



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Jesse Anderson, Growth Management Assistant Director

DATE: 5/18/2023

RE: Ordinance 2023-35, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Conditional Uses', by modifying provisions related to self-storage facilities (Case T23-00003 (formerly T-13-2023), City of Palm Bay), first reading. (Councilman Johnson)

This item was previously presented to City Council and approved at the April 6, 2023 and April 20, 2023, regular Council meetings. After final approval, staff identified that due to an oversight, specific textual changes as described in the memo and staff report were not included in the adopted ordinance.

To correct this, an ordinance has been prepared which amends Section 185.088(F), Special Requirements and Conditions, to facilitate appropriate site development and sizing of self-storage facilities seeking a conditional use in the commercial districts. These changes provide for commercial activity and connectivity in the commercial districts while providing options for self-storage facilities within the community, specifically in relation to residential development.

If approved at tonight's meeting, the second and final hearing of the ordinance will be held on July 6, 2023.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve an Ordinance providing for the textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code Section 185.088, Special Requirements and Conditions, to modify language pertaining to self-storage facilities.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

ATTACHMENTS:

Description

T23-00003 - Staff Report

T23-00003 - Application

T23-00003 - P&Z Minutes

T23-00003 - Legal Ad

Ordinance 2023-35



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

T23-00003

PLANNING & ZONING BOARD HEARING DATE

April 5, 2023

APPLICANT

City of Palm Bay, Florida

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.088, Special Requirements and Conditions; Section 185.045 LI – Light Industrial and Warehousing District; Section 185.046 HI – Heavy Industrial District; and Section 185.054, GC – General Commercial District; to amend the locations, requirements, and conditions for self-storage facilities. (Councilman Johnson)

Existing Zoning

Not Applicable

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: Zoning Code, Section 185.088, Special Requirements and Conditions; Section 185.045 LI – Light Industrial and Warehousing District; Section 185.046 HI – Heavy Industrial District; and Section 185.054, GC – General Commercial District; to amend the locations, requirements, and conditions for self-storage facilities. See proposed changes below:

The applicant for this amendment is the City of Palm Bay, Florida. The applicant seeks to provide additional requirements for consideration when a conditional use for a self-storage facility is requested, and to amend the zoning classifications where a self-storage facility can be developed as a permitted use.

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

PURPOSE:

The city zoning code is based on, consistent with, related to and adopted to effectuate and implement the policies of the city comprehensive plan in order to protect, preserve and improve the public health, safety, order, appearance, convenience and welfare of the inhabitants of the city, including, but not limited to:

- (A) Lessening congestion in the streets;
- (B) Encouraging the most appropriate use of land, water and resources;
- (C) Providing adequate light and air;
- (D) Securing safety from fire and other dangers;
- (E) Preventing the overcrowding of land;
- (F) Presenting the character and stability of residential, commercial, industrial and other areas;
- (G) Facilitating the adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation, schools, housing, and other services; and
- (H) Conserving and enhancing the standard of living within the city.

Each section being amended also has a specific intent and applicability.

The purpose of the Special Requirements and Conditions is:

For those conditional uses listed, special requirements shall apply in addition to those of Section 185.087.

The purpose of the LI – Light Industrial and Warehousing District is:

The provisions of this district are intended to apply to an area which can serve light manufacturing, warehousing, distribution, wholesaling and other light industrial functions for the city and the region. Lot sizes and other restrictions are intended to ensure sufficient open space and minimize adverse impacts of industrial uses off site and to nonindustrial uses.

The purpose of the HI – Heavy Industrial District is:

The provisions of this district are intended to apply to an area in close proximity to major transportation facilities and which can serve general manufacturing, storage and distribution needs of the city and region. Lot sizes and other restrictions are intended to minimize adverse impacts to adjacent properties.

The purpose of the GC – General Commercial District is:

The purpose of the General Commercial District shall be to locate and establish areas within the city which are uniquely suited for heavy commercial development. Such areas are to be developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide additional opportunities for businesses to locate within the city by providing a mix of service, warehousing, commercial, wholesaling, storage, and similar businesses and uses.

ANALYSIS:

Self-storage facilities can currently be developed as a permitted use in the General Commercial (GC) district, and as a conditional use in the Highway Commercial (HC), Community Commercial (CC), and the Planned Commercial Development (PCD) districts. Although self-storage facilities provide a service to the surrounding community, they do not provide many jobs or support the local economy when compared to other commercial uses such as restaurants, retail, or office space. Traditionally, self-storage facilities have also taken up larger plots of land.

The proposed changes, as textually written below, will add self-storage facilities as a permitted use in the Light Industrial and Warehousing (LI) and Heavy Industrial (HI) districts. In the General Commercial (GC) district, self-storage facilities will become a conditional use subject to Section 185.088(F), Special Requirements and Conditions. In addition, Section 185.088(F) is being revised to facilitate appropriate site selection and sizing of self-storage facilities seeking a conditional use in the commercial districts. These changes aim to enhance

economic activity and connectivity in the commercial districts while providing options for self-storage facilities within the community.

STAFF RECOMMENDATION:

Case T23-00003 is recommended for approval.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.088 SPECIAL REQUIREMENTS AND CONDITIONS.

For those conditional uses listed below, the following special requirements shall apply in addition to those of § 185.087:

(A) Churches. A conditional use may be granted under the following conditions:

(1) The site has direct access to a collector or arterial roadway.

(2) Minimum setbacks shall be twenty (20) feet from all property lines or the minimum setback of the district, whichever are greater.

(3) Proposed sites not having direct access to a collector or arterial roadway must prepare a traffic impact study, approved by the City Engineer, to support the compatibility of the church use with surrounding uses. In addition, day care centers and schools are not permitted as accessory uses on these sites.

(4) Minimum size: one (1) acre.

(B) Clubs, lodges and similar activities. A conditional use may be granted under the following conditions:

(1) The site has direct access to a collector or arterial roadway.

(2) Minimum setbacks shall be twenty (20) feet from all property lines or the minimum setbacks of the district, whichever are greater.

(3) Minimum size: one (1) acre.

(C) Commercial dog kennels. A conditional may be granted under the following conditions:

(1) No structures, pens, or runs shall be located within fifty (50) feet of any property line.

(2) Open kennels must be visually screened from off-site view.

(3) The site is a minimum of one (1) acre in size.

(D) Planned industrial development. Development of industrial use or group of industrial uses of five (5) or more acres intended to be developed according to a carefully drawn plan, may be permitted by the City Council as a conditional use, after review by the Planning and Zoning Board, in the LI and HI zoning districts. This provision is intended to encourage better organization and controlled development for land reserved primarily for industrial uses, to create a compatible environment for a variety of industrial activities, to protect the integrity of surrounding residential and commercial uses, to allow and encourage proper placement and design for those commercial and residential uses which augment the principal uses, and to discourage commercial and residential encroachment upon areas which should be reserved for industrial activities. In order to qualify for such conditional use, the following conditions must be met:

(1) Ownership. The site proposed shall be in one (1) ownership, or, if in several ownerships, the request for conditional use shall be filed by all owners of the properties included in the plan.

(2) Zoning provisions. All other portions of the respective zoning district regulations and all other applicable portions of this chapter.

(3) Street frontage. The site proposed shall have a minimum width of two hundred (200) feet along a major street frontage.

(4) Access limitations. The minimum distance between access points shall be at least one hundred and fifty (150) feet, and the minimum distance between any one (1) location and an intersection of two (2) or more street rights-of-way shall be one hundred (100) feet.

(5) Site plan.

(a) Concurrent with the request, a site plan, shall be submitted on which structures shall be located in relation to:

1. Each other and to major entrances into and off the site;
2. Internal circulation ways;
3. Parking and service areas; and
4. Landscaped areas.

(b) The site plan and supporting data shall also show proposed standards for development, including restrictions of the use of property; plans for the provisions of utilities, including water, sewer and drainage facilities; plans for protection of abutting properties; plans for cross access and/or shared parking areas; and such other plans, tabulations and other data that the City Council may require.

(6) Tree regulations. Full compliance with the city tree regulations set forth in this chapter, in Chapter 180 and in any other applicable ordinance of the city must be assured.

(7) Office/business parks. All office/business park proposals must provide a list of prohibited and permitted uses in the proposed business park. The applicant should also address how the development will be designed and regulated to ensure the compatibility of uses within the office/business park.

(E) Public and private schools. A conditional use may be granted under the following conditions:

- (1) The proposed site is located on a collector or arterial roadway;
- (2) Minimum setbacks shall be twenty (20) feet from all property lines or the minimum setbacks of the district, whichever are greater;
- (3) Minimum size, one (1) acre.

(F) Self storage facilities may be granted with the following conditions:

>>(1) *Design standards.* The following minimum design standards shall apply to the construction of new self-storage facilities or, to the maximum extent feasible, the expansion or redevelopment of existing self-storage facilities.<<

>>(a)<< (1) No door openings for any storage unit with the exception of emergency egress doors shall be constructed facing any residentially zoned property.

>>(b)<< (2) The submitted conditional use site plan shall include a landscape plan.

>>(c)<< (3) Interior traffic lanes shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading as well as through and/or emergency traffic.

>>(d)<< (4) The maximum storage unit size is limited to 300 square feet.

>>(e)<< (5) There shall be no outside storage at the site.

~~(6) There shall be no storage of hazardous or flammable chemicals as determined by the Fire Marshal.~~

~~(7) Such facilities may only be utilized for storage. Occupancy for any other use is prohibited.~~

>>(f) No roll up door openings for any storage unit shall be constructed facing any right-of-way.

(g) Properties with the principal use as self-storage may locate along major collector or higher classified roads. For locations on lower classified roads, ground floor retail is required, or the building shall be setback from the roadway.

(h) Exterior surface materials of the primary/street facade shall be select high quality, human-scale building materials to reduce building massing and create visual interest.

(i) The base of a building (the first two to five feet above the sidewalks) shall be differentiated from the rest of the facade with treatments such as change in material and/or color.

(j) The primary/street facade of buildings shall incorporate no less than two (2) building materials including, but not limited to, tile, brick, stucco, cast stone, stone, formed concrete or other high-quality, long-lasting masonry material over a minimum seventy-five (75) percent of the surface area (excluding windows, doors and curtain walls.) The remainder of the wall area may incorporate other materials.

(k) Self-storage facilities resembling long, traditional warehouse buildings are prohibited. Self-storage facilities must be designed to emulate multi-family or office buildings compatible and in harmony with the surrounding area.

(2) *Operational requirements.* The following minimum operational standards shall apply to self-service storage facilities and tenants of individual storage units:

(a) Individual storage units shall not be used for activities such as residences, offices, workshops, studios, or hobby or rehearsal areas. Further, storage units shall not be used for manufacturing, fabrication or processing of goods, services or repair of vehicles, engines, appliances or other equipment, or any other industrial activity whatsoever. In addition, storage units shall not be used for commercial activity or places of business of any kind including, but not limited to, retail sales, garage or estate sales, or auctions, unless done so by the property management company.

(b) Storage of flammable, explosive, perishable or hazardous materials within individual storage units and on site is prohibited.

(c) Rental agreements shall provide tenants with written notice of the minimum operational standards set forth in this section and any other conditions imposed by the city.<<

(G) Communication towers and facilities. A conditional use may be granted under the following conditions:

(1) A map showing the closest existing communication towers shall be provided.

(2) The applicant has supplied a written affidavit that co-location of antennas or other communication facilities is not possible in any other zoning district where these facilities are permissible.

(3) If camouflaging is required, then tower or facilities must be camouflaged as required by City Council. An elevation view of this structure shall be provided.

(4) The applicant has obtained written confirmation that the communication facility meets FCC and FAA radio frequency emission and lighting standards.

(5) The submittal conditional use site plan includes a landscape plan that shows the landscape buffer and its irrigation as per Section 186.07(E) of the Palm Bay Code of Ordinances.

(6) No fence gates, equipment structure doors, or driveways shall be constructed facing any residentially zoned property, or the gates may be offset or otherwise buffered as to not be directly viewed from the residential property. This alternative must be approved by the City Planner.

(H) Eating and drinking establishments that allow patrons to dance to music. A conditional use may be granted under the following conditions:

(1) The applicant shall provide information and documentation that noise from the establishment will be abated so that the business will be in full compliance with Title IX: General Regulations, Chapter 92, Noise, Palm Bay Code of Ordinances.

(2) Methods of crowd control in both interior and exterior portions of the establishment shall be provided in the application.

(I) Security dwelling unit. A conditional use may be granted under the following conditions:

(1) The unit will only be permitted in conjunction with a site that has wholesale trade, warehousing, storage, contractor offices with storage, assembly, machine shops, commercial flex-space and/or similar uses.

(2) No one under the age of eighteen (18) may reside within the unit, and at no time may the unit be occupied by more than two (2) persons.

(3) The unit resident must be the owner of the property or an employee of the property owner. If the resident is not the owner, a signed and notarized contract between the property owner and the employee shall be provided to staff that addresses provisions for security.

(4) The unit may contain no more than one thousand (1,000) square feet of gross floor area and may not be located in a free-standing structure.

(5) There may be only one (1) security dwelling unit per property.

(6) There shall be at least one (1) parking space designated on-site for the resident of the unit.

(7) Applicants must demonstrate that approval of an onsite security dwelling minimizes the need for other security measures including but not limited to chain link fencing, strands of barbed wire atop fencing or walls and excessive security lighting thereby promoting a more aesthetically acceptable site development pattern.

(J) Wedding venues.

(1) The minimum size of a property for a wedding venue shall be five (5) acres.

(2) The subject property shall have direct access to a collector roadway or higher classification roadway.

(3) The structure used for wedding venues and the associated parking areas shall meet the setbacks established for principal structures of the RR District.

(4) The hours of operation shall be from sunrise to 11:00 P.M., not including venue setup and breakdown.

(5) Parking surfaces shall utilize stabilized materials and shall meet the provisions established in § 185.140(B)(1).

(6) A two-way driveway must be a minimum of twenty-four (24) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of the roadway that the driveway connects to.

(7) A one-way driveway must be a minimum of fifteen (15) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of the roadway that the driveway connects to.

(8) If a wedding venue chooses to have a sign, one detached sign shall be permitted for the venue site not to exceed six (6) feet in height, with a maximum sign area of sixteen (16) square feet, and setback a minimum of ten (10) feet from any property line.

(9) All site lighting is subject to the provisions established in § 185.143.

(10) All site noise is subject to the provisions established in Chapter 92.

(K) Event halls.

(1) The minimum size of a property for an event hall shall be five (5) acres.

(2) The subject property shall have direct access to a collector roadway or higher classification roadway.

(3) The structure used for event hall and the associated parking areas shall meet the setbacks established for the GC District.

(4) The hours of operation shall be from sunrise to 12:00 A.M. not including venue setup and breakdown.

(5) Parking surfaces shall utilize stabilized materials and shall meet the provisions established in § 185.140(C)(1).

(6) A two-way driveway must be a minimum of twenty-four (24) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to.

(7) A one-way driveway must be a minimum of fifteen (15) feet in width at the right-of-way line and shall be paved from the right-of-way line to the edge of pavement of the roadway that the driveway connects to.

(8) All site lighting is subject to the provisions established in § 185.143.

(9) All site noise is subject to the provisions established in Chapter 92.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.045 LI — LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.

(A) *Intent.* The provisions of this district are intended to apply to an area which can serve light manufacturing, warehousing, distribution, wholesaling and other light industrial functions for the city and the region. Lot sizes and other restrictions are intended to ensure sufficient open space and minimize adverse impacts of industrial uses off site and to nonindustrial uses.

(B) *Principal uses and structures:*

(1) Warehousing within an enclosed structure.

(2) Wholesaling within an enclosed structure.

(3) Dry cleaning and laundry plants, printing plants, welding shops, machine shops, taxidermists and similar service and repair establishments and uses.

(4) Light manufacturing, processing and assembly including precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing and similar uses.

(5) Building materials supply and storage, provided that any outside display and/or storage area shall be screened on all sides to avoid any deleterious impact on adjacent properties; includes contractor storage yards.

(6) Automotive, truck, major recreational equipment and mobile home sales, storage and repair establishment including, body shops, dry docking facilities, paint shops, upholstery shops and similar uses provided that outside storage of vehicles not for sale shall be effectively screened on four (4) sides so as to avoid off-site visual impacts.

(7) Vocational and trade schools.

(8) Veterinary hospitals and clinics including boarding of animals.

(9) Radio or television transmitter, towers or broadcasting facilities.

(10) Research and development facilities provided all activities are within an enclosed structure.

(11) Public utility equipment and facilities.

(12) Public uses.

(13) Communication towers and facilities.

(14) Medical Recycling Facility.

>>(15) Self-storage facilities.<<

(C) *Accessory uses and structures:*

(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal uses.

(2) Retail sales of products manufactured, processed or stored on the premises, provided the sales area constitutes no more than 15% of the total area of the space occupied by the business.

(3) Offices clearly accessory to one (1) or more principal uses.

(D) *Conditional uses.*

(1) Automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions:

(a) Location of facilities: All pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially owned land. No pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(b) Liquid gasoline, liquid kerosene, or liquid diesel fuels may be stored onsite for use by the operator of the property and stored onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general public for onsite sales of such substances.

(c) Liquid and non-liquid propane, and liquid and non-liquid natural gas and other petroleum-based fuel products (including liquid gasoline, liquid kerosene, or liquid diesel fuel) may be stored onsite for the use of the operator of the property, stored and sold onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general property.

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

(e) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ [176.01](#) *et seq.*

(2) Freight handling and transportation terminals.

(3) Planned industrial developments including office and business parks.

(4) Corrections facilities subject to the following:

(a) Minimum area required: 20 acres.

(b) Shall not be located within 1,000 feet of any residentially zoned property.

(5) Public and private schools.

(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).

(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 § [92.06](#), Palm Bay Code of Ordinances.

(E) *Prohibited uses and structures:*

(1) All uses not specifically or provisionally permitted herein.

(F) *Lot and structure requirements:*

(1) Minimum lot area — twenty thousand (20,000) square feet.

(2) Minimum lot width — one hundred (100) feet.

(3) Minimum lot depth — two hundred (200) feet.

(4) Maximum building coverage — fifty percent (50%).

(5) Minimum floor area — None.

(6) Maximum height — one hundred (100) feet.

(7) Minimum yard requirements:

(a) Front — forty (40) 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.

(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 the side corner lot line.

(d) Rear — twenty-five (25) feet.

(8) An eight (8) 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.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.046 HI — HEAVY INDUSTRIAL DISTRICT.

(A) *Intent.* The provisions of this district are intended to apply to an area in close proximity to major transportation facilities and which can serve general manufacturing, storage and distribution needs of the city and region. Lot sizes and other restrictions are intended to minimize adverse impacts to adjacent properties.

(B) *Principal uses and structures:*

(1) Warehousing.

(2) Wholesaling.

(3) Dry cleaning and laundry plants, printing plants, welding shops, machine shops, taxidermists and similar service and repair establishments and uses.

(4) Light manufacturing, processing and assembly including precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing, and similar uses.

(5) Building materials supply and storage, provided that any outside display and/or storage area shall be screened on all sides to avoid any deleterious impact on adjacent properties; includes contractor storage yards.

(6) Automotive, truck, major recreational equipment and mobile home sales, storage and repair establishment including, body shops, dry docking facilities, paint shops, upholstery shops and similar uses provided that outside storage of vehicles not for sale shall be effectively screened on four (4) sides so as to avoid off-site visual impacts.

(7) Vocational and trade schools.

(8) Veterinary hospitals and clinics, including boarding of animals.

(9) Radio or television transmitter, towers or broadcasting facilities.

(10) Research and development facilities.

(11) Public utility equipment and facilities.

(12) Freight handling and transportation terminals.

(13) Printing, publishing and similar uses.

(14) Textile and apparel manufacturing, processing and storage.

(15) Lumber and wood products manufacturing, processing and storage.

(16) Public uses.

(17) Communication towers and facilities.

(18) Salvage Yards.

(19) Medical Recycling Facility.

>>(20) Self-storage facilities.<<

(C) *Accessory uses and structures:*

(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal used.

(2) Retail sales of products manufactured, processed or stored on the premises, provided the sales area constitutes no more than 15% of the total area of the space occupied by the business.

(3) Offices clearly accessory to one (1) or more principal uses.

(D) *Conditional uses:*

(1) Manufacturing, assembly and processing uses or facilities not specifically provided as a principal use including block and concrete plants, furniture factories, food processing, citrus processing plants, salvage yards, and canneries and similar uses.

(2) Storage of liquefied petroleum products.

(3) Fabricated metal products.

(4) Chemicals and similar products.

(5) Automotive fuel tanks and pumps subject to the following provisions:

(a) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) 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 ether equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(b) The use of fuel pumps shall be strictly limited to the owner of the property. Sales to members of the public in general or to any private individual are hereby strictly prohibited.

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

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

(6) Planned industrial developments.

(7) Crematoriums.

(8) Corrections facilities subject to the following:

(a) Minimum area required: 20 acres.

(b) Shall not be located within 1,000 feet of any residentially zoned property.

(9) Smoke-producing industries, such as paper mills, rubber mills or regional incinerators, provided the land where such facility is operated shall be located no less than one-half (½) mile from the closest right-of-way line of Interstate 95.

(E) *Prohibited uses and structures:* All uses not specifically or provisionally permitted herein.

(F) *Lot and structure requirements:*

- (1) Minimum lot area — thirty thousand (30,000) square feet.
- (2) Minimum lot width — one hundred and fifty (150) feet.
- (3) Minimum lot depth — two hundred (200) feet.
- (4) Maximum building coverage — fifty percent (50%).
- (5) Minimum floor area — None.
- (6) Maximum height — one hundred (100) feet.
- (7) Minimum yard requirements:

(a) Front — forty (40) 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.

(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 the side corner lot line.

(d) Rear — twenty-five (25) feet.

(8) An eight (8) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abating property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter.

(G) *Lot and structure requirements for Salvage Yards:*

- (1) Minimum lot area — five (5) acres.
- (2) Minimum lot width — two hundred (200) feet.
- (3) Minimum lot depth — three hundred (300) feet.
- (4) Maximum building coverage — fifty percent (50%).
- (5) Minimum floor area — None.
- (6) Maximum height — fifty (50) feet.
- (7) Minimum yard requirements:

(a) Front — forty (40) 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.

(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 the side corner lot line.

(d) Rear — twenty-five (25) feet.

(8) 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 abating property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter.

TITLE XVII: LAND DEVELOPMENT CODE

CHAPTER 185: ZONING CODE

§ 185.054 GC - GENERAL COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the General Commercial District shall be to locate and establish areas within the city which are uniquely suited for heavy commercial development. Such areas are to be developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide additional opportunities for businesses to locate within the city by providing a mix of service, warehousing, commercial, wholesaling, storage, and similar businesses and uses.

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

(1) Professional offices (accounting, architecture, engineering, dentistry, medical, insurance, legal, real estate, financial services (non-banking) and similar uses).

(2) General offices (administrative, corporate, business and similar uses).

(3) Personal services (beauty, barber, dry cleaning pick-up and similar uses).

(4) Business services (graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools and similar uses).

(5) Financial institutions (banks, credit unions and savings and loans).

(6) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, books, gift shops, florists, photographic supplies, art dealers, tobacco products, grocery stores, drug stores, cosmetic and beauty supply, optical, specialty food and similar uses).

(7) Veterinarians and veterinary clinics.

(8) Schools licensed by the state of Florida.

(9) Day care centers licensed by the state of Florida.

(10) Public uses (any federal, state, county, municipal, special district or similar use).

(11) Funeral homes.

(12) Eating establishments (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops and similar uses).

(13) Major retail sales, rental and service (building supply, major appliances, furniture, paint, hardware, lawn and garden supplies, consumer goods rentals and similar uses).

(14) Plant nurseries and greenhouses.

(15) Public utility facilities.

(16) Clubs, lodges and fraternal organizations.

(17) Building services (pest control, carpet cleaning, janitorial, water treatment, vending and similar uses).

(18) 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).

(19) Wholesale trade, warehousing and storage

(20) Towing services with associated storage.

(21) Upholstery and furniture repair/refinishing.

(22) Medical and dental manufacturing labs.

(23) Welding and machine shops.

(24) Technical and trade schools.

~~(25) Self-storage facilities.~~

~~(26)~~>>(25)<< Retail automotive sales, rental and service (car, boat, recreation vehicle, ATV, and motorcycle sales and service including paint, body and upholstery shops).

~~(27)~~>>(26)<< Assembly of components manufactured off-site.

~~(28)~~>>(27)<< State licensed tattoo parlors.

~~(29)~~>>(28)<< Drinking establishments.

~~(30)~~>>(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.

(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the high intensity commercial nature of the district. All storage shall be within an enclosed structure or completely screened by an opaque fence or wall, of at least six (6) feet in height.

(D) Conditional uses.

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

(2) Commercial towers.

(3) Security dwelling unit, subject to the provisions established in § [185.088\(I\)](#).

(4) Canine day care, and related services:

(a) There shall be no more than one (1) dog per thirty-five (35) square feet of the area within the facility that the dogs will be housed.

(b) The facility must have an outdoor area for exercise and bathroom relief. Said area shall be enclosed with a minimum six (6) foot tall fence.

(c) All kennels and housing areas shall be within an air-conditioned building. Outside kenneling will not be permitted.

(d) Fecal matter shall be disposed of on a daily basis.

(e) Dogs shall be indoors between the hours of 10:00 p.m. and 6:00 a.m.

(5) Dancing in eating and drinking establishments.

(6) Churches.

(7) Event halls, subject to the provisions established in § [185.088\(J\)](#).

(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\(F\)](#).<<

(E) Prohibited uses and structures.

(1) All uses not specifically permitted herein.

(2) Pawn shops.

(3) Pain-management clinic.

(F) Lot and structure requirements.

(1) Minimum lot area - fifteen thousand (15,000) square feet.

(2) Minimum lot width - one hundred (100) feet.

(3) Minimum lot depth - one hundred fifty (150) feet.

(4) Maximum building coverage - fifty percent (50%).

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

(6) Maximum height - forty (40) feet.

(7) Minimum yard requirements:

(a) Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet on the front lot line.

(b) Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line.

(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 street.

(d) Rear: ten (10) feet minimum building and parking setback.

(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 are shared in common parcels involved and a minimum spacing of one hundred (100) feet is maintained, or access is provided by an approved frontage road; and

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 (F)(8)(a) 2. through 4. above, the total number of off-street parking spaces required for uses on 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) Design requirements.

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



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 185.088, Special Requirements and Conditions
Section 185.045, LI - Light Industrial and Warehousing District
Section 185.046, HI - Heavy Industrial District
Section 185.054, GC - General Commercial District

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

At the request of Councilman Johnson, updating requirements for self-storage facilities when a condition use permit is required. Also making self-storage a conditional use in the General Commercial District, and a permitted use in the Light Industrial and Warehousing and the Heavy Industrial Districts.

**CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2**

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a 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 code textual amendment application and that the facts stated in it are true.

Signature of Applicant  Date 3/1/23

Printed Name of Applicant City of Palm Bay, Growth Management Department

Full Address 120 Malabar Road SE, Palm Bay, FL 32907

Telephone 321-733-3042 Email alexandra.bernard@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

CITY OF PALM BAY, FLORIDA

PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2023-04

Held on Wednesday, April 5, 2023, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Chairperson Leeta Jordan called the meeting to order at approximately 6:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

ROLL CALL:

| | | |
|---------------------------|---|------------------|
| CHAIRPERSON: | Leeta Jordan | Present |
| VICE CHAIRPERSON: | Philip Weinberg | Present |
| MEMBER: | Donald Boerema | Present |
| MEMBER: | Robert Good | Present |
| MEMBER: | Jeffrey McLeod | Present |
| MEMBER: | Randall Olszewski | Present |
| MEMBER: | Rainer Warner | Present |
| NON-VOTING MEMBER: | David Karaffa (School Board Appointee) | Absent (Excused) |

CITY STAFF: Present were Ms. Alexandra Bernard, Growth Management Director; Mr. Jesse Anderson, Ph.D., Assistant Growth Management Director; Mr. Stephen White, Principal Planner; Ms. Uma Sarmistha, Senior Planner; Ms. Carol Gerundo, Planning Specialist; Ms. Chandra Powell, Recording Secretary; Mr. John Pearson, Acting Building Official; Mr. Rodney Edwards, Deputy City Attorney.

ADOPTION OF MINUTES:

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2023-03; March 1, 2023.

Motion to approve the minutes as presented.

Aye: Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

City Council will hear Case PS23-00001 on April 20, 2023.

The meeting resumed following a two-minute recess.

5. **T23-00003 – Self-Storage Units - City of Palm Bay (Growth Management Department – Requested by Councilman Kenny Johnson) – A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.088, Special Requirements and Conditions; Section 185.045 LI – Light Industrial and Warehousing District; Section 185.046 HI – Heavy Industrial District; and Section 185.054, GC – General Commercial District; to amend the locations, requirements, and conditions for self-storage facilities**

Mr. Anderson presented the staff report for Case T23-00003. Case T23-00003 met the minimum criteria for a Textual Amendment and was recommended for approval by staff.

Mr. Olszewski asked if the subject proposal would restrict self-storage facilities to industrial areas. Mr. Anderson stated that the subject amendment expanded self-storage uses as a permitted use in the industrial areas, and constrained self-storage uses by conditional use within the General Commercial zoning district.

The floor was opened for public comments.

Mr. Henry Morin (resident of Palm Bay) spoke in favor of the request. He commended staff on the proposed amendment. He was pleased that a self-storage facility in a CC, Community Commercial District was required to be recessed a certain distance off the main road. Main corridor frontages should be preserved for prime commercial development.

The floor was closed for public comments, and there was no correspondence in the file.

Motion to submit Case T23-00003 to City Council for approval.

Motion by Mr. Weinberg, seconded by Mr. Olszewski. Motion carried with members voting as follows:

Aye: Jordan, Weinberg, Boerema, Good, McLeod, Olszewski, Warner.

City Council will hear Case T23-00003 on April 6, 2023.

6. **T23-00001 - Building Code - City of Palm Bay (Growth Management) - A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 170: Construction Codes and Regulations, Section 170.005, to eliminate conflict within the City of Palm Bay Code of Ordinance**

Mr. White presented the staff report for Case T23-00001. Case T23-00001 met the minimum criteria for a Textual Amendment and was recommended for approval by staff.

Mr. Olszewski asked for a practical example of where a conflict existed and caused friction in processes.

Mr. John Pearson, Acting Building Official, explained the overall Florida Building Code, its various volumes, and administrative and enforcement articles. As permitted, the Building Officials Association of Florida's recommendations to the Florida Building Code were utilized by the City for best practices. The proposed textual amendment would allow the first chapter of the Florida Building Code, Building volume to be amended and the ability for specific volumes to reference that code.

Mr. Olszewski asked for clarification that City instructional materials would now refer applicants to Palm Bay published materials referencing the Florida Building Code. Mr. Pearson clarified that each adopted building code would be listed and referenced back to the Florida Building Code, Building volume as some code volumes would no longer reference exclusive chapter and exhibit language. The proposed change clarified where to go for each of the codes.

Ms. Jordan remarked that it appeared as though there would be more administrative changes instead of coming back for textual corrections. Mr. Pearson explained that



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Address: SUITE 201
PALM BAY FL 32907
USA

Ad No.: 0005687471
Pymt Method: Invoice
Net Amount: 170.73

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/08/23

Text of Ad:

AD#5687471 5/8/2023
CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the City Council of the City of Palm Bay, Florida, on May 18, 2023, 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:

T23-00003 - City of Palm Bay (Growth Management Department – Requested by Councilman Kenny Johnson)
A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.088, Special Requirements and Conditions; Section 185.045 LI – Light Industrial and Warehousing District; Section 185.046 HI – Heavy Industrial District; and Section 185.054, GC – General Commercial District; to amend the locations, requirements, and conditions for self-storage facilities.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s). The ordinance draft(s) may be inspected by the public from 8:30 A.M. to 5:00 P.M., weekdays, in the Office of the City Clerk, City Hall, 120 Malabar Road, SE, Palm Bay, Florida.

If an individual decides to appeal any decision made by 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 (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

Terese M. Jones, CMC
City Clerk

ORDINANCE 2023-35

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 'CONDITIONAL USES', BY MODIFYING PROVISIONS RELATED TO SELF-STORAGE FACILITIES; 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 'Conditional Uses', Section 185.088, Special Requirements and Conditions, is hereby amended and shall henceforth read as follows:

"Section 185.088 SPECIAL REQUIREMENTS AND CONDITIONS.

For those conditional uses listed below, the following special requirements shall apply in addition to those of § 185.087:

* * *

(F) Self storage facilities may be granted with the following conditions:

>>(1) Design standards. The following minimum design standards shall apply to the construction of new self-storage facilities or, to the maximum extent feasible, the expansion or redevelopment of existing self-storage facilities.<<

(1)>>(a)<< No door openings for any storage unit with the exception of emergency egress doors shall be constructed facing any residentially zoned property.

(2)>>(b)<< The submitted conditional use site plan shall include a landscape plan.

(3)>>(c)<< Interior traffic lanes shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading as well as through and/or emergency traffic.

~~(4)~~>>(d)<< The maximum storage unit size is limited to 300 square feet.

~~(5)~~>>(e)<< There shall be no outside storage at the site.

~~(6)~~ There shall be no storage of hazardous or flammable chemicals as determined by the Fire Marshal.

~~(7)~~ Such facilities may only be utilized for storage. Occupancy for any other use is prohibited.

>>(f) No roll up door openings for any storage unit shall be constructed facing any right-of-way.

(g) Properties with the principal use as self-storage may locate along major collector or higher classified roads. For locations on lower classified roads, ground floor retail is required, or the building shall be setback from the roadway.

(h) Exterior surface materials of the primary/street facade shall be select high quality, human-scale building materials to reduce building massing and create visual interest.

(i) The base of a building (the first two to five feet above the sidewalks) shall be differentiated from the rest of the facade with treatments such as change in material and/or color.

(j) The primary/street facade of buildings shall incorporate no less than two (2) building materials including, but not limited to, tile, brick, stucco, cast stone, stone, formed concrete or other high-quality, long-lasting masonry material over a minimum seventy-five (75) percent of the surface area (excluding windows, doors and curtain walls.) The remainder of the wall area may incorporate other materials.

(k) Self-storage facilities resembling long, traditional warehouse buildings are prohibited. Self-storage facilities must be designed to emulate multi-family or office buildings compatible and in harmony with the surrounding area.

(2) Operational requirements. The following minimum operational standards shall apply to self-service storage facilities and tenants of individual storage units:

(a) Individual storage units shall not be used for activities such as residences, offices, workshops, studios, or hobby or rehearsal areas. Further, storage units shall not be used for manufacturing, fabrication or processing of goods, services or repair of vehicles, engines, appliances or other

equipment, or any other industrial activity whatsoever. In addition, storage units shall not be used for commercial activity or places of business of any kind including, but not limited to, retail sales, garage or estate sales, or auctions, unless done so by the property management company.

(b) Storage of flammable, explosive, perishable or hazardous materials within individual storage units and on site is prohibited.

(c) Rental agreements shall provide tenants with written notice of the minimum operational standards set forth in this section and any other conditions imposed by the city.<<

* * *

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 2023-XX, held on _____, 2023; and read in title only
and duly enacted at Meeting 2023-XX, held on _____, 2023.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T23-00003

cc: (date) Case File

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.