) Indoor commercial recreation; occupying more than five thousand (5,000) square feet of gross floor area in buildings with multiple tenants.~~

~~(9) Self-storage facilities subject to the provisions established in §185.088(F).~~

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SECTION 6. 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 7. 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 8. 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 9. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on _____, 2024; and read in
title only and duly enacted at Meeting 2024-XX, held on _____, 2024.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T23-00030

cc: Case File

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