

RESOLUTION 2023-47

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE TO ALLOW FOR AN EATING ESTABLISHMENT WITH SIDEWALK/OUTDOOR TABLE SERVICE IN BMUV (BAYFRONT MIXED USE VILLAGE DISTRICT) ZONING; WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY SOUTH OF ANGLERS DRIVE AND WEST OF RIDGE ROAD, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a conditional use in BMUV (Bayfront Mixed Use Village District) zoning to allow for an eating establishment with sidewalk/outdoor table service has been made by AZAD Business Corp on property legally described herein, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 6, 2023, which voted to recommend to the City Council approval, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Sections 185.053 and 185.088, of the Palm Bay Code of Ordinances, have been addressed by the applicant, and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby grants a conditional use to allow for an eating establishment with sidewalk/outdoor table service on property zoned BMUV (Bayfront Mixed Use Village District), which property is legally described as follows:

A part of Lot 10 of the Subdivision of that portion of Section 24, Township 28S, Range 37E, that lies situated south of Turkey Creek, the plat of which is recorded in Deed Book V, Page 697, and also in Plat Book 1, Page 62.

Beginning at the northeast corner of that part of Lot 10, laying west of the river front County road known as the Montreal Miami Highway in the subdivision aforesaid, running 150 feet along the west side of said road in a southerly direction; thence in a westerly direction 195 feet; thence in a northerly direction for 150 feet; thence in a easterly direction for 195 feet to the place of beginning.

Also a 2 foot strip of land adjacent to the above described land, said strip of land being conveyed to Michael S. Adamick and Marilyn H. Adamick in Official Records Book 1336, Page 77, Brevard County, Florida.

Excepting from the above description all lands heretofore granted to the State of Florida for highway right-of-way.

Containing 0.3 acres, more or less.

SECTION 2. The conditional use is granted subject to the applicant complying with the following:

- A. Operating the eating establishment with sidewalk/outdoor table service in the location as depicted on the site plan which is, by reference, incorporated herein as Exhibit 'A';
- B. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B';
- C. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3. The conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence within two (2) years of issuance of the first permit shall void the conditional use. The Applicant may seek an administrative extension of one (1) year by submitting a written request within sixty (60) days prior to the date of expiration.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2023- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2023.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Applicant: AZAD Business Corp

Case: CU23-00016

cc: Brevard County Recording
Applicant
Case File