

ORDINANCE 2021-67

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 TREE AND LANDSCAPE BUSINESSES AS A CONDITIONAL USE WITHIN LI (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING; 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 185.045, LI – Light Industrial and Warehousing District, is hereby amended and shall henceforth read as follows:

"Section 185.045 LI – LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.

*** * ***

(D) Conditional uses.

*** * ***

>>(6) Tree and Landscape Recycling, subject to the following:

- (a) A minimum lot size of five (5) acres.**
- (b) An eight (8) foot opaque fence or wall surrounding the site on all sides.**
- (c) A one hundred (100) foot setback between any property line and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage).**

CERTIFIED COPY

(d) A two hundred fifty (250) foot buffer between any residentially zoned land and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage).

(e) Tree and landscape recycling operations restricted to 8:00 a.m. to 6:00 p.m.

(f) Strict adherence to Maximum Permissible Sound Levels for Industrial Land, as set forth in Table 1 of Section 92.06, Palm Bay Code of Ordinances.<<

* * *

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.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.

CERTIFIED COPY

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

Read in title only at Meeting 2021-26, held on October 7, 2021; and read in title only and duly enacted at Meeting 2021-28, held on October 21, 2021.

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO

Applicant: Michael and Lisa Cram
Case: T-36-2021

cc: ALP

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.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the original on file in the office of the City Clerk of Palm Bay, Brevard County, Florida. WITNESS my hand and the official seal of the City of Palm Bay, this 27th day of October, 2021.

Terese M. Jones
City Clerk of the City of Palm Bay,
Florida.

Rob Medina
Rob Medina, MAYOR