



AGENDA REPORT  
October 23, 2018

**Code Revisions to Hotel and Motel Maximum Density in BU-1, BU-2, TU-1,  
TU-2 and PBP (First Hearing)**

---

**SUBJECT:**

Public Hearing Re: Code Revisions to Chapter 62, Article VI, revising the maximum density requirements for hotels and motels, specifically Code Sections 62-1511 (TU-1), 62-1512 (TU-2), 62-1541 (PBP), and Permitted with Conditions Section 62-1844.5 (Tourist Efficiencies and Hotels and Motels).

**FISCAL IMPACT:**

none

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct the first public hearing to approve revisions to Chapter 62, Article VI, Zoning Regulations, to remove the maximum density requirements for hotels and motels, except for the Merritt Island Redevelopment Area (MIRA), which will maintain a maximum density of 30 units to the acre.

**SUMMARY EXPLANATION and BACKGROUND:**

The Board of County Commissioners on October 4, 2018, approved a motion to grant legislative intent and advertise code revisions to eliminate hotel density to zoning classifications in the Community Commercial Future Land Use designation. The Board also directed staff to retain the maximum of 30 units per acre in the Merritt Island Redevelopment Area (MIRA).

The attached ordinance removes the maximum density requirements for hotels and motels in Section 62-1511(4), TU-1 (General Tourist Commercial); Section 62-1512, TU-2 (Transient Tourist Commercial); Section 62-1541, PBP (Planned Business Park); and Section 62-1844.5, Tourist Efficiencies and Hotels and Motels. (Removing the density caps in Section 62-1844.5 eliminates the maximum density in BU-1 and BU-2 zoning classifications).

The proposed code revisions were presented to the BCAC at their October 10, 2018 meeting, and they recommended approval of the language as written, but not including the maximum density of 30 unit per acre for MIRA.

The proposed code amendment will be presented to the LPA at the October 22, 2018 meeting.

**ATTACHMENTS:**

**Description**

- **Board memo 9 18**
- **Board memo 8 14**
- **CAO approval sheet**
- **Legal Ad**
- **Hotel Density Ordinance Strikethrough/Underline Copy**
- **Hotel Density Ordinance Clean Copy**



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

October 24, 2018

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.2., Public Hearing for Code Revisions to Chapter 62, Article VI, Revising the Maximum Density Requirements for Hotels and Motels, Specifically Code Sections 62-1511 (TU-1), 62-1512 (TU-2), 62-1541 (PBP), and Permitted with Conditions Section 62-1844.5 (Tourist Efficiencies and Hotels and Motels)

The Board of County Commissioners, in regular session on October 23, 2018, conducted the first public hearing to consider revisions to Chapter 62, Article VI., Zoning Regulations, to remove the maximum density requirements for hotels and motels, except for the Merritt Island Redevelopment Area (MIRA), which will maintain a maximum density of 30 units to the acre.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager  
County Attorney



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

September 19, 2018

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item H.3., General Tourist Commercial TU-1 Code Revision to Eliminate Hotel Density

The Board of County Commissioners, in regular session on September 18, 2018, conducted the second public hearing; and approved the readvertisement of the General Tourist Commercial TU-1 Code Revision to eliminate hotel density, and to include the Local Planning Agency (LPA) recommendation to expand TU-1, TU-2, and BU-1 Zoning Classifications.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp



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

August 15, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item J.2., Proposed Amendment to TU-1 Zoning Classification

The Board of County Commissioners, in regular session on August 14, 2018, approved legislative intent and permission to advertise for an ordinance amending Section 62-1511, by adding a new subsection (4) to increase the maximum density for hotel use, upon compliance with specific criteria in the zoning classification Tourist Commercial, TU-1.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*for Donna Scott*  
for Tammy Rowe, Deputy Clerk

/ds

cc: Commissioner Tobia

Brevard County Attorney  
Ordinance Approval Sheet

**SECTION I**

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

Ordinance Name: BU-1, BU-2, TU-1, TU-2 Hotel/Motel Code Amendment to Maximum Density		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) 10/22/2018	(BCC) 10/23/2018 & 11/13/2018	Advertising Deadline: 10/8/2018	

**SECTION II**

COUNTY OFFICE

APPROVAL  
Yes    No

INITIALS    DATE

County Attorney's Office

  

*JMB*    *10/2/2018*

**SECTION III**

**Sent for Review**

Land Dev.                    \_\_\_Y \_\_\_N \_\_\_N/A

ONRM                         \_\_\_Y \_\_\_N \_\_\_N/A

Other Dept./Office         \_\_\_Y \_\_\_N \_\_\_N/A

Comments:

## NOTICE OF ZONING CODE CHANGE

The Brevard County Board of County Commissioners proposes to adopt the following ordinance described below. The first public hearing to consider this ordinance will be held during the Board of County Commissioner's Meeting on Tuesday, October 23, 2018, beginning at 9:00 a.m., in the Commission Chambers, 1st floor Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. The second and final public hearing will be held on November 13, 2018, beginning at 5:00 p.m. to consider the ordinance described below. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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 SECTION 62-1511(4), GENERAL TOURIST COMMERCIAL, TU-1 ZONING AND SECTION 62-1512, TRANSIENT TOURIST COMMERCIAL, TU-2, AND SECTION 62-1541, PLANNED BUSINESS PARK, PBP; AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS" SPECIFICALLY AMENDING SECTION 62-1844.5, TOURIST EFFICIENCIES AND HOTELS AND MOTELS; TO PROVIDE FOR NEW DENSITY ALLOWANCES DEPENDING UPON THE FUTURE LAND USE DESIGNATION; 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.

Copies of the ordinance to be considered can be reviewed at Planning and Development, 1st floor Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Per: Tad Calkins, Director, Planning and Development Dept.  
Brevard County Government Center  
2725 Judge Fran Jamieson Way  
Viera, FL 32940  
(321)633-2070

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

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 SECTION 62-1511(4), GENERAL TOURIST COMMERCIAL, TU-1 ZONING AND SECTION 62-1512, TRANSIENT TOURIST COMMERCIAL, TU-2, AND SECTION 62-1541, PLANNED BUSINESS PARK, PBP; AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS" SPECIFICALLY AMENDING SECTION 62-1844.5, TOURIST EFFICIENCIES AND HOTELS AND MOTELS; TO PROVIDE FOR NEW DENSITY ALLOWANCES DEPENDING UPON THE FUTURE LAND USE DESIGNATION; 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 wish to allow hotel and motel owners additional flexibility in their development potential; and

WHEREAS, the Future Land Use Element of Brevard County's Comprehensive Plan does not limit or designate the number of hotel or motel units within the Community Commercial Land Use Designation; and

WHEREAS, other Future Land Use Designations such as: Agriculture, Residential 1:2.5, Residential 1, Residential 2, Residential 4, Residential 6, Residential 10, Residential 15, Residential 30 Directive and Neighborhood Commercial all regulate the number of residential units which can be developed on a units/acre density limitation; and

WHEREAS, the Board of County Commissioners, on September 18, 2018 directed preparation of an amendment to the Zoning Regulations as it relates to hotel/motel development densities; and

WHEREAS, the Building Construction Advisory Committee, on October 10, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on October 22, 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:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. Section 62-1511(4). General Tourist Commercial, TU-1, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1511. General tourist commercial, TU-1.**

*The TU-1 general tourist commercial zoning classification encompasses lands devoted to general tourist-related activities and recognizes the need for higher densities for motels and hotels. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1) of this section, or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.*

- (4) *Maximum density. No maximum density restrictions shall apply in the community commercial future land use designation. However, within the Merritt Island Redevelopment Area (MIRA) boundary as described in the 2013 Merritt Island Redevelopment Plan Update, the density shall be limited to a maximum of 30 units per acre.*
- ~~a. North beaches (north of the south boundary of Cocoa Beach): 30 units per acre in community commercial designations.~~
- ~~b. Central beaches (south boundary of Cocoa Beach to U.S. 192): 12 units per acre in community commercial designations, except where otherwise provided by Amendment 98B.2 of the future land use element of the county comprehensive plan.~~
- ~~c. South beaches (south of U.S. 192): Eight units per acre in community commercial designations.~~
- ~~d. Mainland: 30 units per acre in community commercial designations subject to the following locational criteria:~~
- ~~1. Tourist uses should be located within a one-quarter-mile radius of intersections of major through-county transportation corridors with major arterials or roadways of a higher classification;~~
  - ~~2. Within a one-quarter-mile radius of the Valkaria and Space Center Executive Airports;~~
  - ~~3. Within a one-quarter-mile radius of the SR 405 corridor; or~~
  - ~~4. Within one-quarter-mile of a highspeed rail/mag-lev terminus.~~
- ~~e. Merritt Island redevelopment area: 30 units per acre.~~

SECTION 2. Section 62-1512(4). Transient Tourist Commercial, TU-2, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1512. Transient tourist commercial, TU-2.**

*The TU-2 transient tourist commercial zoning classification encompasses land devoted to tourist facilities located within one-half mile from interstate or expressway interchange rights-of-way where traffic facilities are capable of accommodating higher-density uses and resulting traffic volumes. For the purposes of establishing the one-half mile distance, the point of tangency of the actual physical improvement of the on ramp or off ramp of the interstate and the roadway where the interchange serves, rather than the right-of-way line should be used as a beginning point. The one-half mile measurement shall include either the entire parcel, or if not the entire parcel, the entire principal structure as depicted in a binding development plan. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1), or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.*

- (4) *Maximum density. ~~Maximum density is 50 units per gross acre. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels. No maximum density restrictions shall apply in community commercial future land use designations.~~*

SECTION 3. Section 62-1541(1). Planned Business Park, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

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

*The PBP planned business park zoning classification is intended to encourage compatible development within areas designated community commercial and planned industrial on the future land use map of the county comprehensive plan. The intent of the regulations for this classification is to provide the opportunity for the aggregation of land, prevent piecemeal nonresidential development and protect environmentally and historically significant areas. The SR 405/SR 407 corridor shall apply to property fronting that area of SR 405 running from Barna Avenue to the Indian River Lagoon and that area of SR 407 running from I-95 to SR 405.*

- (1) *Permitted uses.*
- a. *Permitted uses are as follows:*
- All uses permitted in the BU-1 and BU-2 classification.*
- ~~*Hotels and motels, limited to 30 units per acre.*~~

SECTION 4. Section 62-1844.5(a). Tourist Efficiencies and Hotels and Motels, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1844.5. Tourist efficiencies and hotels and motels.**

- (a) *Hotels and motels. Hotels and motels may be permitted in the general retail BU-1 and BU-2 zoning classifications up to a maximum of 30 units per acre in areas designated community commercial on the future land use map. However, within the Merritt Island Redevelopment Area (MIRA) boundary as described in the 2013 Merritt Island Redevelopment Plan Update, the density shall be limited to a maximum of 30 units per acre. This use shall be subject to the development criteria in the general tourist commercial zoning classification (TU-1).*

SECTION 5. 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 6. 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 7. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 8. 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 9. 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 13th day of November, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

\_\_\_\_\_  
Rita Pritchett, Chair  
(as approved by the Board on November 13, 2018)

( S E A L )

Reviewed for legal form and content by: \_\_\_\_\_

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

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 SECTION 62-1511(4), GENERAL TOURIST COMMERCIAL, TU-1 ZONING AND SECTION 62-1512, TRANSIENT TOURIST COMMERCIAL, TU-2, AND SECTION 62-1541, PLANNED BUSINESS PARK, PBP; AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS" SPECIFICALLY AMENDING SECTION 62-1844.5, TOURIST EFFICIENCIES AND HOTELS AND MOTELS; TO PROVIDE FOR NEW DENSITY ALLOWANCES DEPENDING UPON THE FUTURE LAND USE DESIGNATION; 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 wish to allow hotel and motel owners additional flexibility in their development potential; and

WHEREAS, the Future Land Use Element of Brevard County's Comprehensive Plan does not limit or designate the number of hotel or motel units within the Community Commercial Land Use Designation; and

WHEREAS, other Future Land Use Designations such as: Agriculture, Residential 1:2.5, Residential 1, Residential 2, Residential 4, Residential 6, Residential 10, Residential 15, Residential 30 Directive and Neighborhood Commercial all regulate the number of residential units which can be developed on a units/acre density limitation; and

WHEREAS, the Board of County Commissioners, on September 18, 2018 directed preparation of an amendment to the Zoning Regulations as it relates to hotel/motel development densities; and

WHEREAS, the Building Construction Advisory Committee, on October 10, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on October 22, 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(4). General Tourist Commercial, TU-1, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1511. General tourist commercial, TU-1.**

*The TU-1 general tourist commercial zoning classification encompasses lands devoted to general tourist-related activities and recognizes the need for higher densities for motels and hotels. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1) of this section, or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.*

- (4) *Maximum density.* No maximum density restrictions shall apply in the community commercial future land use designation. However, within the Merritt Island Redevelopment Area (MIRA) boundary as described in the 2013 Merritt Island Redevelopment Plan Update, the density shall be limited to a maximum of 30 units per acre.

SECTION 2. Section 62-1512(4). Transient Tourist Commercial, TU-2, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1512. Transient tourist commercial, TU-2.**

*The TU-2 transient tourist commercial zoning classification encompasses land devoted to tourist facilities located within one-half mile from interstate or expressway interchange rights-of-way where traffic facilities are capable of accommodating higher-density uses and resulting traffic volumes. For the purposes of establishing the one-half mile distance, the point of tangency of the actual physical improvement of the on ramp or off ramp of the interstate and the roadway where the interchange serves, rather than the right-of-way line should be used as a beginning point. The one-half mile measurement shall include either the entire parcel, or if not the entire parcel, the entire principal structure as depicted in a binding development plan. Also, a limitation of kitchen facilities is specified to prevent the conversion of motel and hotel units to permanent residential use. For purposes of this section, permanent residential use shall mean any use of one dwelling unit for more than three months by one family or one individual or any dwelling unit for which a lease is available for a period of time exceeding three months. The uses listed in subsection (1), or other uses of a similar nature that are compatible with the character of the uses specifically set forth in this section, are permitted.*

- (4) *Maximum density.* No maximum density restrictions shall apply in community commercial future land use designations.

SECTION 3. Section 62-1541(1). Planned Business Park, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

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

*The PBP planned business park zoning classification is intended to encourage compatible development within areas designated community commercial and planned industrial on the future land use map of the county comprehensive plan. The intent of the regulations for this classification is to provide the opportunity for the aggregation of land, prevent piecemeal nonresidential development and protect environmentally and historically significant areas. The SR 405/SR 407 corridor shall apply to property fronting that area of SR 405 running from Barna Avenue to the Indian River Lagoon and that area of SR 407 running from I-95 to SR 405.*

(1) *Permitted uses.*

a. *Permitted uses are as follows:*

*All uses permitted in the BU-1 and BU-2 classification.*

SECTION 4. Section 62-1844.5(a). Tourist Efficiencies and Hotels and Motels, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 62-1844.5. Tourist efficiencies and hotels and motels.**

(a) *Hotels and motels. Hotels and motels may be permitted in the general retail BU-1 and BU-2 zoning classifications in areas designated community commercial on the future land use map. However, within the Merritt Island Redevelopment Area (MIRA) boundary as described in the 2013 Merritt Island Redevelopment Plan Update, the density shall be limited to a maximum of 30 units per acre. This use shall be subject to the development criteria in the general tourist commercial zoning classification (TU-1).*

SECTION 5. 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 6. 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 7. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 8. 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 9. 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 13th day of November, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

\_\_\_\_\_  
Rita Pritchett, Chair  
(as approved by the Board on November 13, 2018)

( S E A L )

Reviewed for legal form and content by: \_\_\_\_\_