



AGENDA REPORT
September 18, 2018

**General Tourist Commercial TU-1 Code Revision to Eliminate Hotel Density
(Second Hearing)**

SUBJECT:

Public Hearing Re: Code Revision to Chapter 62, Article VI, Zoning Regulations - TU-1 Hotel Density (Second Hearing)

FISCAL IMPACT:

none

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct the second public hearing to approve revisions to Chapter 62, Article VI, Division 4, Subdivision VII, Section 62-1511, to remove the maximum density requirements in the General Tourist Commercial, TU-1 zoning classification.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County Commissioners, in regular session on August 14, 2018, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Division 4, Subdivision VII, Section 62-1511, General Tourist Commercial, TU-1 to remove the maximum density requirements in this zoning classification. The Board directed staff to revise the code to allow unlimited density in the TU-1 zoning classification in all areas of the County, including north, central, and south beaches, and the Merritt Island redevelopment area, subject to certain criteria as presented at the meeting.

The proposed revisions as submitted have removed reference to specific areas of the County, within subsection (4) *Maximum Density*, 4. to allow for unlimited density upon meeting the following criteria:

- The subject property has direct access to a collector or arterial road, and
- Is located adjacent to property zoned or used for commercial purposes allowed under the BU-1 or TU-1 zoning classifications on at least two sides, and
- The subject property is within 500 feet of another parcel with BU-1, BU-2, or TU-1 zoning classifications.

Since the Board action stipulated that the code amendment come back before the Board on September 18, 2018, the code revision was presented to the BCAC at their September 12, 2018 meeting and the LPA on September 17, 2018. Recommendations from the BCAC and the LPA hearings are being presented to the Board at the second public hearing.

Approval by the Board of County Commissioners at the second public hearing of the ordinance constitutes final action for the adoption of the ordinance.

ATTACHMENTS:

Description

- ▣ **Board Memo of Legislative Intent**
- ▣ **CAO Approval**
- ▣ **Strike Through and Underline Ord.**
- ▣ **Clean Copy Ord.**



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

MEMORANDUM

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



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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: General Tourist Commercial 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) 9/17/2018	(BCC) 9/06/2018 & 9/18/2018	Advertising Deadline: 8/24/2018	

SECTION II

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

JMB *8/30/18*

SECTION III

Sent for Review

Land Dev. ___ Y ___ N ___ N/A

ONRM ___ Y ___ N ___ N/A

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

Comments:

Clean 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 VII, "TOURIST COMMERCIAL AND TRANSIENT TOURIST USE"; SPECIFICALLY AMENDING SECTION 62-1511(4), GENERAL TOURIST COMMERCIAL, TU-1 ZONING 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 August 14, 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 September 12, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on September 17, 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.

- 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.
- f. In lieu of a. through e. above, no maximum density restrictions shall apply in community commercial land use designations, subject to the following criteria:
 1. The subject property has direct access to a collector or arterial road, and
 2. Is located adjacent to property zoned or used for commercial purposes allowed under the BU-1 or TU-1 zoning classification on at least two sides, and

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3. The subject property is within 500 feet of another parcel with BU-1, BU-2, or TU-1 zoning classification.

SECTION 2. 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 3. 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 18th day of September, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Rita Pritchett, Chair
(as approved by the Board on September 18, 2018)

(S E A L)

Reviewed for legal form and content by: _____

Clean 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 VII, "TOURIST COMMERCIAL AND TRANSIENT TOURIST USE"; SPECIFICALLY AMENDING SECTION 62-1511(4), GENERAL TOURIST COMMERCIAL, TU-1 ZONING 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 August 14, 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 September 12, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on September 17, 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.

- 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.
- f. In lieu of a. through e. above, no maximum density restrictions shall apply in community commercial land use designations, subject to the following criteria:
 1. The subject property has direct access to a collector or arterial road, and
 2. Is located adjacent to property zoned or used for commercial purposes allowed under the BU-1 or TU-1 zoning classification on at least two sides, and

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3. The subject property is within 500 feet of another parcel with BU-1, BU-2, or TU-1 zoning classification.

SECTION 2. 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 3. 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 18th day of September, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Rita Pritchett, Chair
(as approved by the Board on September 18, 2018)

(S E A L)

Reviewed for legal form and content by: _____

Strikethrough/Underline

Copy

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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

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Underline indicates additions.

~~Strike-through indicates deletions.~~

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

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(4) *Maximum density.*

- a. *North beaches (north of the south boundary of Cocoa Beach): 30 units per acre in community commercial designations.*
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DONE, ORDERED AND ADOPTED, in regular session, this 18th day of September, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Rita Pritchett, Chair
(as approved by the Board on September 18, 2018)

(S E A L)

Reviewed for legal form and content by: _____