

ORDINANCE 2024-16

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 REMOVING RESTRICTIONS ON PERMITTED USES WITHIN THE BAYFRONT COMMUNITY REDEVELOPMENT DISTRICT; 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 185.044, Highway Commercial District, is hereby amended and shall henceforth read as follows:

"Section 185.044 HIGHWAY COMMERCIAL DISTRICT.

* * *

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

* * *

(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:

* * *

~~(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.~~

(9) Public and private clubs and lodges including golf courses and similar activities.

(10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:

* * *

(d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership ~~within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

~~(e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

(11) Auto repair, paint, upholstering and body shops subject to provisions (10)(a) through (c) above ~~except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

* * *

(E) *Prohibited uses and structures.*

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~~(3) In the Bayfront Community Redevelopment District east of the Florida East Coast Railroad:~~

~~(a) Used motor vehicle sales not on the same site as a new motor vehicle dealership;~~

~~(b) Major recreational vehicle equipment and mobile home sales and rentals with accessory uses;~~

~~(c) The sale of sheds or other accessory structures; and~~

~~(d) Auto repair, upholstery and body shops.~~

(4 >>3<<) Pain-management clinic.

(5 >>4<<) Electronic gaming establishments.

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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 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: T23-00002

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.