

ORDINANCE 2025-17

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 171, DEFINITIONS; ABBREVIATIONS; AND ACRONYMS, BY MODIFYING LANGUAGE CONTAINED THEREIN; 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.

NOW, THEREFORE, 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 171, Definitions; Abbreviations; and Acronyms, Section 171.001, Definitions, is hereby amended and shall henceforth read as follows:

“SECTION 171.001 DEFINITIONS.

The following words and phrases used in this Land Development Code shall have the meaning herein described unless the context clearly suggests otherwise.

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AGRICULTURAL USE. The using of land to produce, keep or maintain for sale, lease, or personally use, plants and animals useful to man, including, but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products, >>poultry and<< poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; and nursery, floral, ornamental and greenhouse producers.

>>**AGRICULTURAL PRODUCT SALES.** Refer to the business activity of selling products derived from farming, ranching, or other agricultural processes. This includes a wide range of products such as fruits, vegetables, grains, livestock, dairy, poultry, eggs, flowers, and other farm-grown goods. Agricultural product sales can take place through various channels, such as farmers' markets, direct-to-consumer sales, wholesale distribution, or retail outlets. These sales are

essential to the food supply chain and the agricultural economy, providing fresh produce and goods to consumers, businesses, and industries.

AIRPORT. Designated area or facility equipped for the arrival, departure, and maintenance of aircraft. It typically includes runways, taxiways, terminals, hangars, control towers, and other infrastructure to support air travel. Airports serve as hubs for commercial, cargo, and private flights, offering services such as passenger check-in, baggage handling, customs, security, and amenities like shops and restaurants. They are essential for the transportation of people and goods by air, ranging from small regional airports to large international hubs.<<

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>>**ASSEMBLY OF COMPONENTS MANUFACTURED OFF-SITE.** Refers to the process of assembling parts or products that were previously manufactured at a different location, rather than being produced and assembled in the same facility. These components are typically created in specialized factories or facilities and then transported to another site where they are assembled into a final product or system. This approach is often used in industries such as construction, electronics, automotive, and furniture manufacturing, allowing for more efficient production and assembly processes.<<

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~~**ASSISTED LIVING FACILITIES (ALF).** Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding twenty-four (24) hours to one or more adults who are not relatives of the owner or administrator. For the purpose of this code, assisted living facilities shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes. Small ALF facilities house up to fourteen (14) residents. Large ALF facilities house more than fourteen (14) residents.~~

>>**ASSISTED LIVING FACILITIES (ALF), LARGE.** Residential communities that provide housing and supportive services for individuals who need assistance with daily activities but do not require full-time medical care. A large ALF typically are often designed to accommodate twenty (20) or more residents and may offer a variety of services. These facilities are designed to create a safe

and comfortable environment for seniors or individuals with disabilities who require assistance while maintaining a level of independence.

ASSISTED LIVING FACILITIES (ALF), SMALL. Residential care homes or facilities that provide housing and personal care services for individuals who need assistance with daily activities, but do not require intensive medical care. Small ALFs typically serve a smaller number of residents (usually fewer than 20), offering a more intimate and home-like environment.

AVERAGE ANNUAL DAILY TRAFFIC (AADT). Means and refers to the average of two consecutive twenty-four (24) hour weekday traffic counts taken at one location, with one count being taken in the Peak Season and the other in the Off-Peak Season. The Traffic Volume Map(s) shall normally be used to determine existing AADT for the City. Average Annual Daily Traffic existing shall be established by averaging the Peak Season and Off-Peak Season traffic counts. However, in all cases, where data becomes available from the Florida Department of Transportation or from Space Coast Transportation Planning Organization and such data is substantially consistent with this Code, such data shall be used. An Applicant may provide a traffic count which may be used, subject to the approval of the Development Director, based upon Accepted Traffic Engineering principles, and consistent with this [section and] the concurrency chapter [Part 8 of LDC] instead of the counts on the Traffic Volume Map(s) or where such counts are not available.<<

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>>**BANK AND FINANCIAL INSTITUTIONS.** Provides a range of services related to money management and financial services.<<

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>>**BED AND BREAKFAST INN.** A small, typically residential establishment that offers overnight accommodations and a morning meal. B&Bs are often located in private homes or historic buildings and provide a more personalized and intimate experience compared to larger hotels.

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>>**BOAT STORAGE, WET.** Refers to the practice of storing boats in water, typically at a marina or dock. In this type of storage, boats are kept in designated slips or berths where they remain afloat, usually tied to docks or piers. Wet storage is convenient for boat owners who frequently use their boats, as it allows for easy access without the need for launching or hauling the boat out of the water each time. However, boats in wet storage are exposed to water conditions, requiring

regular maintenance and monitoring to prevent damage from elements like corrosion or marine growth.

BOAT STORAGE, DRY. Refers to the practice of storing boats on land, typically in a storage facility, yard, or building, where the boat is removed from the water and kept in a secure, protected environment. This type of storage helps prevent damage from water-related issues such as corrosion, algae growth, or weather exposure. Dry storage options may include indoor spaces like warehouses or outdoor areas with racks, trailers, or cradles designed to keep boats off the ground. Dry boat storage is ideal for boats that are used seasonally or infrequently, as it provides protection and allows for easier maintenance and repairs.<<

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BOND. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Manager or designee. >>A performance bond, or other financial security approved by the City Attorney, may be required in the case where the specified work is incomplete and certificate of occupancy has been requested, or when damages to the right-of-way or any public property has been done and not repaired in accordance with good engineering practices or the Driveway Permit Guidelines, or when the work is nonconforming as determined by the Public Works Department. In addition to paying the fees established by the Council, a performance bond or other security approved by the City Attorney in the amount of one hundred dollars (\$100.00) nonrefundable processing fee, plus two thousand dollars (\$2,000.00) retainer refundable upon completion of specified work within thirty (30) days. If the work in question exceeds a value of two thousand dollars (\$2,000.00), the bond amount shall be increased by the difference plus ten percent (10%). If said work is incomplete after thirty (30) days, the bond will be forfeited. All such bonds or other security arrangements shall be on forms approved by the City Attorney. Such forms shall prescribe the manner in which noncompliance with the provisions of a permit, or this subchapter shall be remedied, and shall provide the necessary financial assurances to remedy any non-compliance.<<

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>>**BREWERIES.** Establishments that produce beer through the process of brewing, which involves fermenting grains such as barley, wheat, or rice with water, hops, and yeast. Breweries typically include equipment for mashing, boiling, fermenting, and packaging beer, and may also serve as taprooms where customers can taste and purchase their products.

BUFFER. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to visually cushion and provide a physical separation between adjacent structures or uses.<<

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>>**BUILDING FRONTAGE.** The proportion of the front façade compared to the lot width measured within the required setback. To ensure façade continuity and activity along the street, in addition to avoiding large expanses of blocks that are not framed by buildings, all new non-residential and multi-family buildings shall meet the following provisions. Institutional uses are exempt from building frontage requirements.

BUILDING MATERIALS ESTABLISHMENTS. Businesses that primarily engage in the sale, distribution, and sometimes the manufacture of materials used in the construction, renovation, and maintenance of buildings and other structures. These establishments typically offer a wide range of products, including lumber, concrete, cement, drywall, insulation, roofing materials, flooring, paint, plumbing supplies, electrical components, and hardware. They may cater to contractors, builders, and homeowners seeking materials for construction or renovation projects.<<

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>>**BUILDOUT PERIOD.** Means and refers to the time between the issuance of a Development order and completion of a Proposed Project. The Buildout Period of the Proposed Project shall be subject to the review and approval of the City Manager or designee, based on the following criteria:

- (1) The size, type, and location of the Proposed Project;
- (2) Customary Buildout Periods for Projects of similar size, type, and location; and
- (3) Any other factors or conditions relevant to the specific Project, including special market conditions and schedules of Assured Construction. Completion of a Project shall mean the issuance of the final certificates of occupancy for structures in a Project. In the case of a commercial Project, final certificates of occupancy for interior tenant improvements for eighty percent (80%) of the gross leasable area shall be the completion of the Proposed Project. In the case of a residential subdivision Project, issuance of final certificate of occupancy for seventy-five percent (75%) of the units, or structures on seventy-five percent (75%) of lots in the Project, shall be completion of the Project.<<

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>>**CARPORT.** An open sided parking structure.<<

CAR WASH FACILITY. A building or structure in which the washing, cleaning, or polishing of motor vehicles is conducted.

>>**CEMETERY.** Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.<<

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CHURCH. >>**CHURCHES, TEMPLES, SYNAGOGUES AND OTHER PLACES OF WORSHIP.**<< A building or structure or groups of buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and customary accessory uses excluding general education facilities.

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>>**CLASS A WRECKERS.** For the removal of cars and light duty trucks and vehicles weighing ten thousand (10,000) pounds gross vehicle weight or less.<<

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>>**CLUBHOUSE.** A building or facility typically located within a private club, community, or recreational area, designed to serve as a gathering space for members and guests. It often includes amenities such as lounges, meeting rooms, dining areas, and sometimes sports facilities like tennis courts or golf courses. Clubhouses are used for social events, meetings, and recreational activities, providing a central hub for members to relax, socialize, or participate in organized events. They are commonly found in country clubs, gated communities, or sports clubs.

CLUSTER SUBDIVISION. A type of residential development where homes are grouped together on smaller lots, with the remaining land left as open space or common areas. The design of a cluster subdivision allows for higher density in certain areas, while preserving large portions of the property for recreational use, green space, or environmental protection. This type of subdivision often includes shared amenities like parks, walking trails, or natural preserves. Cluster subdivisions are designed to optimize land use, provide more communal areas, and reduce the environmental impact of development.<<

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~~COMMERCIAL ESTABLISHMENT.~~ Any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial or pecuniary gain.

>>COMMERCIAL USES. Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services. Commercial uses will be at a relatively low to moderate intensity, consistent with existing uses.<<

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~~CONCEPT PLAN.~~ A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the city as to the form of the plat and the objectives of these regulations. **>>A generalized plan indicating the boundaries of a tract or tracts, and identifying proposed land use, land-use intensity, and thoroughfare alignment.<<**

CONCERTINA shall mean to create an accordion-type pattern of barbed wire, barbed tape, razor wire or razor tape by attaching coils of them together at specified points and thereby allowing for the coils to be stretched across areas in a manner so as to cause injury to humans or animals that attempt to pass beyond the point(s) across which the coils are placed or stretched or to prevent either ingress or egress into or out of any area or structure.

>>CONCURRENCY. Shall measure the potential impact of any proposed project or expansion to an existing project upon the established minimum acceptable Levels of Service for roadways, solid waste, potable water, drainage, wastewater treatment, recreation/parks, police and fire.<<

CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as conditional uses.

>>CONDOMINIUM. The form of ownership of real property which is created pursuant to the provisions of Chapter 718 F.S., which is comprised of units that may be owned by one or more persons, and [in] which there is, appurtenant to each unit, an undivided share in common elements.

CONSERVATION USES. Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

CONTRACTOR'S OFFICE. A business office or facility where a contractor or construction company conducts administrative, management, and operational activities. This office is typically used for planning, organizing, and overseeing construction projects, including tasks such as bidding on projects, coordinating with clients and subcontractors, managing project timelines, and handling financial and legal paperwork. While a contractor's office may house administrative functions, it is not usually involved in the physical construction work, which takes place at job sites. The office may also serve as a hub for communication, project management, and record-keeping related to construction activities.<<

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>>**CRITICAL HABITAT.** Habitat which contains constituent elements essential to the survival or recovery of an endangered or threatened species, and whose geographic extent has been defined by the USFWS, NMFS, FGFWFC, FDNR, FDACS.<<

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>>**DANCE CLUB.** A social venue or establishment where people gather to engage in dancing, often to live or recorded music. These clubs typically feature a dance floor, DJ or live music, and may have a bar or other amenities for guests. Dance clubs can vary in style, from nightclubs that focus on contemporary music and clubbing culture, to places that host specific types of dances, such as salsa, swing, or ballroom. The primary purpose of a dance club is to provide a space for social interaction, entertainment, and dancing in a lively and energetic atmosphere.<<

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>>**DE MINIMUS PROJECT.** Means and refers to development of a single-family residence in a subdivision platted prior to June 20, 1979, or to be developed on an unplatted parcel of land.<<

DENSITY, GROSS. The total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by the total acreage of the project or parcel.

Unless otherwise specified, all references to density in the Land Development Code refer to gross density.

>>DENTAL LAB. A facility where dental prosthetics and appliances are designed, created, and fabricated. These labs work closely with dentists to produce items such as crowns, bridges, dentures, orthodontic devices, and implants. Dental technicians use materials like ceramics, metals, and plastics to create these custom devices based on a dentist's specifications or molds taken from patients. Dental labs play a crucial role in ensuring the fit, function, and aesthetic quality of dental restorations and appliances.<<

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DETENTION. ~~To the collection and storage of surface water for subsequent controlled discharge at a rate which is less than the rate of inflow.~~ >>The collection and temporary storage of stormwater in such a manner as to provide for the control of peak runoff discharges and velocities to levels permitted by the appropriate WMD. Where detention is used as a method of controlling stormwater pollution, water is detained in such a manner as to provide for treatment through physical, chemical or biological processes as well as whatever water quantity control is needed. "Detention" implies that a surface water outlet from the system exists, except in the case of "detention with filtration," in which stormwater is passed through a layer of suitable fine textured granular medium, such as porous soil, which may be used in conjunction with filter fabric and/or underdrain pipe.<<

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DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities >>as further defined according to F.S. § 380.04<<.

DEVELOPMENT AGREEMENT. ~~Shall be defined as stated in F.S. § 163.3221, as may be amended.~~ >>Means and refers to an agreement entered in pursuant to F.S. §163.3221, which the City is a party to and that may assure construction or provision of a Public Facility and Service.

DEVELOPMENT ORDER. Means any order granting, denying, or granting with conditions an application for a development permit (F.S. § 163.3164).

DEVELOPMENT PERMIT. Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any

other official action of local government having the effect of permitting the development of land (F.S. § 163.3164).<<

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>>**DISTILLERIES.** Establishments that produce alcoholic beverages, typically spirits like whiskey, vodka, rum, gin, or tequila, through the process of distillation. This involves heating fermented liquid to separate alcohol from water and other compounds. Distilleries often have specialized equipment for fermentation, distillation, aging, and bottling, and may also offer tastings and tours to customers.<<

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DRAINAGE FACILITY. ~~The whole or any part of the drainage system.~~ A drainage facility is any manmade or artificially improved water body used solely for the purposes of drainage or stormwater retention or detention. Public drainage facilities shall be those drainage facilities controlled and/or maintained by a governmental agency for the conveyance or storage of stormwater.

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DUPLEX. A residential structure that is divided into (2) units, with a separate entrance for each unit. Each unit may allow one (1) family to reside within. >>The common wall or party wall separating the dwelling units of a two-family dwelling shall extend to the roof line of the dwelling building and shall meet the same fire wall requirements and [as] applicable to the common wall or party wall separating townhouse units. Each dwelling unit of a two-family dwelling shall be serviced with separate utilities, such as electric, water, gas and sewer facilities, and [the units] shall otherwise be independent of one another.<<

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DWELLING, MULTIPLE-FAMILY. A residential building >>or group of buildings<< designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

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>>**EVENT HALL.** A large, open space or venue designed to host various types of events, such as weddings, conferences, parties, banquets, and corporate gatherings. Event halls are often rented out for special occasions or professional meetings, and their capacity can range from small to large groups, depending on the size of the venue. They are commonly found in hotels, conference centers, or standalone buildings.<<

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FENCE. ~~A barrier serving as an enclosure or boundary.~~ >>An enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails. Walls serving as such made out of materials such as concrete, stone, stucco, etc., shall also be considered to function as a fence and shall be subject to the fence regulations. Temporary vinyl fencing for erosion control or to delineate a construction site or other similar materials or fencing as determined by the City Manager or designee shall not be classified as fencing that requires a permit.<<

FILL. ~~Soil, consolidated or unconsolidated material, deposited on land or in water.~~ >>The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or an excavation in an effort to raise the existing grade.<<

FINAL DEVELOPMENT PLAN. The final authorization of a development project drawn in conformity with the preliminary development plan and the requirements of this LDC; the authorization of which must be granted prior to issuance of any permit required to initiate development. For the purposes of this LDC, the final development plan approval is the final development order.

FINAL DEVELOPMENT PLAN APPLICATION. The application for approval of the development plan and for approval of the required exhibits as specified in this chapter.

FINAL PLAT. ~~The final map of all or a portion of a subdivision which is presented for final approval.~~ >>A map formatted in compliance with the requirements of F.S. § 177.091, and preliminary plat prepared in accordance with the subdivision ordinance for recording with the Brevard County Clerk of Court.<<

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FLOOR AREA RATIO (FAR). ~~A measure of intensity for non-residential development calculated by dividing the gross floor area of the non-residential buildings on the site by the gross non-residential acreage (converted to square feet) of the development site. For vertical mixed-use developments, it shall be divided by the total gross acreage of the entire development site (including residential and non-residential).~~ >>The total amount of nonresidential gross floor area of all buildings on a lot in relation to the total square footage of lot area. FAR is expressed as a ratio and is calculated by dividing total floor area by lot size. For example, a FAR of one means one square foot of floor area for every square foot of lot area. The total gross square feet calculated using the assigned floor area ratio shall include all enclosed areas including mezzanines and lofts; mechanical

rooms; closets, storage areas, and built-in cabinets; and floor areas used by interior and exterior stairways, elevators, and escalators. The calculated floor area ratio shall not include such features as parking lots or structures; porches, balconies, and patios not enclosed by solid walls; aerial pedestrian crossovers; open or partially enclosed plazas; and exterior pedestrian and vehicular circulation areas.<<

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>>**FRATERNAL ORGANIZATION.** A social group or society that is typically formed for mutual benefit, camaraderie, and charitable purposes. Members of fraternal organizations often share common goals, interests, or values and engage in activities that foster brotherhood, fellowship, and community service. These organizations may include formal rituals, traditions, and structures, and often provide opportunities for personal development, social interaction, and support. Some well-known fraternal organizations include the Freemasons, the Odd Fellows, and the Knights of Columbus. Many fraternal organizations also focus on philanthropy, offering charitable assistance to members and the wider community.<<

FREEBOARD. A vertical distance between the elevation of the design highwater and the top of the bank, control structure, dam, or levee.

>>**FREIGHT HANDLING AND TRANSPORTATION TERMINALS.** Facilities designed for the storage, sorting, transfer, and transportation of goods or cargo. These terminals serve as key points in the logistics and supply chain process, where freight is moved between different modes of transport, such as trucks, trains, ships, or planes. These terminals help facilitate the efficient movement of goods across long distances, supporting industries like manufacturing, retail, and international trade.<<

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>>**FUEL, PROPANE, AND NATURAL GAS DISPENSARIES.** Establishments that provide the retail sale and distribution of fuels, propane, and natural gas for vehicles, machinery, or heating purposes. These dispensaries include gas stations, propane filling stations, and natural gas fueling stations, where customers can purchase and refill fuel for their cars, trucks, or other equipment. The facilities are equipped with the necessary infrastructure for safely storing, handling, and dispensing these fuels. Some may also offer additional services, such as fuel storage or tank exchange for propane.

FUEL STATIONS. Establishments where fuel, such as gasoline, diesel, or alternative fuels like propane or electric charging, is sold for vehicles. These stations typically consist of fuel pumps, storage tanks, and sometimes additional amenities like convenience stores, air pumps, and car wash services. Fuel stations are strategically located along roads or highways to provide refueling services to drivers and are essential for transportation infrastructure.

FUNERAL HOME. A business establishment that provides services related to the preparation, care, and burial or cremation of the deceased. Funeral homes offer a range of services, including embalming, arranging funeral ceremonies, coordinating transportation of the deceased, and providing caskets or urns. They also assist families with funeral planning, including organizing viewings, memorial services, and managing legal and paperwork requirements such as death certificates. Funeral homes are designed to support grieving families through the process of saying goodbye to loved ones, offering both practical services and emotional support during a difficult time.<<

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

>>**GARAGE APARTMENT.** An accessory or subordinate building, not a part of or attached to the main building, containing living facilities for not more than one family, which living facilities shall not occupy more than fifty (50) percent of the total floor area of said building.

GARAGE, PRIVATE. An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building. A carport is a private garage.

GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for the sale, storage, serving, repairing, equipping and hiring of motor-driven vehicles.

GARAGE, STORAGE. A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Service, other than storage, at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.<<

>>**GREENHOUSE.** A structure, typically made of glass or transparent plastic, designed to grow plants in a controlled environment. It allows for the regulation of temperature, humidity, and light, creating optimal conditions for plant growth. Greenhouses are often used for growing plants that require specific climate conditions, such as tropical plants, flowers, vegetables, or fruit. They trap solar energy to maintain warmth and can be used for both commercial agriculture and personal gardening. Greenhouses extend growing seasons and protect plants from harsh weather conditions, pests, and diseases.<<

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>>**GROWTH MANAGEMENT DEPARTMENT.** The City Department that administers and enforces the Land Development Code.<<

GROWTH MANAGEMENT DIRECTOR. The official charged with the administration, interpretation, and enforcement of the Land Development Code.

GRUBBING. The removal of existing underbrush and vegetation from land using methods such as roto chopping and mulching in place which leave all trees and topsoil intact. This does not include the ordinary mowing of grass.

>>**GUEST COTTAGE.** A small, self-contained dwelling or structure typically located on the same property as a main house. It is designed to provide temporary accommodations for guests, often offering a private and cozy space for visitors. Guest cottages are usually equipped with basic amenities such as a bedroom, bathroom, kitchen, and living area, allowing guests to stay comfortably for short or extended periods. These cottages are commonly found in residential settings, vacation properties, or as part of a larger estate, and they offer a more private and intimate alternative to staying in a hotel.<<

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IMPACT-GENERATING LAND DEVELOPMENT ACTIVITY (FAIR SHARE IMPACT FEES). Land development that increases the demand on capital park, police or fire facilities/equipment.

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>>**INDUSTRIAL, HEAVY.** Uses are generally likely to produce adverse physical and environmental impacts such as noise, land, air and water pollution and transportation conflicts. Accordingly, compatibility of heavy industrial developments with surrounding land uses is a major concern. The type of uses and activities allowed in the heavy industrial category includes mining, heavy manufacturing repair and other uses similar in character along with necessary

supporting uses, the manufacturing of the resins and other components from which such products are made, processing including scrap processing, manufacturing of paints, enamels and allied products concrete batching plants, storage/warehousing including bulk storage of liquids, research and development activities, transportation terminals including freight terminals, transmission and relay towers, yard waste composting, and recycling facilities. Heavy industries must be located with convenient access to the transportation network which includes major highways, railroads, airports and port facilities.

INDUSTRIAL, LIGHT. This category includes totally enclosed industrial uses, which have fewer objectionable impacts such as noise, odor, toxic chemical and wastes. Types of primary uses include light assembly and manufacturing, packaging, business/professional offices, radio/T.V. studios, medical clinics, veterinarians, vocational/trade schools and building trade contractors. Secondary uses include institutional uses, and public facilities such as trade and technical schools, health clinics, fire stations, utility plants, churches and day care centers; commercial, retail and service establishments, broadcasting studios, business as well as professional offices including veterinarians, filling stations, restaurants and similar other supporting commercial uses.<<

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>>LODGE ORGANIZATION. Refers to a type of private membership-based social or fraternal organization, often with a focus on community, fellowship, and charitable activities. These organizations are typically structured with local chapters, known as "lodges," which operate under a national or regional governing body.<<

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LOT, FLAG. A lot characterized by a long access road or driveway leading back to the main part of the lot. >>An irregularly shaped lot that has limited or narrow street frontage relative to the remaining lot area. Flag lots often have less than the minimum required street frontage, using a narrow strip of land to access a street or other right-of-way with the largest portion of the lot situated behind adjoining lots.<<

LOT, INTERIOR. A lot other than a corner lot with only one (1) frontage on a street.

LOT LINE. The boundary line of a lot.

>>LOT LINE, FRONT. In case of a lot abutting upon only one street, the front lot line is the line separating such lot from the right-of-way line of said street.

In the case of double frontage lots, one such line shall be elected by the owner to be the front line for the purpose of this regulation.

LOT LINE, REAR. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a rear lot line in which such line or lines are more than twenty (20) degrees from parallel to the front lot line, the rear lot line shall be that assumed line parallel to the front lot line, the length of which shall not be less than fifty (50) per cent of the required lot width in the zoning district.

LOT LINE, SIDE. A side lot line is any lot boundary not a front or rear lot line. A side lot line separating a lot from the street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD. A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of the Zoning Code (Chapter 173). >>A lot which is part of a subdivision, the map of which has been recorded in the office of the clerk of the circuit court of Brevard County, or a parcel of land the deed of which was recorded in the office of the clerk of the circuit court of Brevard County.<<

>>**LOT, REVERSED CORNER.** A corner lot the street side lot line of which is substantially the continuation of the front line of the first lot to its rear.

LOT RECONFIGURATION. The relocation of a common property boundary where an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable zoning regulations.

LOT SPLIT. Any division of a lot or tract in a platted subdivision into two parcels that abut an accepted street right-of-way and does not require any off-site improvements to any roads, drainage system, or utilities and conforms to the improvements, design, and construction standards of this Land Development Code. Any tract of land that is divided as a lot split can only be further divided as a subdivision.<<

LOT, THROUGH. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double-frontage lots.

LOW IMPACT DEVELOPMENT (LID). An approach to land development which uses systems that mimic natural processes resulting in the infiltration, evapotranspiration or use of stormwater, which in turn protect water quality and associated aquatic habitat. >>Refers to a land planning and engineering approach used to manage stormwater runoff in a way that mimics natural hydrological

processes. LID focuses on using small-scale, incremental techniques to reduce the volume and improve the quality of runoff by promoting infiltration, evapotranspiration, and rainwater harvesting. This can include practices such as green roofs, permeable pavements, rain gardens, bioswales, and vegetated swales, all of which help to reduce the environmental impact of development on water quality and quantity.<<

LOWEST FLOOR. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

>>**LUMEN.** Means a quantitative unit measuring the amount of light emitted by a light source. The initial lumen rating is provided by manufacturers with lamp or light bulb packaging.<<

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>>**MEDICAL LAB.** A facility where medical tests are conducted to analyze samples such as blood, urine, tissues, and other bodily fluids to assist in diagnosing, monitoring, and treating diseases or medical conditions. These labs perform various diagnostic tests using specialized equipment and techniques.<<

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>>**SNIFE SIGN.** Any sign made of nondurable material and which is attached in any way to a utility, tree, fence post or any other similar object, or inserted with one or more stakes into the ground.<<

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>>**SUBDIVISION SIGN.** Any permanent sign located at the entry of a subdivision or neighborhood, mobile home park, townhouse, or other planned residential development.<<

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>>**STORAGE OF TOWED VEHICLES.** Refers to facilities or areas where vehicles that have been towed (due to abandonment, violation of parking regulations, or other reasons) are temporarily stored. These facilities are typically operated by towing companies, municipalities, or private property owners and are

designed to securely hold vehicles until they are claimed by their owners or disposed of according to legal or regulatory procedures. The storage areas are often fenced and monitored to ensure the safety and security of the vehicles during the holding period.<<

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>>**SURFACE PARKING LOTS.** Outdoor, ground-level parking areas where vehicles are parked directly on the surface, typically paved with asphalt or concrete. These lots are usually open-air and can accommodate multiple vehicles in a designated, organized manner, often marked with painted lines or signage.<<

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>>**TATTOO PARLOR.** A business or studio where professional tattoo artists create permanent designs on individuals' skin using ink and specialized needles and may include body piercing. Tattoo parlors are typically licensed establishments that adhere to health and safety regulations to ensure proper hygiene and sterilization practices.<<

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>>**TREE AND LANDSCAPE RECYCLING.** Refers to the process of collecting, processing, and reusing organic materials from trees, plants, and landscaping activities. These products can be turned into mulch, compost, wood chips, or bioenergy, which are then repurposed for landscaping, gardening, or energy production.<<

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>>**VEHICLE, COMMERCIAL.** Any truck, bus, trailer, portable equipment, machinery, or similar vehicle used or intended to be used for any commercial enterprise or business purpose and is considered a Class 4 Truck or higher by the Federal highway Administration.

VEHICLE SALES. Refers to the business activity of selling new or used motor vehicles, such as cars, trucks, motorcycles, or recreational vehicles (RVs), to consumers or other businesses. Vehicle sales are typically conducted by dealerships, which may offer a variety of brands and models, and may also provide additional services such as financing, warranties, maintenance, and trade-in options.

VETERINARIANS AND VETERINARY CLINICS. Refer to medical facilities where licensed veterinarians provide healthcare services for animals, such as diagnosis, treatment, surgery, vaccinations, and preventive care. These clinics focus on the medical and therapeutic needs of pets and other animals but do not offer long-term housing services.<<

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WALL >>FOR A SIGN<<.

(1) The surface of the exterior of a principal building exposed to the public view within a single plane, inclusive of windows or doors.

(2) A structure forming a physical barrier which is so constructed that less than fifty percent (50%) of the vertical surface is open to permit the transmission of light, air, and vision through such surface in a horizontal plane.

>>WALL SURFACE AREA. The width of the wall face multiplied by the height of the wall face from grade to roofline.<<

WAREHOUSE. A building used primarily for the storage of goods and materials.

>>WAREHOUSING. Refers to the process of storing goods, products, or materials in a designated facility known as a warehouse. These facilities are designed to store items in an organized manner, often for long or short-term periods, until they are needed for distribution, sale, or use. Warehouses can be used for a variety of purposes, including inventory management, order fulfillment, and logistical operations. They are typically equipped with shelving, pallets, and equipment like forklifts to facilitate the movement and storage of goods. Warehousing is an essential component of supply chain management, helping businesses manage their stock and ensure timely delivery of products.<<

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>>WEDDING VENUE. A location or facility specifically designed or rented for hosting weddings and related events, such as receptions, ceremonies, and celebrations. Wedding venues can vary widely in style and setting, including options such as banquet halls, outdoor gardens, beaches, hotels, churches, barns, or historic buildings.<<

WEIR. A device for measuring or regulating the flow of water.

>>WELDING AND MACHINE SHOPS. Establishments that provide specialized services for the fabrication, repair, and manufacturing of metal parts

and components. These shops typically use welding, cutting, and machining techniques to shape or assemble materials according to specific requirements.<<

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>>**WHOLESALE**. Refers to the business activity of purchasing goods in large quantities from manufacturers or other suppliers and selling them in smaller quantities to retailers, other businesses, or sometimes directly to institutional customers. Wholesalers typically do not sell directly to the end consumer but act as intermediaries in the supply chain, helping to distribute products more efficiently. This process allows retailers and other businesses to purchase products at lower prices than they would by buying directly from the manufacturer, due to the bulk purchasing power of wholesalers.<<

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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 2025-XX, held on _____, 2025; and read in title only and duly enacted at Meeting 2025-XX, held on _____, 2025.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will 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.