



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

May 10, 2017

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item IV.F., Ordinance Amending Chapter 62, Article VIII – Site Plans

The Board of County Commissioners, in regular session on May 9, 2017, adopted Ordinance No. 17-10, amending Chapter 62, Article VIII, Site Plans. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

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

Tammy Rowe, Deputy Clerk

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 11, 2017

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

Attention: Ms. Deborah Thomas, Administrative Assistant

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. 2017-10, which was filed in this office on May 10, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE No. 17- 10

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ARTICLE VIII – SITE PLANS; PROVIDING FOR AMENDMENTS TO PARKING REQUIREMENTS; PROVIDING FOR AMENDMENTS TO REDUCE TIME FRAMES AND SUBMITTAL REQUIREMENTS; PROVIDING FOR A DEVELOPMENT REVIEW MEETING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, AND PROVIDING FOR AREA ENCOMPASSED.

WHEREAS, the Board of County Commissioners find that administrative procedures contained within Chapter 62 Article VIII require updating to reflect current administrative policies and procedures; and

WHEREAS, the Board of County Commissioners finds that code requirements for Board Approval of parking requirements need to be adjusted to provide for alternative standards; and,

WHEREAS, the Board of County Commissioners finds that code requirements of a development review meeting, revised timelines and documentation needed to streamline the review process ; and,

WHEREAS, the Board of County Commissioners on January 24, 2017 approved legislative intent to amend the code; and

WHEREAS, the Building Construction and Advisory Committee on March 8, 2017 has reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on April 24, 2017 has 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 amendments serve the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED, by the Brevard County Board of County Commissioners, as follows:

SECTION 1. Section 62-3203, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3203. - Site development plans.

- (a) Site development plans.
 - (1) Major site plan. A major site plan shall be submitted for all new site development proposals and for any existing developed site with an addition of 50 percent or greater of the original floor area or seating capacity of the existing structure.
 - (2) Minor site plans. A minor site plan shall be submitted for the following site development proposals:
 - a. Additions to previously approved site plans which do not exceed 50 percent of the size of the existing structure(s).
 - b. Additions or alteration to site infrastructure, stormwater or parking areas 1,000 square feet or greater to existing developed sites.
 - (3) Minor alteration plans. A minor alteration plan shall be submitted for additions or alterations to existing site infrastructure improvements, stormwater, or parking which does not exceed 1,000 square feet of work area and the proposed construction does not necessitate the review of more than five review agencies.
 - (4) Only the specific work area identified in the minor site plans or minor alteration plan shall be subject to compliance with current code requirements of this article, unless, there is a safety concern, the improvement necessitates the modifying other existing infrastructure, or another code requirement that stipulates the area outside of the work area must comply with the current standards.
 - (5) If the reviewing agency determines that the minor site plan or minor alteration plan does not require their review, they will notify the appropriate department of their findings and be exempted from review and approval.
- (b) Engineering revisions. Shall be submitted for any alterations to site infrastructure for an approved site plan under construction prior to the issuance of the certificate of completion.
- (c) The site development plan process shall include a pre-application conference, formal site plan submittal, and construction permit.
 - (1) *Pre-application conference.* The pre-application conference provides a formal review and input in the formative stages of the site plan design which should help to expedite the approval process and thus reduce plan design and development costs for the applicant.
 - a. All major site plan applications meeting any of the following criteria shall have a preapplication conference. Applicants submitting a site plan application that does not require a pre-application conference may request to have a voluntary pre-application conference.
 - 1. Projects consisting of three acres or more; or
 - 2. Residential multi-family developments consisting of 20 units or greater in size; or
 - 3. Any site plan application that the county manager or their designee has determined the intensity of development warrants a pre-application conference.
 - b. The pre-application conference schedule containing meeting dates and submittal deadlines will be posted at the beginning of each year, which may be amended as needed, with proposed meetings on average once every two weeks. Staff review comments will be provided prior to the pre-application conference.
 - c. The applicant will have 180 days from the date of the pre-application conference in which to submit a formal site plan in order for the project design to be approved under the code of ordinances that were in effect as of the date of the pre-application conference. A formal site plan submitted beyond the 180 days after the pre-application conference will be required to comply with the code requirements in affect at the time of formal engineering plan submittal. A formal site plan submitted more than 12 months after the pre-application conference shall have another pre-application conference.

(2) *Formal site plan submittal.*

- a. Review timeframes.
 1. The county shall provide review comments or approval within 10 business days of the receipt of a complete site plan application for the initial submittal. Subsequent submittal will be reviewed within 5 working days. Instances where the proposed development plan contains a large acreage, number of units, may affect regional resources, or the intensity of the proposed use warrants, the county manager or designee may extend the aforementioned review period to a maximum of 30 calendar days. In those cases, the applicant shall be notified prior to the expiration of the original review period.
 2. The county will provide the applicant the comments and recommendations of the agencies and advise the applicant of a date for a development review conference with the applicant to review the agencies' comments and recommendations. The date of the conference may be set for a time after the expiration of such 10 working day period. The conference schedule will be posted at the beginning of each year, and may be amended by the county as needed with proposed meetings on average once every two weeks. To have a project placed on the development review conference agenda, the complete submittal must be received by close of business prior to the deadline posted for the scheduled conference. Staff comments and resolutions will be reviewed with the applicant at the development review meeting.
 - b. An applicant shall have 24 months from the date of formal site plan submittal for the plans to be approved by all of the necessary review agencies. Failure to meet this requirement will cause the site plan to automatically become null and void and the fees shall not be refunded.
 - c. The date the site plan has obtained approval from all of the reviewing agencies shall constitute the approval date of the site plan. The site plan shall be valid for a period of 36 months from the approval date.

(3) *Construction permit.*

- a. The development shall be built in accordance with the approved site development plan and accompanying specifications. The applicant shall not commence with constructing the site plan improvements until:
 1. The county has approved the site development plan and issued a construction permit, and
 2. Applicant has attended a pre-construction conference. The applicant shall notify the County two weeks prior to the start of construction of the project. At that time, it will be determined if a pre-construction conference will be required.
- b. The applicant will submit the following information to obtain a construction permit. Site plans containing more than one development phase shall obtain a construction permit for each development phase.
 1. The required sets of plans and a certified cost estimate from engineer of record for all construction or phase, in the format of quantities and unit costs. All plans and documents must be signed and sealed by a professional engineer.
 2. Engineering inspection fees as calculated per the approved fee schedule and including the public works right-of-way fees.
 3. Any other necessary information.
- c. Construction time limits. All phases of a site development plan which have been approved for construction must receive a certificate of completion for the proposed infrastructure improvements within 36 months of the date that all of the review agencies have approved

the formal site plan. Any site development plan approved for construction with a valid building permit will be considered active after the 36 months time limitation and approved for construction as long as the certificate of completion for the infrastructure is issued prior to the building permit becoming void. Failure to meet these conditions will cause the site development plan to become null and void and no fees shall be refunded.

1. A building permit(s) may be requested for any structure within a site development plan or any phase which has received a certification of completion for the site infrastructure.
 2. An active site plan does not exempt the developer from obtaining current applicable county and state approvals and permits.
- (d) Inspections and certification of completion process. The county manager or designee and representatives of any reviewing agency shall have the right and privilege to inspect and visit the site for the purpose of ensuring that all improvements are being constructed in conformity with the provisions of this article, and such approved construction plans and specifications.
- (1) *Notification.* The applicant shall notify the county manager or designee prior to the start of construction in order to schedule a pre-construction meeting to start the inspection process. In cases where the aforementioned notice has not occurred, the county shall not issue certificate of completion or certificate of occupancy until the county has approved a remedial action plan and all necessary inspections are complete.
 - (2) *Revisions.* Any changes to the approved site plans shall require the submittal of an engineering revision and a permit modification through the county permitting system, to include additional staff reviews, inspections and fees, unless the county manager or designee determines said changes do not require engineering revision to the approved site plan.
 - (3) *Certificate of completion process.* Upon completion of construction of the project and prior to scheduling of the final inspection, the applicant or their authorized representative, shall provide the following documentation:
 - a. A certification of completion—Request for final inspection form. The form must be from a professional engineer licensed in the state with their seal affixed. The form certifies that the improvements have been constructed in conformance with the approved construction plans and specifications.
 - b. A complete set of testing reports for all tests performed within the County right-of-way.
 - c. Three sets of an as built surveys meeting the requirements of section 5J-17, F.A.C., and signed and sealed by a surveyor licensed in the state. At a minimum, the as-built drawings must included pavement elevations, cross slopes, widths, striping, signage, stormwater retention system elevations, control structure elevations, pipe elevations, pavement drainage patterns, property line drainage patterns, and all other necessary information to ensure compliance with the approved plans.
 - d. For site plans that contain public infrastructure, the as-built survey shall be tied to the County and/or the NGS geodetic GPS network. State plane coordinates (NAD83/2011 or latest adjustment) shall be shown on a minimum of four parcel boundary corners. The as-built survey shall also be submitted in a digital format as set forth by applicable county agencies. This requirement is not for minor or amended site plans. The applicant may apply for a waiver through the waiver process on a case by case basis. The as-built survey shall show a permanent benchmark set on site. The benchmark disk shall be furnished by the county with a designated P.I.D. number. The BM shall be set and approved in accordance with the county department of surveying and mapping vertical control manual.
 - e. Documentation from the municipality providing utility service that states acceptance of construction of the water and/or sewer system for operation and maintenance.
 - f. The fire marshal or designee shall approve the water system with regards to water for firefighting and fire flows, if applicable.

- (4) Upon receipt of the above items, the county manager or designee shall review such data and upon approval shall schedule a final inspection of the constructed improvements by the appropriate county staff and shall notify the applicant of any items of noncompliance with the approved construction plans and specifications, and the provisions and requirements of this article.
- (5) Upon approval of the submitted documentation, the county shall notify the applicant of any maintenance bonds that are required by the provisions of this article or by this Code.
- (6) A certificate of completion shall be issued by the county manager or designee when the construction of such improvements is completed in conformity with the design contained in the approved construction plans and specifications, and the provisions and requirements of this article and applicable codes. The county manager or designee shall refuse to issue a certificate of completion should a reviewing agency determine the workmanship or materials of the improvements do not meet the technical standards set forth in this article or applicable codes.

SECTION 2. Section 62-3204, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3204. - Minimum submittal and design requirements.

- (a) *Pre-application conference.* The following are the minimum submittal requirements for preapplication conference. The more information included in said submittal allows for a more informative project review.
 - (1) The applicant shall provide an application, authorization to act as applicant form, the appropriate number of plans, zoning verification form, and applicable fees.
 - (2) The site plan sketch shall contain general information including, but not limited to, the following:
 - a. A vicinity map showing the general location of the site using the names and locations of major geographic landmarks (i.e., towns, rivers, highways, etc.) section, township, and range lines and north arrow.
 - b. Complete legal description of the subject property, including section, township, range, subdivision, block, and lot, point of commencement, point of beginning, tax account number and official record book with page as applicable.
 - c. Sufficient topographic information that depicts the existing drainage patterns flowing onto, off, and through the site.
 - d. Location of all proposed and existing improvements including , but not limited to, buildings and accessory structures (with their intended use and square footage), parking, driveways, walls (fences), dumpsters, stormwater retention/detention ponds, stormwater outfall pipes and any other information relevant to the site plan.
 - e. Location and designation of what FEMA special flood hazard area the project is located in per the latest flood insurance rate maps (FIRM).
 - f. Traffic information, projected trip generation and roadway configuration including, but not limited to, the location of offsite drive-ways (within 200 ft. on both sides of the street), intersection information, median openings, and current right-of-way widths.
 - g. Any other information that is unique to the proposed development of the site.
- (b) *Formal site plan.* The applicant shall provide an application together with the documentation required below, the appropriate number of plans and surveys, and applicable fee, unless specified otherwise. The county shall not accept a site application that does not contain the necessary data, information and copies required by these regulations in sufficient detail and accuracy for a formal review and

approval. No site plan application shall be processed or accepted without payment of all applicable fees.

(1) Documentation.

- a. Authorization to act as applicant form,
- b. Approved concurrency form,
- c. Zoning verification form, together with copies of any conditional use permits (CUP's), binding site plan (BSP's), binding development plan (BDP), etc,
- d. A copy of the recorded deed reflecting current ownership, purchase agreement or other document indicating ownership and legal description of the subject property,
- e. Copies of recorded easements, vacations or other encumbrances that affect the construction of the site,
- f. Stormwater calculations signed and sealed by a professional engineer licensed in the state,
- g. A traffic impact analysis identifying the projected trip generation and roadway configuration, including the impacts to the surrounding roadway infrastructure, and proposed improvements to support the intended use of the property.

(2) The following information, data, exhibits and requirements shall be depicted and identified on the site development construction plans:

- a. A general statement shall describe the character and purpose of the intended development and include all miscellaneous information and data that effects the permitted use of the site. The statement must also include a description of the type of proposed construction.
- b. Complete legal description of the site matching the boundary survey and the owners deed shall be shown; the property appraiser's tax parcel number(s) shall also be provided.
- c. Name, address, telephone number and e-mail address of the owner, engineer or design architect, surveyor, and construction contractor (if applicable).
- d. Title block including name of the project.
- e. Date plan was drawn and the date of any subsequent revision(s).
- f. A vicinity map showing the general location of the site using the names and locations of major geographic landmarks (i.e., towns, rivers, highways, etc.) section, township, and range lines and north arrow.
- g. Tabulation of the following (as applicable):
 1. Gross acreage and square footage of the site.
 2. The percent of site covered by pervious and impervious surfaces.
 3. Density (units per acre).
 4. Number of buildings and the number of proposed units in each building.
 5. Square footage:
 - (i) For each typical residential unit proposed,
 - (ii) Total square footage of the building(s),
 - (iii) The square footage of each building and the footprint of each building,
 - (iv) The square footage of each floor and the number of floors or stories of each building,
 - (v) The square footage of each use,

- (vi) The square footage of usable, common open space, as defined by the zoning code.
- 6. The number of parking spaces provided with parking calculations.
- 7. Building height as defined by the zoning division.
- 8. Individual onsite sewage treatment and disposal system sizing criteria and calculations.
- 9. Fireflow calculations.
- h. Graphic requirements:
 - 1. The scale of the drawing shall be one-inch equals ten feet through one-inch equals 50 feet unless otherwise approved.
 - 2. A north arrow shall be shown.
- i. Property lines, right-of-way lines and easement lines shall be located and dimensioned. The plan shall provide sufficient geometry and details for the constructability of infrastructure improvements. The method(s) for establishing the spatial location of the improvements can include any of the following: station/offset, direct dimensioning or coordinates. The spatial location of the infrastructure improvements shall be so complete that the plan can be staked by a surveyor without relying of the AutoCAD or digital drawing file.
- j. All proposed and existing structures shall be located and dimensioned, including all required setbacks as well as distances between structures.
- k. First floor elevations of all structures will be measured from the centerline elevation of any street contiguous to the site. All elevations shall be based on published NAVD 1988 datum. A permanent benchmark must be set onsite. The benchmark shall be noted or shown graphically with the associated description, elevation and datum.
- l. Access points to public or private streets shall be designed to minimize disruption to traffic and to optimize public safety. All points of ingress/egress, driveways, parking spaces, loading areas, private streets and bikeway/pedways (sidewalks), shall be located and dimensioned, including widths and turning radii, as applicable. Parking lots and access shall be designed in accordance with the FDOT specifications applicable county codes or exhibits, and appropriate technical standards.
- m. Identify lighting pole locations.
- n. Locate all individual onsite sewage treatment and disposal systems that are proposed or are existing on the property. Locate any proposed or existing wells. Identify any wells or individual onsite sewage treatment and disposal systems within 100 feet of the proposed site.
- o. Existing and proposed water, sewer, reclaimed water, electric, gas, telephone and TV cable utilities and appurtenances with sizes, capacities, slopes, depths, and types of materials shown.
- p. Solid waste storage locations, dumpster pads, and associated screening (both type & height) shall be identified on the site plan.
 - 1. Such location shall not utilize a required parking space.
 - 2. The location must provide adequate maneuvering area for loading purposes according to the criteria in the exhibits.
 - 3. Dumpster enclosures shall be constructed in accordance with the exhibits.
 - 4. If curbside pickup is proposed, the trash storage area shall be shown on the plan.

- q. Usable, common open space, if required, shall be specifically delineated as defined in the county zoning regulations.
 - r. A lighting plan shall be attached including all photometrics and light details, if applicable.
 - s. The required landscape plan shall be submitted on a separate sheet attached to the site plan for all reviews. Tree surveys as required per landscaping/land clearing ordinance shall be provided.
- (3) A topographical and boundary survey certified by a state professional land surveyor, including surveyor's name, address and phone number. The survey must be current and accurately depict the conditions on site at time of submittal. The boundary survey shall be based on a current title search listing all encumbrances on the property including easements, encroachments, mortgages, etc., and the boundary survey shall include a notation referencing the title search. All survey work shall be accomplished in accordance with the state minimal technical standards (MTS) as set forth in F.A.C. ch. 5J-17.
- a. The boundary survey, site plan boundary and legal descriptions shall all match.
 - b. The boundary survey shall be incorporated into the construction plans as "existing condition" or as an attachment to the plans. In all cases, the site plan shall clearly show all pertinent survey data (bearings and distances, corner monuments, point of beginning, point of commencement, etc). In addition , all easements and encumbrances are to be depicted on the survey.
 - c. The topographic survey shall provide sufficient topographic data of the area within 200 feet of the subject property to analyze drainage impacts on site and the adjacent properties. The site plan shall also include the flood zone classification and applicable base flood elevation as a notation.
 - d. Site benchmarks shall be referenced to an established NAVD 1988 datum and shall include the primary benchmark, its published datum and elevation, description and location. A minimum of two site benchmarks which are a maximum of 250 feet from the project site are required and shall be either graphically shown or noted on the survey and/or site plan.
 - e. In those instances where a condominium is proposed, the applicant shall be required to have the approved boundary survey and the final record (as-built) survey of the project site recorded in a condominium book of the public records of the county.

SECTION 3. Section 62-3206, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-3206. - Parking and loading requirements.

- (a) *Purpose.* In the interest of the health, safety and welfare of the general public in the promotion and preservation of traffic safety, all buildings, structures or activities shall be provided with adequate off-street parking and off-street loading facilities for the use of occupants, employees, visitors and patrons associated with the site in accordance with the parking and loading requirements of this section.
- (b) *General.*
 - (1) Parking and loading areas shall be provided, maintained and continued as part of the primary use of new and existing developments. Existing buildings or changes of the occupational uses shall provide the necessary parking required by this section subject to the following:
 - a. A building or existing use may be modernized, altered, or repaired without providing additional parking and loading facilities provided there is no increase in floor area or capacity and no change of occupational use.

- b. Where such building or use is enlarged in floor area, volume, capacity, or space occupied, then the necessary parking and loading area shall be provided for the additional floor area, volume, capacity, or space created.
 - c. Where the occupational use of a building or structure is changed to a new use that requires more parking spaces or loading zones than exist on the site, then the necessary parking and loading area shall be provided for the new use.
- (2) The required parking and loading areas shall be provided prior to the building or structure receiving a certificate of occupancy (CO). In cases where the county does not issue a certificate of occupancy, then the necessary parking and loading areas shall be provided prior to the building or structure being occupied.
- (3) Parking and loading areas shall be located on the site of the principal use which it is intended to serve, unless otherwise provided in this section.
- (4) The parking area shall be designed and constructed so that the ingress to and egress from the site, both vehicular and pedestrian, provide safe traffic control and flow on the site, as well as between the site and adjoining land, including public road right-of-way.
- (5) Except for single-family residences and duplexes, all off-street parking, loading areas and maneuvering space and associated driveway aisles, shall be paved (i.e., asphalt, concrete, or paver blocks).
- (c) *Parking and loading area design criteria.* The following design criteria shall be utilized for the design of parking lots and loading facilities and their associated driveways, drive aisles and maneuvering areas. Additional information relating to the minimum parking and loading design standards is in the exhibits.
 - (1) Parking space dimensions.
 - a. Standard parking 0-90 degrees nine feet by 20 feet minimum.
 - b. Parallel parking nine feet by 24 feet minimum.
 - c. Parking spaces may incorporate a permeable area within the front two feet of each space, provided secured wheel barriers are placed at the termination of the parking space pavement.
 - (2) Drive aisle dimensions.
 - a. Two-way drive aisles 24 feet minimum width, may be reduced to 22 feet if parking is only on one-side of the drive aisle.
 - b. One-way drive aisle 14 feet minimum width.
 - (3) Parking lots or loading areas shall have no driveway aisle(s) which dead-end(s) without a turnaround area (refer to exhibits).
 - (4) No parking lot or loading area driveway aisle shall have an inner radius or any curved portion which is less than 15 feet. For operations, including special vehicles (trucks of various sizes) the criteria in the exhibits and/or AASHTO design vehicle turning templates, shall be utilized to determine proper turning radii.
 - (5) Pavement and parking spaces shall not be permitted within a required vegetative buffer area.
 - (6) All points of ingress and egress for accessing parking lots from either a public street or an adjacent parking lot, internal collector driveway, shall not exceed 24 feet in width unless otherwise approved by the county.
 - (7) Accessible parking shall be designed, constructed, and designated pursuant to the current Americans with Disabilities Act (ADA) Design Standards and the Florida Accessibility Code (FAC). These parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the disabled parking spaces.

- (8) Multifamily parking shall comply with all Fair Housing Act requirements.
 - (9) All parking and loading areas shall be designed and constructed to prevent backing vehicles directly onto a public road or right-of-way, except for single-family residential dwellings and duplexes that are located on local and/or subdivision streets.
 - (10) Access points to public or private streets shall be in compliance with the federal, state, and local access management regulations.
 - (11) All required parking spaces, dumpster spaces, loading areas, delineation and other striping requirements shall be identified using the striping and visual contrast criteria of the current manual of uniform traffic control devices (Federal Highway Administration—FHWA).
 - (12) Commercial and industrial land uses that require significant outside sales display or storage parking shall not cause the developed site to exceed 60 percent impervious area. Additional unpaved display and storage parking areas exceeding 60 percent may be approved subject to:
 - a. The area shall not front on a public right-of-way, and
 - b. The method of stabilization is county approved, and
 - c. The area contains sod.
 - (13) All properties located within a residential zoning classification where building height exceeds 45 feet, one level of parking shall be required to be located within the area defined by the exterior walls of the principal habitable structure.
 - (14) Within the Merritt Island Redevelopment Area, new developments located within the Merritt Park Place subdivision will be required to locate on-site parking to the side or rear of the principal structure.
- (d) *Minimum parking spaces.* The minimum number of off-street parking spaces shall be determined from the following criteria. No use shall have less than three parking spaces. The parking criteria for any use not specifically mentioned shall be the same as for the use most similar to the one sought. Fractional spaces shall be rounded to the closest number.
- (1) Amusement game parlors, pool halls and other similar recreational buildings: One space per 200 square feet of floor area.
 - (2) Apartment complexes: One and three fourths (1.75) spaces per unit. Clubhouse or amenities require parking per this section of the code.
 - (3) Assisted living facilities: One space per two occupants or two beds whichever is greater.
 - (4) Automotive, boat and trailer sales: One space per 500 square feet of floor area, plus one space per 2,500 square feet of outside display area.
 - (5) Barbershops and beauty shops: Two spaces per barber or beauty chair.
 - (6) Business complex: Consisting of a mix of office, retail, wholesale stores, recreational areas, warehousing, manufacturing, light industrial, or scientific research functions shall provide one space per 325 square foot total.
 - (7) Churches and places of worship: One space per three seats or seating places in sanctuary.
 - (8) Condominiums, and townhome complexes: Two spaces per residential unit plus one space per five units for guest parking. Complexes with more than 15 units shall not be required to provide guest parking. Clubhouse or amenities require parking per this section of the code.
 - (9) Convenience store: One space per 125 square feet of floor area. Gas pump aisles may be counted as parking spaces—One pump with two sides, two spaces; one pump with one side, one space.
 - (10) Day care centers: One and one-half spaces for each employee.
 - (11) Duplexes: Two parking spaces are required per residential unit; a garage space may count as one parking space.

- (12) Flea markets and farmers' markets: One space per 50 square feet of sales area, including outdoor areas.
- (13) Furniture and major appliance stores: One space per 500 square feet of floor area.
- (14) General retail: One space per 250 square feet of floor area.
- (15) Hospitals and other similar health care facilities: One space shall be reserved for doctors for each ten patient beds, plus one space per four patient beds, plus one space per one and one-half employees, exclusive of doctor parking spaces.
- (16) Independent living facilities: 1.1 space per dwelling unit.
- (17) Libraries, museums, art galleries: One space per 300 square feet of floor area.
- (18) Lumber yards, manufacturing and warehouses: One space per each 500 square feet of floor space. Building units having a minimum of 50 square feet and not exceeding 200 square feet, whose primary purpose is to provide an address for an business tax receipt, parking shall be one space per unit.
- (19) Marinas: Marinas and boat ramps:
 - a. Wet slips: One parking space per three wet slips
 - b. Dry slips and moorings: One parking space per four dry slips or moorings for facilities up to 50 dry slips or moorings, or one parking space per five dry slips or moorings for facilities with over 50 dry slips or moorings.
 - c. Live-aboard: One parking space per boat slip.
 - d. Boat ramps: 25 parking spaces per boat ramp or hoist available to the general public.

In addition to the aforementioned requirements, one parking space per each 300 square feet devoted to sales and service shall be provided. The county manager or designee may require that the applicant submit a parking study, signed and sealed by a professional engineer, to determine the number of additional parking spaces necessary to support ancillary uses, including but not limited to, charter boats, ecotourism vessels, boat-yards and party-boats.
- (20) Medical urgent care clinics: One space per 200 square feet of floor area.
- (21) Mini warehouses: A self storage mini warehouse as defined in the county zoning code shall have a minimum and a maximum of five parking spaces, including one accessible parking space, regardless of size. A minimum 24-foot driveway aisle shall be provided contiguously along any side of the mini-warehouse containing the access points or doors to the individual storage areas.
- (22) Mortuaries, funeral homes and crematoriums: One space per three seats, or seating spaces within chapel, plus one and one-half spaces per employee.
- (23) Motels and hotels: One and third spaces per unit or room, plus 30 percent of the parking space requirements associated with other uses permitted in addition to overnight lodging accommodations.
- (24) Outdoor attractions, with grandstands or without: One space per three fixed seats and one space per 20 square feet of seating or spectator area where no fixed seats are provided.
- (25) Parks and recreation areas: Parking spaces should be considered on the specific parks development plan and should be determined by its active or passive facilities. A parking study must be reviewed and approved by the county traffic section.
- (26) Private clubs and clubhouses: One space per 200 square feet of floor area.
- (27) Professional offices buildings (including medical, dental, and veterinarian): One space per 250 square feet of floor area.
- (28) Recreational vehicle site: One space per lot plus one space per 20 lots for guest parking.

(29) Restaurants, cocktail lounges and other eating and drinking establishments: one space for every 100 square feet of gross floor area of the building including outdoor seating.

Take-out restaurants with no associated seating shall provide one parking space for every 250 square feet gross floor area.

(30) Schools (public and private schools) calculations based on maximum student capacity:

a. College universities, technical or vocational schools: One space per three students and faculty.

b. Schools:

1. High Schools: One space per four students.

2. Middle schools: One space per ten students.

3. Elementary schools: One space per five students.

(31) Service stations, automobile repair and garages: One space per 200 square feet.

(32) Single-family residence: Two spaces per unit.

(33) Theaters, auditoriums, convention halls and other similar public assemblage places: One space per three seats.

(e) *Loading area design criteria and requirements.*

(1) Loading and unloading activity shall avoid undue interferences with public use of the streets, alleys, or required access aisles, driveways and spaces for parking areas.

(2) Loading spaces or berths shall have minimum dimensions of 14 by 30 feet and a height of not less than 14 feet. Service alleys or driveways shall have a minimum width of 20 feet. In addition, the loading zone shall be designed and constructed in accordance with the Exhibits.

(3) Loading facilities and truck parking are prohibited on street frontages in the commercial zoning categories and in a planned business park (PBP) or planned industrial park (PIP) classification.

(4) Loading facilities and truck parking shall be located to the side or at the rear of the most forward structures and shall be paved and have adequate drainage and shall be maintained in good condition.

(5) Loading facilities shall be designed and constructed to allow all maneuvering of trucks and other vehicles on site and preclude backing directly into a public street or utilizing public right-of-way.

(6) The following requirements for loading spaces or berths and truck parking areas shall apply to all commercial and industrial zones:

a. A minimum number of loading spaces or berths shall be provided and maintained as follows:

Size of Building or Structure (square feet)	Number of Spaces or Berths
Over 15,000 but not over 25,000	1
Over 25,000 but not over 60,000	2
Over 60,000 but not over 120,000	3
Over 120,000 but not over 200,000	4

Over 200,000 but not over 290,000	5
-----------------------------------	---

- b. Businesses that provide fueling or similar uses shall designate fuel truck delivery area design pursuant to the requirements of this section.
- (f) *Alternate requirements.* The county manager or designee may approve alternate requirements including offsite parking, shared parking, alternate construction standards, and parking reductions subject to the following criteria.
 - (1) *Offsite and shared parking.* A site may utilize parking spaces of any adjoining property or a site separated by a public or private right-of-way subject to all of the following criteria:
 - a. The primary property containing the use requiring the parking provides a minimum of 60 percent of its required parking spaces onsite.
 - b. The secondary offsite location has excess parking spaces as established under this section.
 - c. A common access and parking easement agreement that provides for perpetual access and use of the adjoining property's parking spaces and access drive aisles is executed by all applicable parties and is provided at the time of site plan application.
 - d. Parking facilities separated from the use by public road right-of-way shall satisfy the following criteria:
 - 1. The right-of way is not classified as a minor arterial or higher, or
 - 2. The roadway currently has less than 5,000 average daily traffic (ADT), or
 - 3. Any road projected to have such classification or average daily traffic under the county comprehensive plan, except as may be provided otherwise by article VI.
 - (2) *Alternate construction standards.* A development may request to utilize an alternative standard to pave off-street parking, loading areas, maneuvering space and associated driveway aisles based on the following criteria:
 - a. Whether total paving would have a detrimental effect upon existing unpaved roads or water quality.
 - b. Whether operations or activities (churches, equipment storage yards, etc.) are such that the use of certain portions of the parking areas would only be used on an intermittent basis. Driveway aisles and loading areas shall be paved.
 - c. A stabilized surface acceptable to the county shall be provided for the entire unpaved parking area, and such area shall be organized for traffic control and parking by permanent fixation of a delineation method per the approval of a site development plan.
 - d. Commercial and industrial developments required by this section to provide 400 or more parking spaces may set aside up to no less than 25 percent or no more than 35 percent of that requirement as stabilized overflow parking. This parking shall not be paved.
 - (3) *Parking reduction or no similar use study.* Where the applicant so desires, the applicant may conduct a parking accumulation study to determine a parking standard for the subject use. The parking standard for the subject use shall be determined after submittal and review of the following information, a determination by the public works director or his designee in coordination with the planning and development director or his designee, that the standards specified herein have been met;
 - a. A parking accumulation study shall be prepared by a registered engineer and submitted with a site plan waiver application. The study shall be signed and sealed by a Florida-licensed, professional engineer.

- b. A pre-study meeting is required between the petitioner's engineer and the county public works director or his designee to set forth the parameters of the study (number of days, hours of the day, site(s) to be studied).
 - c. All parking studies at a minimum shall:
 - 1. Cover at least a three-day period;
 - 2. Cover at least three (3) site(s) having a similar mix of uses and design characteristics as the proposed use;
 - 3. Record occupied parking spaces within the study area at fifteen-minute increments;
 - 4. Record the information on a sketch;
 - 5. Summarize the information for each day of the study and compile the information for analysis;
 - 6. Factor in a peak season demand;
 - 7. Include an analysis section that states the parking demand number for each use on each site, along with the average parking demand number for each use studied (all sites). Said numbers shall include the fifteen (15) percent safety factor in (4) below;
 - 8. Include a conditions section which, based upon the data and analysis, proposes a standard parking rate (a certain number of spaces per a certain number of square feet gross building area) for a particular use category.
 - 9. Demonstrate, if applicable, that alternative modes of transportation including, but not limited to, transit, bicycle and pedestrian facilities allows for the reduction in parking requirements
- (4) With the exception of multifamily developments, all other commercial buildings 25,000 square feet and over shall be allowed to reduce the total parking requirement by 15 percent.

SECTION 4. CONFLICTING PROVISIONS. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision of application, and to this end the provisions of this ordinance are declared severable.

SECTION 6. 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 7. 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 other such appropriate word or phrase in order to accomplish such intentions.

SECTION 8. AREA ENCOMPASSED. This ordinance shall take effect in the unincorporated area of Brevard County, Florida.

DONE, ORDERED AND ADOPTED, in regular session, this 9 day of May, 2017.

Attest:



Scott Ellis, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Chairman - CURT SMITH

As approved by the Board on May 9, 2017.

Reviewed for legal form and content by: 
