



AGENDA REPORT
April 24, 2018

18-10

SUBJECT:

Public Hearing, RE: Code Amendment to Chapter 62, Article VI Zoning Regulations - Overnight Commercial Parking (Second Hearing continuation)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to approve amendments to Chapter 62, Article VI, Zoning Regulations, to allow non-overnight commercial parking lots as a permitted use within BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications, and to allow overnight commercial parking lots as a conditional use permit in BU-1, BU-2, PBP, and PIP, and as a permitted use with conditions within IU and IU-1 zoning classifications.

SUMMARY EXPLANATION and BACKGROUND:

On March 20, 2018, the Board conducted a public hearing to amend Chapter 62, Article VI, Zoning Regulations, to allow non-overnight commercial parking lots as a permitted use within BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications, and to allow overnight commercial parking lots as a conditional use permit in BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications. During the discussion of the item, the Board indicated they wanted staff to explore allowing commercial overnight parking as permitted use with conditions and other provisions that make the proposed amendments less restrictive, and tabled the item to the April 24, 2018, meeting. The following revisions have been incorporated into the proposed code amendment:

- Establishes overnight commercial parking lots on property 2 acres and over as a permitted use with conditions within IU and IU-1 zoning classifications.
- Allows overnight commercial parking as a secondary or ancillary use of an existing developed site where the site has a surplus of parking spaces beyond the number required by code.
- Limits secondary or ancillary overnight commercial parking to paved parking spaces.
- Stipulates that shuttle routes shall avoid residential areas.

In addition to the provisions above, the proposed code amendment maintains the following requirements presented at the March 20, 2018 Board meeting:

- Minimum lot size shall be not less than three (3) acres for sites zoned: BU-1, BU-2, PBP or PIP.
- All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved.
- A routing map shall be provided which depicts the routes shuttle service vehicles use to transport passengers to and from the overnight commercial parking lot.
- A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the Board to review to assist in determining if additional roadway improvements are warranted.
 - The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.
 - The site plan shall be designed, and the site constructed, to facilitate all peak hour trips on site so there is no queuing in any public rights-of-way.
- Applicant shall submit a site plan consistent with Chapter 62, Article VIII after Board approval of the CUP.

CLERK TO THE BOARD INSTRUCTIONS:

Return one executed copy of the strike through and underlined version of the ordinance to the Planning and Development Dept., attention George Ritchie. Record the clean copy with the State.

NO PER TAMMY

ATTACHMENTS:

- | Description |
|---|
| <input type="checkbox"/> Staff Report |
| <input type="checkbox"/> board memos and ordinance copies |
| <input type="checkbox"/> Exhibit 1 - Zoning Classification Uses |
| <input type="checkbox"/> Exhibit 2 - Table |
| <input type="checkbox"/> Maps |



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

STAFF REPORT: OVERNIGHT COMMERCIAL PARKING LOTS

The Board of County Commissioners, in regular session on March 20, 2018, conducted the second public hearing on proposed amendments to the Brevard County Code to allow overnight commercial parking lots as a conditional use permit and non-overnight parking as a permitted use within BU-1, BU-2, PBP, PIP, IU, and IU-1 commercial and industrial zoning classifications. The Board discussed options and directed staff to revise the proposed ordinance, and tabled the item to the April 24, 2018, meeting. The Board also directed a moratorium on commercial parking lots be enacted until an ordinance could be adopted. The moratorium is being presented at the April 24th meeting along with the proposed revisions to the ordinance.

This staff report provides a summary of the discussion at the March 20, 2018, meeting and presents potential revisions to the commercial parking in the code based on those discussions.

History of Request:

The proposed code change relating to overnight parking was brought to the attention of the Board due to the various cruise parking lots being proposed in Merritt Island. Port Canaveral recently announced the addition of three (3) new cruise terminals which will increase the necessity of additional parking. The primary objective was to create an ordinance that ensures cruise parking facilities' compatibility with the surrounding properties. Increased traffic from both cars and shuttle busses could create adverse conditions and there is a need for the proper mitigation of traffic queuing into the parking lots from the roadways. Also of concern were the parking facilities' paving, landscaping, stormwater treatment, screening, and security, meeting the current standards.

During the Board's discussion at the March 20th hearing, they indicated they wanted staff to explore more options with the draft ordinance for commercial overnight parking as a permitted use with conditions. One concern is that property owners of smaller lots, that would currently have the right to build a commercial parking lot, would not have the same right if the ordinance were to be adopted. Specifically noted was that a traffic study should be required to address infrastructure impacts and queuing of vehicles on site. It was also generally noted that industrial zoning may be more appropriate, and minimum acreage in this category could be less restrictive. Staff has attempted to address the Board's concerns and present an ordinance that collectively addresses the need for commercial parking while mitigating impacts of the overnight parking to residents and their neighborhoods.

Zoning Classifications:

The proposed code amendment affects BU-1, BU-2, PBP, PIP, IU, and IU-1 commercial and industrial zoning classifications. These zoning classifications allow uses ranging in sensitivity from professional offices to asphalt plants. Within each zoning classification there are permitted uses, permitted uses with conditions, and conditional uses. These use categories help to ensure the uses are compatible within zoning classifications. Please note there are no provisions to for public involvement with developing a permitted use and permitted use with conditions.



BOARD OF COUNTY COMMISSIONERS

Sec. 62-1941.3, Overnight commercial parking lot.

Overnight commercial parking lots are those commercial parking lots which offer 24-hour or longer extended parking for motorized vehicles. Overnight commercial parking lot is a conditional use in the BU-1, BU-2, PBP, and PIP zoning classifications; however, when an overnight commercial parking lot is located within IU or IU-1 zoning, it shall be considered permitted with conditions. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

1. Minimum lot size shall be not less than three (3) acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two (2) acres.
2. An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.
3. All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.
4. A routing map shall be provided which depicts the routes shuttle service vehicles use to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.
5. A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the Board to review to assist in determining if additional roadway improvements are warranted.
 - a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.
 - b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public rights-of-way.
6. Applicants shall submit a site plan consistent with Chapter 62, Article VIII after Board approval of the CUP.

Options for Board Consideration:

1. Adopt overnight parking ordinance as presented and deny the moratorium.
2. Direct staff to make further revisions to the overnight parking ordinance, and approve or deny the moratorium.
3. Deny Moratorium and overnight parking ordinance.



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2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

- **Permitted Uses** are considered to have the least intensity and minimal impact to surrounding properties. A permitted use only needs to meet the basic requirements such as minimum lot size, setbacks, minimum floor area, fencing, and buffering of the zoning classification.
- **Permitted Uses with Conditions** are considered to be more intense than the permitted use, but not as intense as a conditional use. The conditions are outside of the basic requirements for that zoning classification and are specifically related to ensuring compatibility with surrounding uses. Conditions may include requirements such as building size, number of units, additional screening, fencing, location, separation distances, etc.
- **Conditional Uses** provide a mechanism within a zoning classification to provide for more intense uses than permitted uses with conditions, otherwise, they may not be allowed. Conditional uses are reviewed by the Planning and Zoning Board and the Board of County Commissioners for specific factors and a determination that the use will not result in a substantial and adverse impact on nearby properties.

Please refer to Exhibit-1 Zoning Classification Uses.

There are 3,041 parcels containing one of the aforementioned zoning classifications within a ten mile radius of the Port. The number of parcels is reduced to 1,858 when considering development potential of the parcel. Exhibit-2 contains a table breaking parcels down by zoning classification per Commission District. The exhibit also contains a series of maps depicting the location of the parcels. This closer analysis indicates the majority of the parcels are within District 2, followed by District 1 and District 4.

After the use has been established through zoning, site development plans determine compliance with all land development codes prior to site construction. The site plan review includes such items as access, paving, parking, drainage, landscaping, buffers, and other site specific criteria. Traffic studies are a specific code requirement, but traffic issues on smaller sites with low trip generation may be addressed through a traffic statement review consisting of site queuing, access, and design criteria. If the intensity and location of a development warrants evaluation by the Board, there is a provision for staff to request Board action on a site plan prior to approval.

Proposed Code Amendment For Commercial Overnight Parking:

The following revisions to the proposed code amendment were drafted in consideration of the Board's March 20, 2018, discussion and the additional analysis of existing zoning classification. The revision requires a conditional use permit for commercial overnight parking in BU-1, BU-2, PBP, and PIP. It also allows parking facilities in IU and IU-1 as a permitted use with conditions. The revised code amendments proposed the following requirements for overnight commercial parking lots:



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

March 21, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Erin Sterk

RE: Item IV.F., Ordinance Amending Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking

The Board of County Commissioners, in regular session on March 20, 2018, continued the second public hearing to consider an ordinance amending Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking, to the April 24, 2018, Board meeting; and approved placing a moratorium on any future projects.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in cursive script that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

cc: Assistant County Manager Denninghoff



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 284-6972
Tammy.Rowe@brevardclerk.us

March 2, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item IV.D., Ordinance for Code Amendment to Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking

The Board of County Commissioners, in regular session on March 1, 2018, conducted the first public hearing, and continued consideration of an ordinance amending Chapter 62, Article VI, Division 4, Subdivision VI, Commercial, to create conditions for overnight commercial parking lots which will require Board approval through the conditional use permit zoning process, with non-overnight commercial parking lots being adopted as a permitted use within the following commercial and industrial zoning classifications: BU-1, BU-2, PBP, PIP, IU, and IU-1, including new traffic study language to require all applications currently being reviewed to submit a traffic study that follows cruise parking ordinance, not as a part of the CUP process, and paved parking surface to include alternative surface, to the second public hearing on March 20, 2018.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

A handwritten signature in cursive script that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

cc: County Manager
County Attorney



Tammy Rowe, Clerk to the Board, 400 South Street - P.O. Box 998, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 20, 2017

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.7., Legislative Intent and Permission to Advertise an Ordinance to Amend Code of Ordinance Sections 62-1482, 62-1483, 62-1541, 62-1542, 62-1543, and 62-1544

The Board of County Commissioners, in regular session on December 19, 2017, granted legislative intent and permission to advertise an ordinance to amend Brevard County Ordinance Section 62-1482, 62-1483, 62-1541, 62-1542, 62-1543, and 62-1544 to remove parking lots (commercial) from the list of permitted uses and placing non-overnight commercial parking lots as a permitted use and overnight commercial parking lots as a conditional use; and directed staff to bring back the ordinance at the March 1, 2018, Zoning Meeting.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

cc: Finance
Budget

Brevard County Attorney
Ordinance Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

Ordinance Name: Overnight Commercial Parking Ordinance		Ordinance Author: George Ritchie	
Division Name: Planning & Development Dept. (Zoning Office)		Mail Stop: 81	Review Deadline:
Sent by P&ZO: Erin Sterk			
Dept./Office Director: Tad Calkins			
Meeting Date: (P&Z/LPA) 2/19/18	(BCC) 3/1 & 3/20/18	Advertising Deadline: 1/31/18	

SECTION II

<u>COUNTY OFFICE</u>	APPROVAL Yes No	INITIALS	DATE
<u>County Attorney's Office</u>	✓ _____	<u>DES</u>	<u>1/30/2018</u>

SECTION III

Sent for Review

Land Dev. ___ Y ___ N ___ N/A

ONRM ___ Y ___ N ___ N/A

Other Dept./Office ___ Y ___ N ___ N/A

Comments:



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 26, 2018

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2018-10, which was filed in this office on April 26, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

April 25, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item IV.B., Ordinance Amending Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking

The Board of County Commissioners, in regular session on April 24, 2018, adopted Ordinance No. 18-10, amending Chapter 62, Article VI, Zoning Regulations, to allowing non-overnight commercial parking lots as a permitted use within BU-1, BU-2, PBP, PIP, IU, and IU-1 Zoning Classifications, to allow overnight commercial parking lots as a Condition Use Permit (CUP) in BU-1, BU-2, PBP, and PIP, and as a permitted use with conditions within IU and IU-1 Zoning Classifications. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

ORDINANCE NO. 2018-10

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VI, "COMMERCIAL"; SPECIFICALLY AMENDING SECTIONS: 62-1482. GENERAL RETAIL COMMERCIAL, BU-1 AND 62-1483. RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL, BU-2 ZONING CLASSIFICATIONS TO REMOVE "PARKING LOTS (COMMERCIAL)" FROM THE LIST OF PERMITTED USES, TO CREATE "NON-OVERNIGHT COMMERCIAL PARKING LOT" USE AS A PERMITTED USE AND TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE COMMERCIAL ZONING CLASSIFICATIONS; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VIII, "INDUSTRIAL"; SPECIFICALLY AMENDING, SECTIONS: 62-1541. PLANNED BUSINESS PARK, PBP, 62-1542. PLANNED INDUSTRIAL PARK PIP, 62-1543. LIGHT INDUSTRIAL, IU AND 62-1544. HEAVY INDUSTRIAL, IU-1 TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE INDUSTRIAL ZONING CLASSIFICATIONS; CREATING ARTICLE VI, DIVISION 5, SUBDIVISION III, "CONDITIONAL USES"; SPECIFICALLY CREATING A CONDITIONAL USE PERMIT UNDER SECTION 62-1941.3 TITLED "OVERNIGHT COMMERCIAL PARKING LOT" AND ESTABLISHING CONDITIONS FOR SAID USE; FOR PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners has concerns for the potential onsite as well as area impacts of overnight commercial parking use; and

WHEREAS, the Board of County Commissioners is concerned that existing development criteria for parking lots does not adequately address the impacts created; and

WHEREAS, the Board of County Commissioners, on December 19, 2017, directed preparation of an amendment to the Zoning Regulations as it relates to commercial cruise parking; and

WHEREAS, the Building Construction Advisory Committee, on February 14, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 19, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners, on March 1, 2018 conducted the first public hearing; and
Officially filed with the Secretary of State on April 26, 2018

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Section 62-1482 (1) (b), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to remove "Parking lots (commercial)" from the listing of permitted uses and to add to the listing of permitted uses, the use "Non-overnight commercial parking."

Sec. 62-1482. General retail commercial, BU-1.

(1) Permitted uses.

- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile parts, if confined within a structure.

Automobile repairs, minor (as defined in Section 62-1102).

Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.

Automobile tires and mufflers (new), sales and service.

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

Billiard rooms and electronic game arcades (soundproofed).

Bookstores.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales; no production or firing except accessory to on site sales only.

Civic, philanthropic or fraternal organizations.

Coin laundromats.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Contractors' offices, with no outside storage.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Child or adult day care centers.

Display and sales rooms.

Dog and pet hospitals and beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.
Fraternities and sororities.
Florist shops.
Foster homes.
Fruit stores (packing on premises).
Funeral homes and mortuaries.
Furniture stores.
Furriers.
Gift shops.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Interior decorating, costuming and draperies.
Jewelry stores.
Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat, fish and seafood markets.
Medical buildings and clinics, and dental clinics.
Messenger offices.
Millinery stores.

Motorcycle sales and service.
Music, radio and television shops and repairs.
Newsstands.
Non-overnight commercial parking
Nursing homes.
Optical stores.
Paint and wallpaper stores.
Parks and public recreational facilities.
Pawnshops.
Pet shops, with property enclosed to prevent any noxious odors.
Photograph studios and galleries.
Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).
Post offices.
Printing services.
Professional offices and office buildings.
Resort dwellings.
Restaurants.
Sale of alcoholic beverage, package only.
Schools for business training.
Schools, private or parochial.
Shoe repair shops.
Shoe stores.
Single-family residence.
Soft drink stands.
Souvenir stores.
Stationery stores and bookstores.
Tailor shops.

Tearooms.

Telephone and telegraph stations and exchanges.

Television and broadcasting stations, including studios, transmitting stations and towers and other incidental uses usually pertaining to such stations.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Worship, places of.

SECTION 2. Section 62-1482 (3), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1482. General retail commercial, BU-1.

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (small scale and large scale).

Commercial/recreational and commercial/industrial marinas.

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance Overlay Districts.

Plant nurseries (with outside bulk storage of mulch, topsoil, etc.)

Security mobile home.

Substantial expansion of a preexisting use.

Trailer and truck rental.

Wireless telecommunication facilities and broadcast towers.

SECTION 3. Section 62-1483 (1) (b), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to remove "Parking lots (commercial)" from the listing of permitted uses and to add to the listing of permitted uses, the use "Non-overnight commercial parking."

Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.

(1) Permitted uses.

- b. All uses listed below, or other uses of a similar nature compatible with the character of uses described herein:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile repairs, minor and major, as defined in Section 62-1102 (also see Section 62-1837.6).

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales and service.

Billiard rooms and electronic arcades (soundproofed).

Bookstores.

Bottling beverages.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales, including production and firing.

Child or adult day care centers.

Civic, philanthropic or fraternal organizations.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Display and sales rooms.

Dog and pet hospitals and beauty parlors.

Drug and sundry stores.

Dry cleaning and laundry pickup stations.

Dry cleaning plants.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Feed and hay for animals and stock.

Fertilizer stores.

Florist shops.

Foster homes.

Fraternities and sororities.

Fruit stores (packing on premises).

Funeral homes and mortuaries.

Furniture stores.

Furriers.
Gift shops.
Glass installation.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Ice plants.
Interior decorating, costuming and draperies.
Jewelry stores.
Kindergartens.
Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat markets.
Medical buildings and clinics, and dental clinics.
Messenger offices.
Millinery stores.
Music, radio and television shops and repairs.
Newsstands.
Non-overnight commercial parking
Nursing homes.

Optical stores.

Paint and body shops.

Paint and wallpaper stores.

Parks and public recreational facilities.

Pawnshops.

Pet kennels.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph galleries.

Photographic studios.

Plant nurseries.

Plumbing and electrical shops.

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverages, package only.

Schools for business training.

Schools, private or parochial.

Seafood processing plants not located within 300 feet of any residential zone boundary.

Sharpening and grinding shops.

Ship chandlery.

Shoe repair shops.

Shoe stores.

Single-family residence.

Soft drink stands.

Souvenir stores.
Stationery stores and bookstores.
Tailor shops.
Tearooms.
Telephone and telegraph stations and exchanges.
Television and broadcasting stations, including studios, transmitting stations and towers, power plants and other incidental uses usually pertaining to such stations.
Testing laboratories.
Theaters, but no drive-ins.
Ticket offices and waiting rooms for common carriers.
Tobacco stores.
Upholstery shops.
Wearing apparel stores.
Welding repairs (except metal fabrication).
Wholesale salesroom and storage rooms.
Worship, places of.

SECTION 4. Section 62-1483 (3), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.

(3) Conditional uses. Conditional uses are as follows:

- Alcoholic beverages for on-premises consumption.
- Automobile sales and storage (under one acre in the Merritt Island Redevelopment Area).
- Change of nonconforming agricultural use.
- Commercial entertainment and amusement enterprises (large scale).
- Commercial/recreational and commercial/industrial marinas.

Flea markets (recreational vehicles may be an accessory use pursuant to division 5, subdivision II, of this article).

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance overlay districts.

Security mobile home.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 5. Section 62-1541 (3), Planned business park, PBP Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1541. Planned business park, PBP.

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 6. Section 62-1542 (3), Planned industrial park, PIP Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1542. Planned industrial park, PIP.

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 7. Section 62-1543 (3), Light industrial, IU Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1543. Light industrial, IU.

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Composting facility.

Flea markets (recreational vehicles).

Land alteration (over five acres).

Motocross.

Mulching facility.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Truss manufacturing plant.

Wireless telecommunication facilities and broadcast towers.

SECTION 8. Section 62-1544 (3), Heavy industrial, IU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1544. Heavy industrial, IU-1.

(3) Conditional uses. In addition to those specified in section 62-1540, conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Arsenals and explosives.

Cement, concrete and concrete building products.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Flea markets.

Hazardous waste facility.

Heavy industry as defined in section 62-1102.

Land alteration (over five acres).

Metal salvage yards and junkyards.

Mining and smelting operations.

Motocross.

Overnight commercial parking lot.

Solid waste management facilities.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 9. Section 62-1941.3 Overnight commercial parking lot, Code of Ordinances of Brevard County, Florida, is hereby created as follows:

Sec. 62-1941.3 Overnight commercial parking lot.

Overnight commercial parking lots are those commercial parking lots which offer 24 hour or longer extended parking for motorized vehicles. Overnight commercial parking lot use is a conditional use in the BU-1, BU-2, PBP and PIP zoning classifications; however, when an overnight commercial parking lot use is located within IU or IU-1 zoning, it shall be considered a permitted with conditions use. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size shall be not less than three (3) acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two (2) acres.
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles use to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the Board to review to assist in determining if additional roadway improvements are warranted.
 - a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.
 - b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public right-of-way.
- (6) Applicant shall submit a site plan consistent with Chapter 62, Article VIII after Board approval of the CUP.

SECTION 10. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 11. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 12. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 13. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 14. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 24th day of April, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Rita Pritchett, Chair

(as approved by the Board on April 24, 2018)

(S E A L)

Reviewed for legal form and content by: _____

EXHIBIT 1 - ZONING CLASSIFICATION USES

P = Permitted

P/C= Permitted with Conditions

CUP = Conditional Use Permit

Uses	BU-1	BU-2	PBP	PIP	IU	IU-1
Admin. Offices	P	P	P	P	P	P
Alcoholic beverages – package sales only	P	P	P	P	P	P
Alcoholic beverages – on-premises consumption	CUP	CUP	CUP	CUP	CUP	CUP
Antique Shops	P	P	P	P	P	P
Aquariums	P	P	P	P	P	P
Arsenals/explosives	X	X	X	X	X	CUP
Art goods/bric-a-brac/studios	P	P	P	P	P	P
Assisted living facility	P/C	P/C	P/C	P/C	P/C	P/C
Auditoriums	P	P	P	P	P	P
Automobile hire	P	P	P	P	P	P
Auto parts	P	P	P	P	P	P
Auto repair/minor	P	P	P	P	P	P

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Auto repair/major		P/C	P/C	P/C	P/C	P/C	P/C
Auto Repair/major & paint/body		P/C	P/C	P/C	P/C	P/C	P/C
Auto sales/storage		P/C	P/C	P/C	P/C	P/C	P/C
Auto tires/mufflers		P	P	P	P	P	P
Auto washing		P	P	P	P	P	P
Bait/tackle shop		P	P	P	P	P	P
Bakeries		P	P	P	P	P	P
Banks/financial		P	P	P	P	P	P
Barbershops/salons		P	P	P	P	P	P
Bed & Breakfasts		P	P	P	P	P	P
Bicycle sales/service		P	P	P	P	P	P
Boatbuilding facility		X	X	X	P/C	P	P
Boat sales/service		P/C	P/C	P/C	P/C	P/C	P/C

EXHIBIT 1 - ZONING CLASSIFICATION USES

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Uses	BU-1	BU-2	PBP	PIP	IU	IU-1
Bottling beverages	X	P	P	P	P	P
Bowling alleys	P	P	P	P	P	P
Building materials/supplies	X	P/C	P	P	P	P
Cabinetmaking/carpentry	X	P/C	P/C	P/C	P/C	P/C
Cement/concrete & concrete building products	X	X	X	X	X	CUP
Change of non-conforming ag use	CUP	CUP	CUP	CUP	CUP	CUP
Civic organizations	P	P	P	P	P	P
Coin laundromats	P	P	P	P	P	P
Colleges/universities	P	P	P	P	P	P
Commercial/entertainment Amusement enterprises (small & large scale)	CUP	P/C (sm)	X	X	CUP (lg)	P/C = sm CUP = lg
Commercial/recreational & commercial/industrial Marinas	CUP	CUP	X	CUP	CUP	CUP

EXHIBIT 1 - ZONING CLASSIFICATION USES

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Composting facility		X	X	X	X	CUP	CUP
Conservatories		P	P	P	P	P	P
Contractors' offices (no outside storage)		P	P	X	X	P	P
Contractors' offices, plants, & storage yards		X	P/C	P/C	P/C	P/C	P/C
Convenient stores		P	P	P	P	P	P
Dance halls/academies		P	P	P	P	P	P
Child/adult daycares		P	P	P	P	P	P
Dog/pet hospitals & parlors		P	P	P	P	P	P
Drug/sundry stores		P	P	P	P	P	P
Dry cleaning pick-up		P	P	P	P	P	P
Electrical appliance & lighting fixtures		P	P	P	P	P	P
Employment agencies		P	P	P	P	P	P

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Engine sales/service		X	P/C	P/C	P/C	P/C	P/C
Farm machinery sales/service		P/C	P/C	P/C	P/C	P/C	P/C
Feed & hay for animals/stock		X	P	P	P	P	P
Fertilizer stores		X	P	P	P	P	P
Fireworks sales/wholesale		X	X	X	X	X	P
Flea markets		X	CUP	CUP	CUP	CUP	CUP
Florist Shops		P	P	P	P	P	P
Foster homes		P	P	P	P	P	P
Fruit stores w/packing		P	P	P	P	P	P
Funeral homes		P	P	P	P	P	P
Furniture stores		P	P	P	P	P	P
Garage or mechanical service		X	P/C	P/C	P/C	P	P
Gasoline service stations		P/C	P/C	P/C	P/C	P/C	P/C

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Gift shops		P	P	P	P	P	P
Glass installation		X	P	P	P	P	P
Grocery stores		P	P	P	P	P	P
Group homes		P	P	P	P	P	P
Hardware stores		P	P	P	P	P	P
Hazardous waste facility		X	X	X	X	X	CUP
Heavy Industry		X	X	X	X	X	CUP
Hobby shops		P	P	P	P	P	P
Hospitals		P	P	P	P	P	P
Hotels/motels		X	X	P	P	X	X
Laboratories		P	P	P	P	P	P
Land Alteration		CUP	CUP	CUP	CUP	CUP	CUP
Lawn mower sales		P	P	P	P	P	P
Mail order offices		P	P	P	P	P	P

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Manufacturing, etc. of certain products		P/C	P/C	X	X	P	P
Marinas – commercial/recreational		CUP	CUP	CUP	CUP	CUP	CUP
Meat/seafood markets		P	P	P	P	P	P
Medical/dental clinics		P	P	P	P	P	P
Metal salvage yard & junk yard		X	X	X	X	X	CUP
Mining/smelting		X	X	X	X	X	CUP
Mini-warehouses		P/C*	P/C	P/C	P/C	P/C	P/C
Mobile home & travel trailer sales		X	P/C	P/C	P/C	P/C	P/C
Motocross		X	X	X	X	CUP	CUP
Motorcycle sales/service		P	P	P	P	P	P
Mulching facility		X	X	X	X	CUP	CUP
Music/TV repair		P	P	P	P	P	P

EXHIBIT 1 - ZONING CLASSIFICATION USES

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Nursing homes		P	P	P	P	P	P
Outdoor restaurant seating		P/C	P/C	P/C	P/C	P/C	P/C
Outside sale of mobile homes		P/C	P/C	P/C	P/C	P/C	P/C
Paint/body shops		P/C	P/C	P/C	P/C	P/C	P/C
Parking lots (commercial)		P	P	P	P	P	P
Parks/public recreation		P	P	P	P	P	P
Pawnshops		P	P	P	P	P	P
Pet kennels		X	P	P	P	P	P
Pet shops		P	P	P	P	P	P
Performance overlay districts		CUP	CUP	CUP	CUP	CUP	CUP
Plant nurseries (no outdoor storage)		P	P	P	P	P	P
Plant nurseries (with outdoor storage)		X	P	P	P	P	P

EXHIBIT 1 - ZONING CLASSIFICATION USES

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Plumbing/electrical shops		X	P	P	P	P	P
Post offices		P	P	P	P	P	P
Power substations facilities		X	X	X	X	P/C	P/C
Pre-existing use		P/C	P/C	P/C	P/C	P/C	P/C
Printing services		P	P	P	P	P	P
Railroad, truck, water freight & passenger stations		X	P/C	P/C	P/C	P/C	P/C
Recovered materials processing facility		X	P/C	P/C	P/C	P/C	P/C
Resort dwellings		P	P	P	P	P	P
Restaurants		P	P	P	P	P	P
Seafood processing 300 ft. from residential		X	P	P	P	P	P
Schools		P	P	P	P	P	P
Security mobile home		P/C	P/C	P	P	P	P

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Sharpening/grinding tools		X	P	P	P	P	P
Ship chandlery		X	P	P	P	P	P
Shoe stores/repair		P	P	P	P	P	P
Single-family residence		P	P	P/C	P/C	X	X
Solid Waste Mgmt. Facilities		X	X	X	X	X	CUP
Substantial Expansion of pre-existing use		CUP	CUP	CUP	CUP	CUP	CUP
Substations/ Transmission fac.		CUP	P/C	X	X	P/C	P/C
Telephone station/ Exchanges		P	P	P	P	P	P
TV broadcasting		P	P	P	P	P	P
Testing labs		X	P	P	P	P	P
Ticket Offices/ Theaters		P	P	P	P	P	P
Tourist efficiencies/hotels And/or motels		P/C	P/C	P	P	X	X

EXHIBIT 1 - ZONING CLASSIFICATION USES

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Uses		BU-1	BU-2	PBP	PIP	IU	IU-1
Towers & antennas		CUP	CUP	CUP	CUP	CUP	CUP
Trailer/truck rental		CUP	P	P	P	P	P
Transportation		X	X	X	X	P/C	P/C
Treatment/recovery Facilities		P/C	P/C	X	X	P/C	P/C
Trucking		X	X	X	CUP	P/C	P/C
Truss manufacturing		X	X	X	X	CUP	P/C
Waste disposal		X	X	X	X	X	CUP
Warehouses		X	P/C	P/C	P/C	P/C	P/C
Welding repairs		X	P	P	P	P	P
Wholesale/storage rooms		X	P	P	P	P	P
Worship, place of		P	P	P	P	P	P

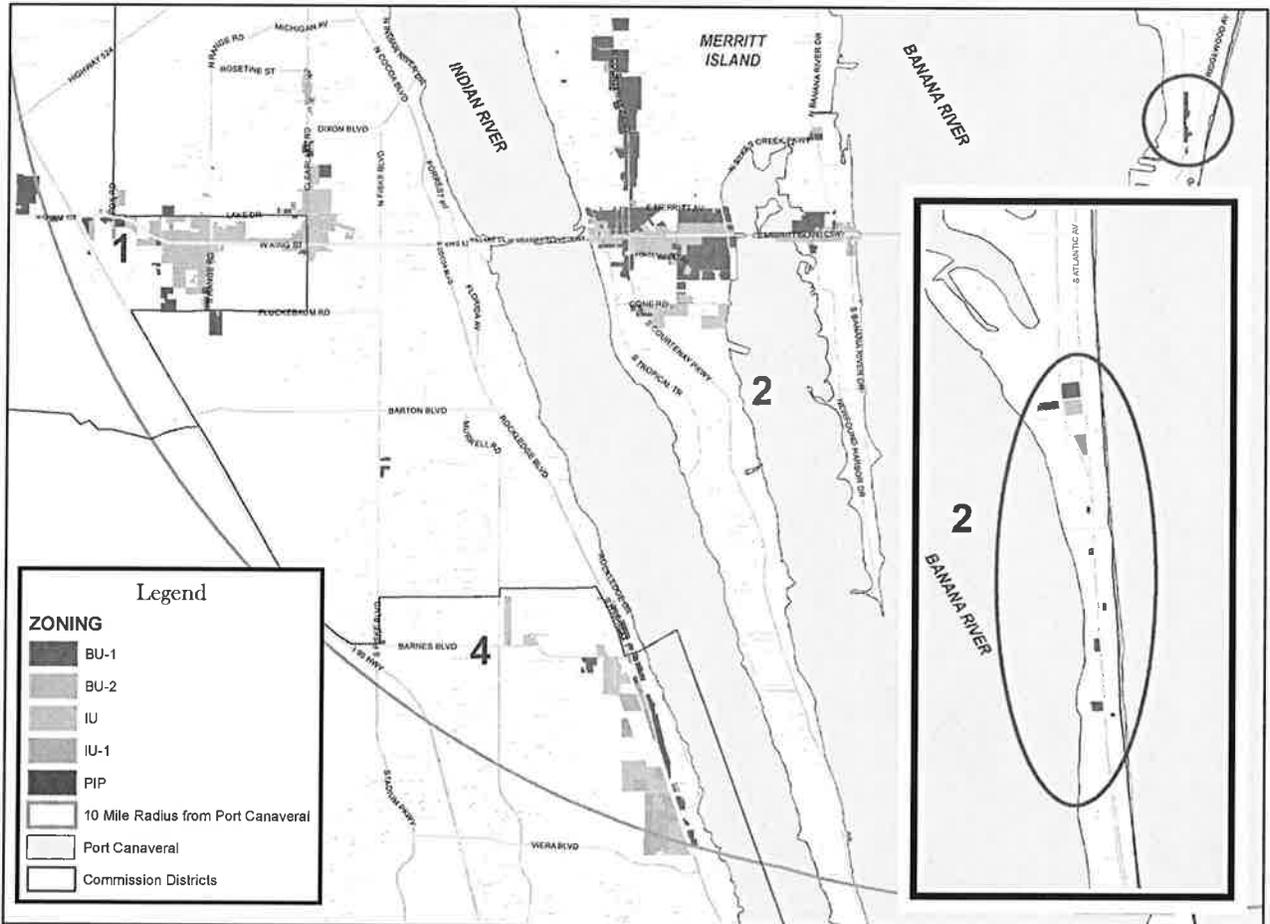
EXHIBIT 2

OVERNIGHT COMMERCIAL PARKING

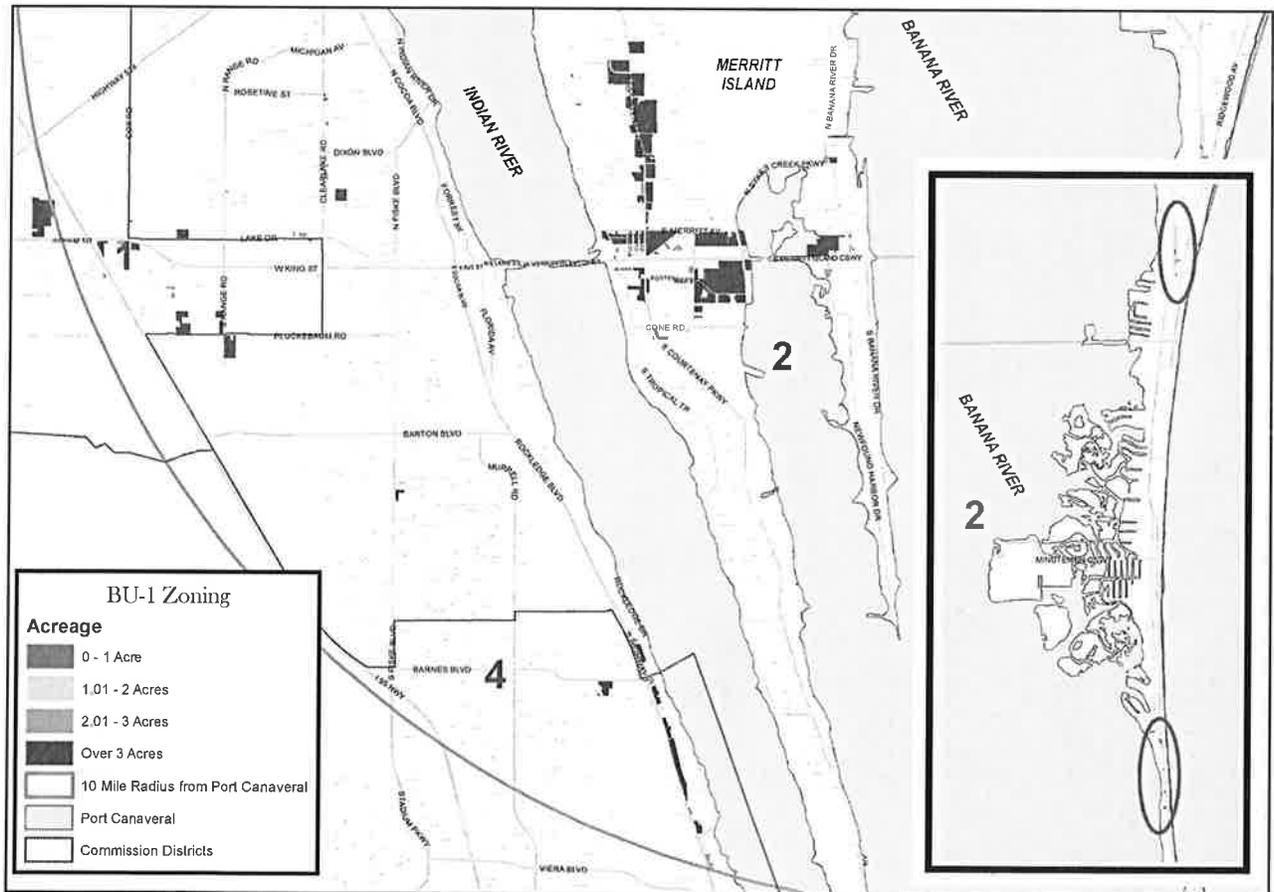
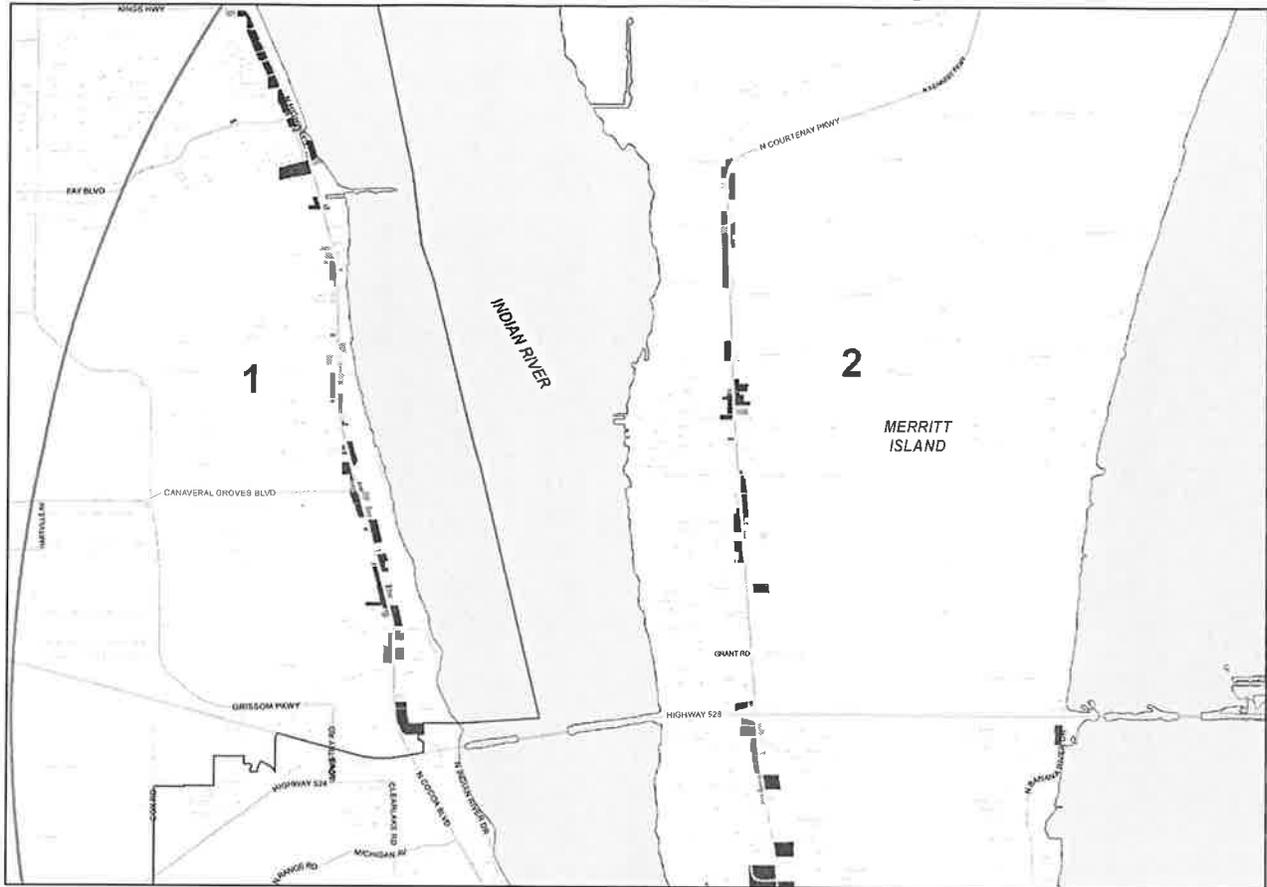
<u>COMMISSION DISTRICT</u>	<u># OF PARCELS WITHIN 10 MILE RADIUS OF PORT WITH ZONING POTENTIAL</u>	<u># of Parcels In BU-1</u>	<u># of Parcels in BU-2</u>	<u># of Parcels In PBP</u>	<u># of Parcels in IU</u>	<u># of Parcels In IU-1</u>	<u># of Parcels in PIP</u>	<u>BU-1 Acreage</u>	<u>BU-2 Acreage</u>	<u>PBP Acreage</u>	<u>IU Acreage</u>	<u>IU-1 Acreage</u>	<u>PIP Acreage</u>	<u>TOTAL ACREAGE</u>
1	546	260	218	0	65	9	15	331.82	421.16	0	420.61	237.54	127	1538.13
2	1156	573	564	0	13	4	34	773.03	493.77	0	58.7	27.61	318.47	1671.58
4	156	47	20	0	69	23	0	59.56	17.06	0	197.66	133.84	0	408.12
TOTAL	1858	880	802	0	147	36	49	1164.41	931.99	0	676.97	398.99	445.47	3617.83

4/4/2018

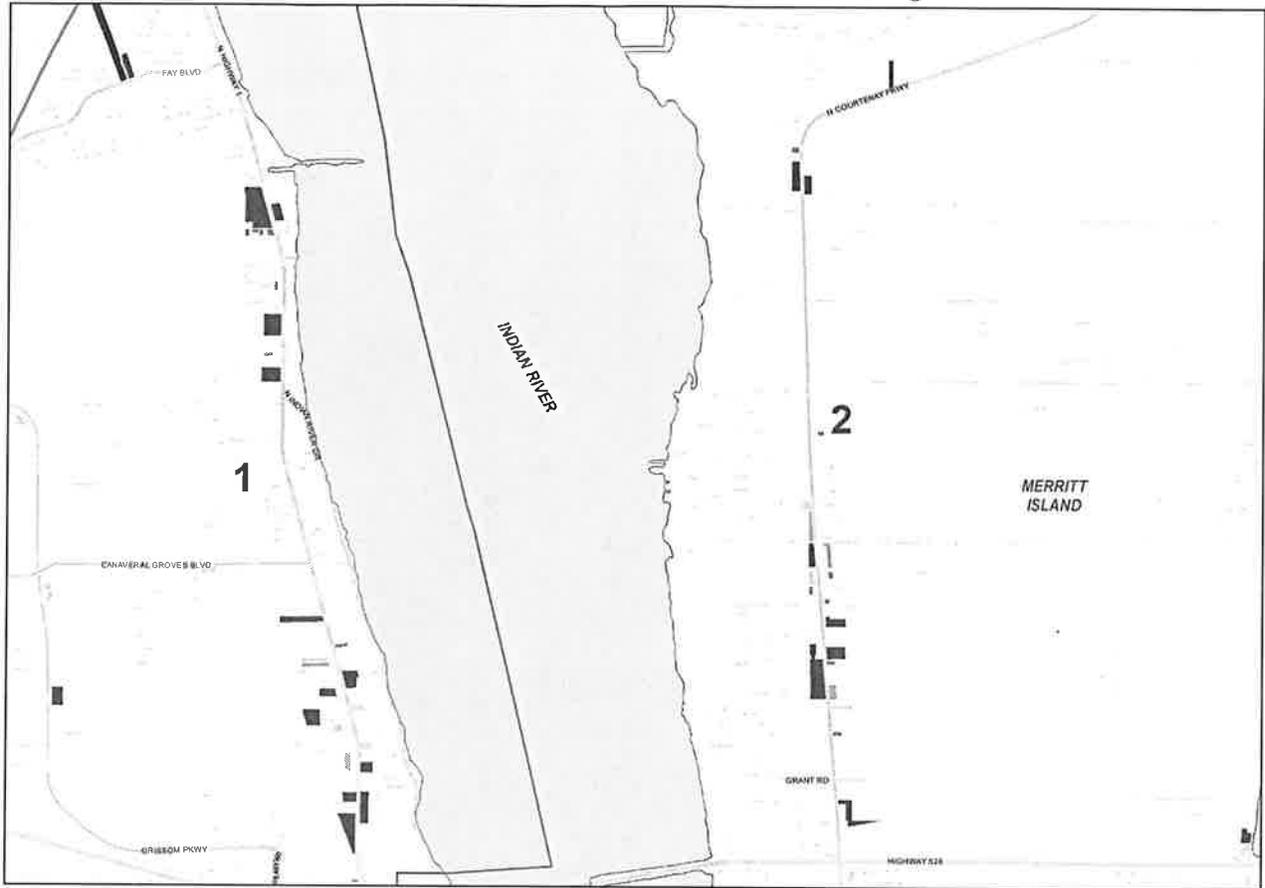
Overnight Commercial Parking



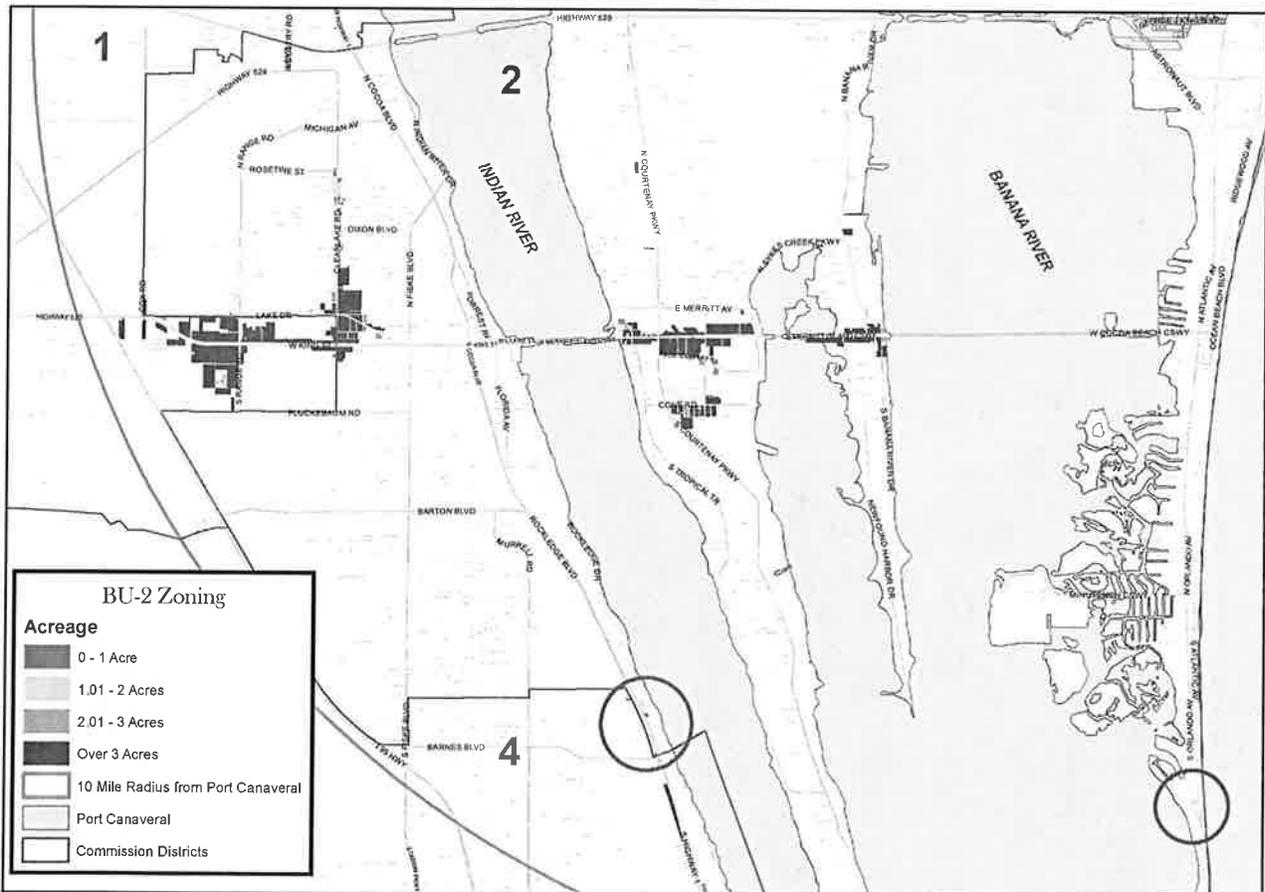
Overnight Commercial Parking



Overnight Commercial Parking



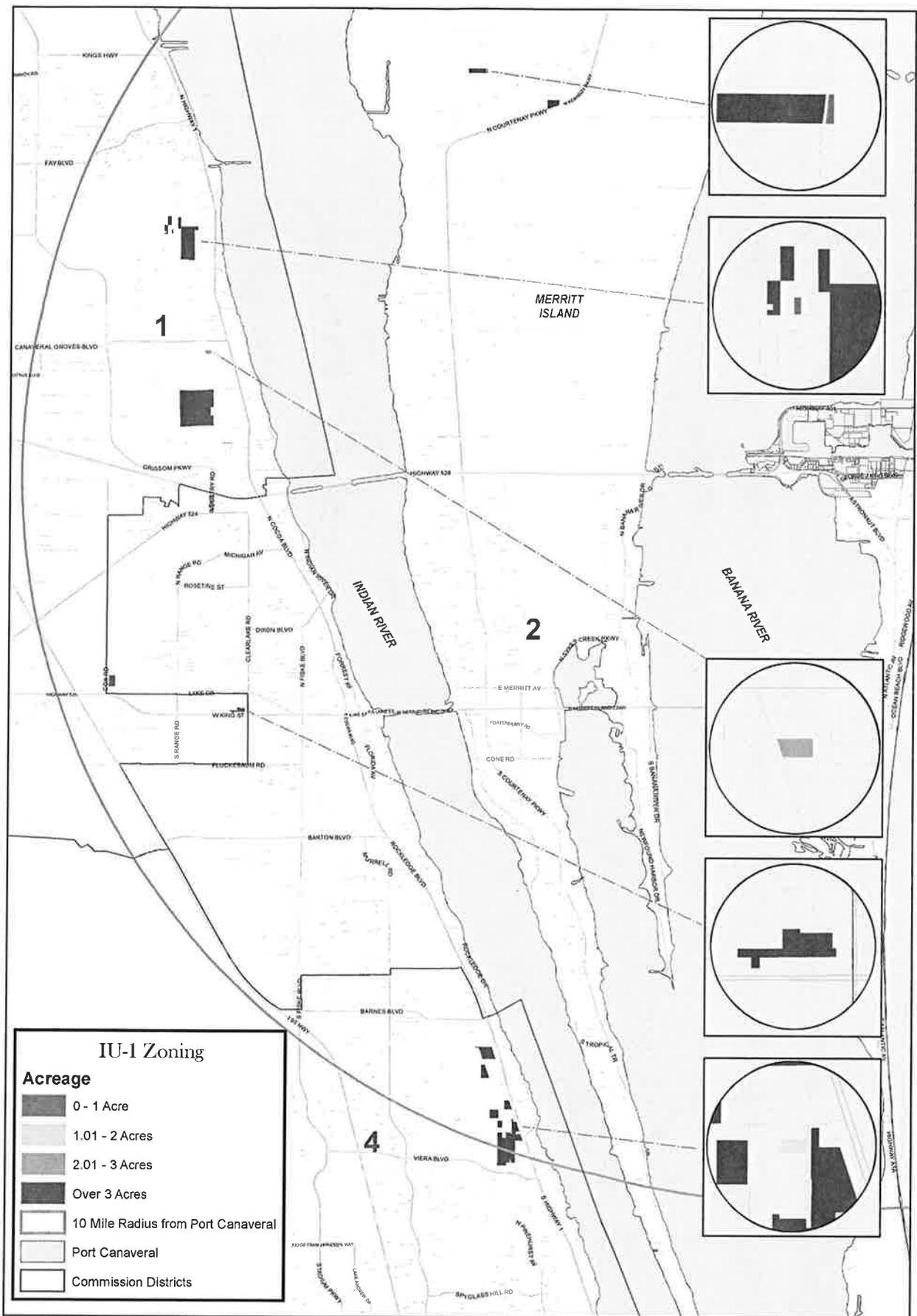
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0 0.25 0.5 1 1.5 2 Miles



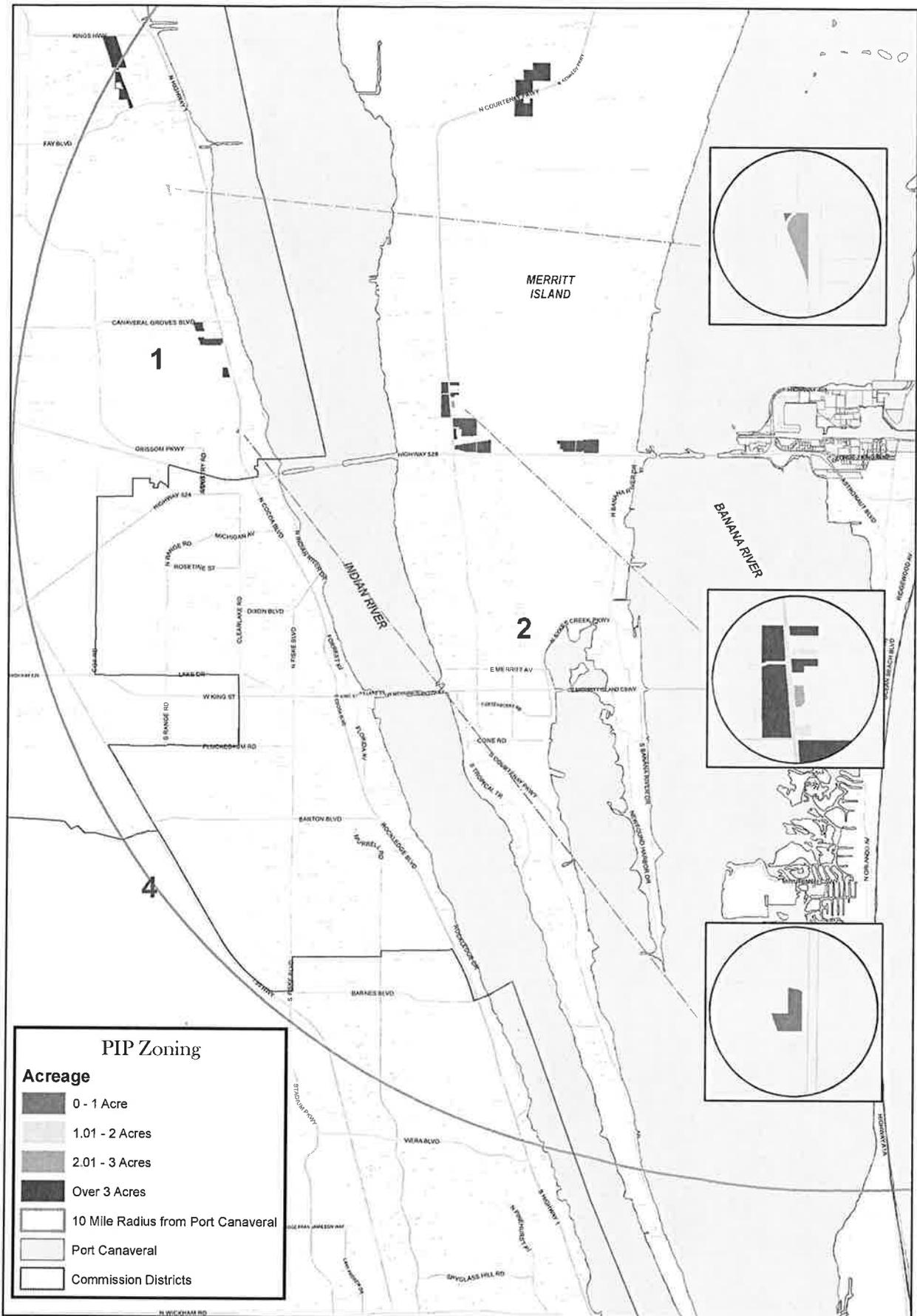
Overnight Commercial Parking



1 Inch = 1.25 Miles



Overnight Commercial Parking



1 Inch = 1.25 Miles



IVB 4/24/18
Overnight Parking
Ordinance

Received
Ⓢ
meeting



**STRIKETHROUGH/UNDERLINE
COPY**

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VI, "COMMERCIAL"; SPECIFICALLY AMENDING SECTIONS: 62-1482. GENERAL RETAIL COMMERCIAL, BU-1 AND 62-1483. RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL, BU-2 ZONING CLASSIFICATIONS TO REMOVE "PARKING LOTS (COMMERCIAL)" FROM THE LIST OF PERMITTED USES, TO CREATE "NON-OVERNIGHT COMMERCIAL PARKING LOT" USE AS A PERMITTED USE AND TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE COMMERCIAL ZONING CLASSIFICATIONS; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VIII, "INDUSTRIAL"; SPECIFICALLY AMENDING, SECTIONS: 62-1541. PLANNED BUSINESS PARK, BPB, 62-1542. PLANNED INDUSTRIAL PARK PIP, 62-1543. LIGHT INDUSTRIAL, IU AND 62-1544. HEAVY INDUSTRIAL, IU-1 TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE INDUSTRIAL ZONING CLASSIFICATIONS; CREATING ARTICLE VI, DIVISION 5, SUBDIVISION III, "CONDITIONAL USES"; SPECIFICALLY CREATING A CONDITIONAL USE PERMIT UNDER SECTION 62-1941.3 TITLED "OVERNIGHT COMMERCIAL PARKING LOT" AND ESTABLISHING CONDITIONS FOR SAID USE; FOR PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners has concerns for the potential onsite as well as area impacts of overnight commercial parking use; and

WHEREAS, the Board of County Commissioners is concerned that existing development criteria for parking lots does not adequately address the impacts created; and

WHEREAS, the Board of County Commissioners, on December 19, 2017, directed preparation of an amendment to the Zoning Regulations as it relates to commercial cruise parking; and

WHEREAS, the Building Construction Advisory Committee, on February 14, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 19, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners, on March 1, 2018 conducted the first public hearing; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. Section 62-1482 (1) (b), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to remove "Parking lots (commercial)" from the listing of permitted uses and to add to the listing of permitted uses, the use "Non-overnight commercial parking."

Sec. 62-1482. General retail commercial, BU-1.

(1) Permitted uses.

- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile parts, if confined within a structure.

Automobile repairs, minor (as defined in Section 62-1102).

Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.

Automobile tires and mufflers (new), sales and service.

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

Billiard rooms and electronic game arcades (soundproofed).

Bookstores.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales; no production or firing except accessory to on site sales only.

Civic, philanthropic or fraternal organizations.

Coin laundromats.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Contractors' offices, with no outside storage.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Child or adult day care centers.

Display and sales rooms.

Dog and pet hospitals and beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Dyeing and carpet cleaning.
Electrical appliance and lighting fixtures.
Employment agencies.
Fraternities and sororities.
Florist shops.
Foster homes.
Fruit stores (packing on premises).
Funeral homes and mortuaries.
Furniture stores.
Furriers.
Gift shops.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Interior decorating, costuming and draperies.
Jewelry stores.
Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat, fish and seafood markets.
Medical buildings and clinics, and dental clinics.

Messenger offices.

Millinery stores.

Motorcycle sales and service.

Music, radio and television shops and repairs.

Newsstands.

Non-overnight commercial parking

Nursing homes.

Optical stores.

Paint and wallpaper stores.

~~Parking lots (commercial).~~

Parks and public recreational facilities.

Pawnshops.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph studios and galleries.

Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverage, package only.

Schools for business training.

Schools, private or parochial.

Shoe repair shops.

Shoe stores.

Single-family residence.

Soft drink stands.

Souvenir stores.

Stationery stores and bookstores.

Tailor shops.

Tearooms.

Telephone and telegraph stations and exchanges.

Television and broadcasting stations, including studios, transmitting stations and towers and other incidental uses usually pertaining to such stations.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Worship, places of.

SECTION 2. Section 62-1482 (3), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1482. General retail commercial, BU-1.

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (small scale and large scale).

Commercial/recreational and commercial/industrial marinas.

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance Overlay Districts.

Plant nurseries (with outside bulk storage of mulch, topsoil, etc.)

Security mobile home.

Substantial expansion of a preexisting use.

Trailer and truck rental.

Wireless telecommunication facilities and broadcast towers.

SECTION 3. Section 62-1483 (1) (b), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to remove "Parking lots (commercial)" from the listing of permitted uses and to add to the listing of permitted uses, the use "Non-overnight commercial parking."

Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.

(1) Permitted uses.

- b. All uses listed below, or other uses of a similar nature compatible with the character of uses described herein:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile repairs, minor and major, as defined in Section 62-1102 (also see Section 62-1837.6).

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales and service.

Billiard rooms and electronic arcades (soundproofed).

Bookstores.

Bottling beverages.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales, including production and firing.

Child or adult day care centers.

Civic, philanthropic or fraternal organizations.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Display and sales rooms.

Dog and pet hospitals and beauty parlors.

Drug and sundry stores.

Dry cleaning and laundry pickup stations.

Dry cleaning plants.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Feed and hay for animals and stock.

Fertilizer stores.

Florist shops.

Foster homes.

Fraternities and sororities.

Fruit stores (packing on premises).
Funeral homes and mortuaries.
Furniture stores.
Furriers.
Gift shops.
Glass installation.
Grocery stores.
Group homes, levels I and II.
Hardware stores.
Hat cleaning and blocking.
Hobby shops.
Hospitals.
Ice plants.
Interior decorating, costuming and draperies.
Jewelry stores.
Kindergartens.
Laboratories.
Laundries.
Lawn mower sales.
Leather good stores.
Luggage shops.
Mail order offices.
Meat markets.
Medical buildings and clinics, and dental clinics.
Messenger offices.
Millinery stores.
Music, radio and television shops and repairs.

Newsstands.

Non-overnight commercial parking

Nursing homes.

Optical stores.

Paint and body shops.

Paint and wallpaper stores.

~~Parking lots (commercial).~~

Parks and public recreational facilities.

Pawnshops.

Pet kennels.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph galleries.

Photographic studios.

Plant nurseries.

Plumbing and electrical shops.

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverages, package only.

Schools for business training.

Schools, private or parochial.

Seafood processing plants not located within 300 feet of any residential zone boundary.

Sharpening and grinding shops.

Ship chandlery.

Shoe repair shops.
Shoe stores.
Single-family residence.
Soft drink stands.
Souvenir stores.
Stationery stores and bookstores.
Tailor shops.
Tearooms.
Telephone and telegraph stations and exchanges.
Television and broadcasting stations, including studios, transmitting stations and towers, power plants and other incidental uses usually pertaining to such stations.
Testing laboratories.
Theaters, but no drive-ins.
Ticket offices and waiting rooms for common carriers.
Tobacco stores.
Upholstery shops.
Wearing apparel stores.
Welding repairs (except metal fabrication).
Wholesale salesroom and storage rooms.
Worship, places of.

SECTION 4. Section 62-1483 (3), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.

- (3) Conditional uses. Conditional uses are as follows:
Alcoholic beverages for on-premises consumption.

Automobile sales and storage (under one acre in the Merritt Island Redevelopment Area).

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marinas.

Flea markets (recreational vehicles may be an accessory use pursuant to division 5, subdivision II, of this article).

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance overlay districts.

Security mobile home.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 5. Section 62-1541 (3), Planned business park, PBP Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1541. Planned business park, PBP.

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 6. Section 62-1542 (3), Planned industrial park, PIP Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1542. Planned industrial park, PIP.

- (3) Conditional uses. Conditional uses are as follows:
- Change of nonconforming agricultural use.
 - Land alteration (over five acres).
 - Marinas, commercial or recreational.
 - Overnight commercial parking lot.
 - Substantial expansion of a preexisting use.
 - Wireless telecommunication facilities and broadcast towers.

SECTION 7. Section 62-1543 (3), Light industrial, IU Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1543. Light industrial, IU.

- (3) Conditional uses. Conditional uses are as follows:
- Alcoholic beverages for on-premises consumption.
 - Change of nonconforming agricultural use.
 - Commercial entertainment and amusement enterprises (large scale).
 - Commercial/recreational and commercial/industrial marina.
 - Composting facility.
 - Flea markets (recreational vehicles).
 - Land alteration (over five acres).
 - Motocross.
 - Mulching facility.
 - Overnight commercial parking lot.
 - Substantial expansion of a preexisting use.

Truss manufacturing plant.

Wireless telecommunication facilities and broadcast towers.

SECTION 8. Section 62-1544 (3), Heavy industrial, IU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

Sec. 62-1544. Heavy industrial, IU-1.

(3) Conditional uses. In addition to those specified in section 62-1540, conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Arsenals and explosives.

Cement, concrete and concrete building products.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Flea markets.

Hazardous waste facility.

Heavy industry as defined in section 62-1102.

Land alteration (over five acres).

Metal salvage yards and junkyards.

Mining and smelting operations.

Motocross.

Overnight commercial parking lot.

Solid waste management facilities.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 9. Section 62-1941.3 Overnight commercial parking lot, Code of Ordinances of Brevard County, Florida, is hereby created as follows:

Sec. 62-1941.3 Overnight commercial parking lot.

[Editor's note: The following code revisions to the proposed code amendment were drafted in consideration of the Board's March 20, 2018 discussion and the additional analysis of existing zoning classification.]

Overnight commercial parking lots are those commercial parking lots which offer 24 hour or longer extended parking for motorized vehicles. Overnight commercial parking lot use is a conditional use in the BU-1, BU-2, PBP and PIP zoning classifications; however, when an overnight commercial parking lot use is located within IU or IU-1 zoning, it shall be considered a permitted with conditions use. Both types of overnight commercial parking lots are subject to the provisions of this section. The following conditions are the minimum conditions necessary to mitigate adverse impacts upon surrounding properties.

- (1) Minimum lot size shall be not less than three (3) acres for sites zoned: BU-1, BU-2, PBP or PIP. For sites zoned: IU or IU-1, the minimum lot size is two (2) acres.
- (2) An overnight commercial parking lot which is secondary or accessory to a developed site shall demonstrate the site has adequate surplus parking beyond the number of spaces required by the parking code to support the primary use or other uses occurring on the subject property.
- (3) All drive aisles and parking spaces shall be paved unless an alternative stabilized surface is approved. Secondary or accessory parking facilities that have demonstrated compliance with condition (2) above shall only be performed from paved parking spaces.
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles use to transport passengers to and from the overnight commercial parking lot. Shuttle routes shall avoid residential areas.
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the Board to review to assist in determining if additional roadway improvements are warranted.
 - a. The applicant shall be responsible for the design, permitting, and construction of all necessary roadway improvements.
 - b. The site plan shall be designed and the site constructed to facilitate all peak hour trips on site so there is no queuing in any public right-of-way.
- (6) Applicant shall submit a site plan consistent with Chapter 62, Article VIII after Board approval of the CUP.

SECTION 10. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.