

5. Ordinance 2024-16, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing restrictions on permitted uses within the Bayfront Community Redevelopment District (Case T24-00002, City of Palm Bay), final reading.



MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Lisa Frazier, AICP, Growth Management Director

DATE: April 4, 2024

RE: Ordinance 2024-16, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing restrictions on permitted uses within the Bayfront Community Redevelopment District (Case T24-00002, City of Palm Bay), final reading.

SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Growth Management Department) has submitted for a Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185.044 Highway Commercial District (HC), removing restrictions on permitted uses pertaining to the Bayfront Community Redevelopment District (BCRD).

The proposed amendment to the Highway Commercial zoning district removes restrictions placed on permitted commercial uses which lie east of the Florida East Coast Railroad (FEC RR) within the BCRD. Staff has evaluated the zoning district to identify uses compatible with the intent of the district.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Motion to approve Case T24-00002.

Planning and Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion to submit Case T24-00002 to City Council for approval.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Motion by Ms. Jordan, seconded by Mr. Boerema. Motion carried with members voting as follows:

Aye: Good, Boerema, Jaffe, Jordan, McLeod.

Nay: Olszewski.

ATTACHMENTS:

1. T24-00002 Staff Report
2. T24-00002 Proposed Language
3. T24-00002 Application
4. T24-00002 Acknowledgement
5. T24-00002 Legal Ad
6. Ordinance 2024-16



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Lisa Frazier, AICP, Growth Management Director

CASE NUMBER

T24-00002

PLANNING & ZONING BOARD HEARING DATE

March 6, 2024

APPLICANT

City of Palm Bay

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185.044 Highway Commercial District (HC), removing restrictions on permitted uses pertaining to the Bayfront Community Redevelopment District (BCRD).

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

SURROUNDING ZONING & USE OF LAND

North

Not Applicable

East

Not Applicable

South

Not Applicable

West

Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185.044 Highway Commercial District (HC), removing restrictions on permitted uses pertaining to the Bayfront Community Redevelopment District (BCRD). The Growth Management Department is proposing a textual amendment to the Highway Commercial zoning district that removes restrictions placed on permitted commercial uses which lie east of the Florida East Coast Railroad (FEC RR) within the BCRD. Staff has evaluated the zoning district to identify uses compatible with the intent of the district.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~striketrough~~ format.

PURPOSE

To make additions and deletions to the Highway Commercial District (HC) Chapter of the Land Development Code to assist in the application of the code when permitting certain uses in the commercial zoning district.

ANALYSIS:

The HC zoning district is the only zoning district within the BCRD which restricts certain activities within the Bayfront Community Redevelopment Area east of the FEC RR. The Bayfront CRA sunsets in May 2024 and proposed revisions to the zoning code will remove any language related to the CRA. Therefore, these restrictions would no longer be applicable at this time.

Staff have been made aware of the difficulty in applying this portion of the code as part of commercial expansions and proposed new development for this area. The proposed commercial uses are permitted in the existing district except for east of the FEC RR if within the BCRD. While the City is currently drafting proposed amendments to the Land Development Code to be brought forth in spring 2024, staff propose bringing this change forward at this time to promote commercial development within the City.

STAFF RECOMMENDATION:

Staff recommends case T24-00002 for approval.

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

(A) Intent. The purpose of the highway commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

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

(1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises.

(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using noninflammable solvents as determined by the Fire Chief, tailor shops and similar uses.

(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

(4) Hotels, motels, tourist courts.

(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.

(b) There shall be no more than fifty (50) rental units per acre.

(5) Eating and drinking establishments including drive-through facilities.

(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs.

(7) Banks and financial institutions with drive-through facilities.

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

(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.

(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.

(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.

~~—(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:

(a) All outside areas where merchandise is displayed shall be paved.

(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.

(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.

(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, upholstery 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.~~

(12) Public utility equipment and facilities not located within a public utility easement.

(13) Hospitals and nursing homes.

(14) Schools, churches, and libraries.

(15) Day care centers.

(16) Business service establishments.

(17) Dry cleaning.

(18) Funeral homes.

(19) Xerographic and off-set printing.

(20) Public and private parking lots and garages.

(21) Public uses.

(22) Arcade amusements centers; subject to the following regulations:

(a) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.

(b) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.

(c) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.

(23) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).

(a) All work shall be conducted within an enclosed structure.

(b) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface and shall be screened on all sides with a minimum six-foot-tall opaque material, as approved by the Land Development Division.

(24) Brew pubs and/or other drinking establishments.

(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly subordinate to the principal use, in keeping with the intense commercial character of the district.

(D) Conditional uses.

(1) Permitted uses located on a parcel of ten (10) or more acres of area.

(2) Retail automotive gas/fuel sales:

(a) Access. Retail automotive gas/fuel establishments shall be located on arterial roadways, at a signalized intersection of a major road collector, or on corner lots at intersections of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.

(c) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least forty (40) feet from all property lines, fifteen (15) feet from any

building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(d) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

(f) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.

(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq.

(3) Commercial radio and television broadcasting.

(4) Marinas.

(5) Car washes.

(6) Self storage facilities subject to the provisions established in § 185.088(F).

(7) Communication towers and facilities.

(8) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in § 185.088(H).

(9) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(E) Prohibited uses and structures.

(1) All uses not specifically or provisionally permitted herein; any use not in keeping with the commercial character of the district.

(2) Corrections facilities.

~~—(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.~~

(34) Pain-management clinic.

(45) Electronic gaming establishments.

(F) Lot and structure requirements:

(1) Minimum lot area — fifteen thousand six hundred and twenty-five (15,625) square feet.

(2) Minimum lot width — one hundred and twenty-five (125) feet.

(3) Minimum lot depth — one hundred and twenty-five (125) feet.

(4) Maximum building coverage — thirty-five percent (35%).

(5) Minimum floor area — three hundred (300) square feet.

(6) Maximum height — forty (40) feet.

(7) Minimum yard requirements:

(a) Front — fifty (50) feet minimum building setback. Parking areas may be located in the front yard, except within ten (10) feet of the front lot line.

(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard, except within ten (10) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty-five (25) foot minimum setback for all buildings and parking.

(c) Side corner — twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

(d) Rear — thirty (30) feet minimum building and parking area setback; fifteen (15) feet when abutting a dedicated alley.

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;

2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of two hundred (200) feet is maintained; or access is provided by an approved frontage road.

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

(b) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.

(10) Design requirements.

(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.

('74 Code, § 25-136) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-32, passed 6-16-94; Am. Ord. 95-44, passed 11-2-5; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-6-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2002-70, passed 11-21-02; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2006-123, passed 11-2-06; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2008-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2022-18, passed 2-17-22; Am. Ord. 2022-92, passed 9-15-22; Am. Ord. 2022-115, passed 11-17-22; Am. Ord. 2023-81, passed 9-7-23)

Project Details: T24-00002

Project Type: Code Textual Amendment

Project Location: ,
Milestone: Submitted
Created: 2/15/2024
Description: BCRA restrictions
Assigned Planner: Lisa Frazier

Contacts

Contact	Information
Submitter	Lisa Frazier, AICP, Growth Management Director 120 Malabar Road SE Palm Bay, FL 32907 lisa.frazier@palmbayflorida.org
Supplemental Contact	
Assigned Planner	Lisa Frazier 120 Malabar Road SE Palm Bay, FL 32907 lisa.frazier@palmbayflorida.org

Fields

Field Label	Value
Ordinance Section(s) to be Changed	185.044
Proposed Language	See attached
Justification for Proposed Change	The Bayfront Community Redevelopment District (BCRA) will sunset in May 2024. The HC zoning district is the only zoning district in the BCRA where restrictions/prohibitions exist related to certain commercial activities east of the FEC RR. For purposes of supporting existing and future commercial expansion in this area, a change is proposed to 185.044 to remove opposing language. The prohibited activities are in line with the intent of the HC zoning district but for their location within the BCRD and east of FEC RR.
Ordinance Number	

Header: Legal Acknowledgement

Text: I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By: Lisa Frazier

On: 2/15/2024 5:21:53 PM

T24-00002

Select Language ▼

GM



PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

02/22/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/22/2024

Legal Clerk

Notary, State of WI, County of Brown

1-7-25

My commission expires

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KATHLEEN ALLEN
Notary Public
State of Wisconsin

FINANCE

FEB 26 2024

ADMINISTRATION

**CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 6, 2024, and by the City Council on March 21, 2024, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. **V23-00001 - John J. Pechulis and Colleen Pechulis

A Variance to allow an existing shed to encroach 5.3 feet into the 10-foot rear setback for an accessory structure, as established by Section 185.118 of the Palm Bay Code of Ordinances.

Lot 15, Block 2124, Port Malabar Unit 42, Section 27, Township 28, Range 36, Brevard County, Florida, containing approximately .22 acres. Located at the northeast corner of Camden Avenue NW and Lynbrook Street NW, specifically at 937 Camden Avenue NW

2. **FS23-00015 - DRP FL 6, LLC, Brian Clauson (BSE Consultants, Inc., Rep.)

A Final Subdivision Plat to allow for a proposed 114-lot single-family residential subdivision to be known as Riverwood at Everlands Phase 2.

Portions of Tax Parcel 1, Section 21, Township 28, Range 36, Brevard County, Florida, containing approximately 33.42 acres. Located in the vicinity east of St. Johns Heritage Parkway NW, north of Emerson Drive NW

3. **PS23-00009 - Suresh Gupta, Klmaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)

A Preliminary Subdivision Plan to allow for a proposed 14-lot commercial subdivision to be known as Palm Bay Pointe East.

Portions of Lots 12 through 21, Cape Kennedy Groves Unit 9, Section 10, Township 30, Range 37 along with portions of Tracts 500, 501, and 752, Section 3, Township 30, Range 37, Brevard County, Florida, containing approximately 42.95 acres. Located east of and adjacent to Babcock Street SE, north and south of St. Johns Heritage Parkway SE

4. **PS23-00011 - Vishal Gupta, Klmaya, LLC (Jake Wise, P.E., Construction Engineering Group, LLC, Rep.)

A Preliminary Subdivision Plan to allow for a mixed-use subdivision containing 668 multiple-family residential units and 16 commercial parcels to be known as Palm Bay Pointe West.

Tax Parcels 1, 500, 4, 750, 751, and 5, along with Tracts SM-2 and OS1 of Waterstone Plat One P.U.D., all in Sections 3 and 4, Township 30, Range 37, Brevard County, Florida, containing approximately 84.75 acres. Located west of and adjacent to Babcock Street SE, north and south of St. Johns Heritage Parkway SE

5. T24-00002 - City of Palm Bay (Growth Management Department)

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.044, Highway Commercial District (HC), removing restrictions on permitted uses pertaining to the Bayfront Community Redevelopment District.

**Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell
Planning Specialist

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.*

* * *

~~(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.

* * *"

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.