

IV.C.



**AGENDA REPORT**  
**April 5, 2018**

**SUBJECT:**

Public Hearing, RE: Ordinance Establishing a Temporary Moratorium Prohibiting Any and All Overnight Commercial Paid Parking Lots

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

Conduct the first public hearing for an Ordinance establishing a temporary moratorium prohibiting any and all overnight commercial paid parking lots within the unincorporated areas of Brevard County.

**SUMMARY EXPLANATION and BACKGROUND:**

On March 20, 2018, Board of County Commissioners conducted the second public hearing for an ordinance establishing overnight commercial parking as a conditional use permit in BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications. The Board's motion tabled the item to the April 24, 2018, and directed staff to prepare revisions to the Code with respect to commercial parking lots and require the review of the impacts, including traffic and drainage that overnight commercial parking lots have on the community. In addition, their motion included a moratorium prohibiting any and all overnight commercial paid parking lots.

This ordinance proposes a temporary moratorium for overnight commercial paid parking lots within the unincorporated areas of Brevard County. The moratorium will sunset upon the sooner of; 1) six months, 2) the Board's enactment of an ordinance regulating overnight commercial parking lots, or 3) the repeal of the ordinance by the Board, whichever occurs first.

The second public hearings and final action for this ordinance will be scheduled for the April 24, 2018 Board of County Commissioners meeting.

**ATTACHMENTS:****Description**

- Moratorium Ordinance
- Board Action Memo

**REVIEWERS:**

Department	Reviewer
Planning and Development	Calkins, Tad
ACM Development	Denninghoff, John
County Manager	Abbate, Frank

**ATTACHMENTS:**

**Description**

- **Moratorium Ordinance**
- **Board Action Memo**



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

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April 6, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item IV.C., Public Hearing for Ordinance to Establish a Temporary Moratorium Prohibiting Any and All Commercial Parking Lots

The Board of County Commissioners, in regular session on April 5, 2018, conducted the first public hearing for an ordinance establishing a temporary moratorium prohibiting any and all overnight commercial paid parking lots within the unincorporated areas of Brevard County; and granted you permission to advertise for the second public hearing.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

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ORDINANCE NO. 2018- \_\_\_\_\_

AN ORDINANCE ESTABLISHING A TEMPORARY SIX MONTH MORATORIUM WITHIN THE UNINCORPORATED AREAS OF BREVARD COUNTY; PROHIBITING ESTABLISHMENT OF ANY NEW OVERNIGHT COMMERCIAL PAID PARKING LOTS IN BU-1, BU-2, , PBP, PIP, IU, AND IU-1 ZONING CLASSIFICATIONS WITHIN THE UNINCORPORATED AREAS OF THE COUNTY; ADOPTING FINDINGS OF FACT; PROVIDING FOR SUNSET OF MORATORIUM; PROVIDING DIRECTION FOR STAFF RECOMMENDATIONS FOR CODE AMENDMENTS; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE;

WHEREAS, the Board of County Commissioners has heard generalized complaints from neighborhoods on Merritt Island; and

WHEREAS, residents have addressed traffic impacts, congestion, safety and as well as drainage concerns, and

WHEREAS, several projects involving overnight commercial paid parking lots have recently been permitted, and

WHEREAS, due to the increase in the cruise ship industry at Port Canaveral and other activities drawing people to Brevard County, residents and individuals have expressed concerns that overnight commercial parking could be expanded significantly in Brevard County, 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 purpose of this ordinance is to place a temporary moratorium on overnight commercial parking lots in BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications for a period of time reasonably necessary for the County to determine the best way to regulate overnight commercial parking lots for the benefit of the public health, safety, and welfare and to promulgate reasonable regulations relating to overnight commercial parking lots; and

WHEREAS, the Local Planning Agency, on April 9, 2018 reviewed the proposed ordinance and made recommendations; and

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

WHEREAS, the Board of County Commissioners hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida. That:

**SECTION 1. FINDINGS OF FACT.**

The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**SECTION 3. RECOMMENDATIONS FOR LAND DEVELOPMENT REGULATIONS.**

The County Manager is instructed to have appropriate staff consider and prepare proposed amendments to the Code of Ordinances of Brevard County, Florida to address impacts created by overnight commercial parking lots, such as, traffic impacts, stormwater and drainage impacts, and impacts to surrounding neighborhoods.

**SECTION 4. TEMPORARY MORATORIUM.**

Beginning on the effective date of this ordinance and continuing for six (6) months from the date of approval of this ordinance, unless earlier terminated by an ordinance of the Board of County Commissioners, a moratorium is hereby imposed upon all new overnight commercial parking lots. During the moratorium, Brevard County will not accept, process, or consider

applications for site plan approval, development orders, development permits, building permits or other permits required for, or relating to any proposed overnight commercial parking lot.

**SECTION 5. SUNSET PROVISION.**

This ordinance will sunset and be effectively repealed upon the sooner of (1) the six month provision described in Section 4 above; or (2) the Board of County Commissioner's enactment of an ordinance regulating overnight commercial parking lots; or (3) the repeal of this ordinance by the Board of County Commissioners, whichever occurs first.

**SECTION 6. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall not affect the validity of other portions 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 7. CONFLICTING PROVISIONS.**

In the case of a direct conflict between any provisions of this Ordinance and a portion or provision of any other appropriate county law, rule, code or regulation, the more restrictive shall apply.

**SECTION 8. AREA ENCOMPASSED.**

This Ordinance shall apply to the unincorporated areas of Brevard County, Florida.

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall take effect upon adoption and filing as required by law.

**DONE, ORDERED AND ADOPTED,** in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Scott Ellis, Clerk of Court

By: \_\_\_\_\_  
Rita Pritchett, Chair  
(As approved by the Board on \_\_\_\_\_.)

Reviewed for legal form and content by:

\_\_\_\_\_  
Assistant County Attorney



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