

Meeting Date
March 20, 2018



AGENDA	
Section	Public Hearing
Item No.	IV.D

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: CODE REVISION TO CHAPTER 62, ARTICLE VI – MINIMUM HOTEL ROOM SIZE (SECOND HEARING) PR
	FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board of County Commissioners approve revisions to Chapter 62, Article VI, Division 4, Subdivision VII, Tourist Commercial and Transient Tourist Use, to remove the minimum floor area requirement for hotel and motel rooms.

Summary Explanation & Background:

The Board of County Commissioners, on January 9, 2018 initiated legislative intent and granted permission to advertise revisions to Chapter 62, Article VI, Division 4, Subdivision VII, Tourist Commercial and Transient Tourist Use, to remove the minimum floor area requirement for hotel and motel rooms. The proposed code revision removes the minimum 250 square foot floor area requirement and does not require a minimum. The room size will still need to meet the minimum requirements per the Florida Building Code.

The Board also voted to implement a “Green Light Doctrine”, and allow staff to apply the new code prior to the final adoption of the ordinance. To date there have been no applications to which this code section would apply.

The BCAC recommended approval of the proposed changes at the February 14, 2018 meeting. The LPA, on February 19, 2018 recommended approval. The Board approved the item to go forward at the first public hearing of the item at the March 1, 2018 meeting.

This is the second of two public hearings and final action before the Board of County Commissioners.

Contact: Rebecca Ragain, Assistant Director 321-633-2072 Ext. 5-2362

Clerk to the Board Instructions:

Exhibits Attached: Clean copy code, strikethrough/underline copy

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager John Denninghoff			Department Director / Extension #52070 Tad Calkins, Planning & Development Department			
Frank Abbate	Interim Assistant County Manager Jim Liesenfelt						

Brevard County Attorney
Ordinance Approval Sheet

SECTION I

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

Ordinance Name: Hotel Room Size Ordinance		Ordinance Author: Rebecca Ragain	
Division Name: Planning & Development Dept. (Zoning Office)	Mail Stop: 81	Review Deadline:	
Sent by P&ZO: Rebecca Ragain			
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

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

X _____

RL 1/11/18

SECTION III

Sent for Review

Land Dev.

RL Y ___ N ___ N/A

ONRM

___ Y ___ N J N/A

Other Dept./Office

___ Y ___ N J N/A

Comments:



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 21, 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. 2018-06, which was filed in this office on March 21, 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

March 21, 2018

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director Attn: Rebecca Ragain

RE: Item IV.D., Ordinance Revision Code to Chapter 62, Article VI – Minimum Hotel Room Size

The Board of County Commissioners, in regular session on March 20, 2018, adopted Ordinance No. 18-06, revising Chapter 62, Article VI, Division 4, Subdivision VII, Tourist Commercial and Transient Tourist Use, to remove the minimum floor area requirement for hotel and motel rooms. Enclosed is a certified Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

ORDINANCE NO. 2018-06

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VII, "TOURIST COMMERCIAL AND TRANSIENT TOURIST USE"; SPECIFICALLY AMENDING SECTIONS: 62-1511, GENERAL TOURIST COMMERCIAL, TU-1 AND 62-1512, TRANSIENT TOURIST COMMERCIAL, TU-2 ZONING CLASSIFICATIONS TO REMOVE THE MINIMUM FLOOR AREA REQUIREMENTS FOR HOTEL UNITS FROM THESE ZONING CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NO MINIMUM 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 is concerned that existing development criteria for minimum room size requirement of hotels and motels do not adequately address hotel development trends; and

WHEREAS, the Board of County Commissioners is recognizes that existing building codes adequately address the minimum room size requirement of hotels and motels; and

WHEREAS, the Board of County Commissioners, on January 9, 2018, directed preparation of an amendment to the Zoning Regulations as it relates to hotel and motel room size; 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 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 62-1511(7), Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Officially filed with the Secretary of State March 21, 2018

Section 62-1511 (7), Minimum floor area; limitation of kitchen facilities. There is no minimum floor area for hotels and motels, however; all other structures shall contain a minimum of 300 square feet of floor area. No more than 25 percent of the total number of units in one motel or hotel shall contain kitchen facilities.

SECTION 2. Section 62-1512(7), Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Section 62-1512 (7), Minimum floor area; limitation of kitchen facilities. There is no minimum floor area for hotels and motels, however; all other structures shall contain a minimum of 300 square feet of floor area. No more than 25 percent of the total number of units in one motel or hotel shall contain kitchen facilities.

SECTION 3. 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 4. 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 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

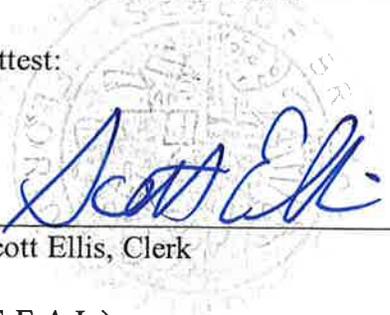
SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. 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 20th day of March, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis

Scott Ellis, Clerk

Rita Pritchett

Rita Pritchett, Chair
(as approved by the Board on March 20, 2018)

(S E A L)

Reviewed for legal form and content by: _____



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

January 10, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.3., Citizen Request by Bruce Moia, President, MBV Engineering, Inc.,
Regarding Approval of Waiver to Hotel or Motel Room Minimum Size

The Board of County Commissioners, in regular session on January 9, 2018, approved legislative intent and granted permission to advertise an ordinance removing the size restriction for a hotel or motel minimum room size; and approved the application pending before the Board of Adjustment can move forward on the basis of the proposed ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Attorney
Planning and Development Director

