

Meeting Date
<b>March 1, 2018</b>



AGENDA	
Section	Public Hearing
Item No.	IV.D -

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b>	Public Hearing Ordinance, Re: Code Amendment to Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking (First Hearing)
<b>DEPT/OFFICE:</b>	Planning & Development Department

**Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to approve amendments to Chapter 62, Article VI, Division 4, Subdivision VI, Commercial, to create conditions for overnight commercial parking lots which will require Board approval through the conditional use permit zoning process. Non-overnight commercial parking lots will be adopted as a permitted use within the following commercial and industrial zoning classifications: BU-1, BU-2, PBP, PIP, IU and IU-1.

**Summary Explanation & Background:**

On December 19, 2017, the Board of County Commissioners approved legislative intent and permission to advertise a proposed ordinance which addresses the following actions. A copy of the Clerk's memo has been attached for your reference. This ordinance proposes to amend Chapter 62 to accomplish the following:

1. Remove "parking lot (commercial)" use from the BU-1, BU-2, PBP, PIP, IU and IU-1 zoning classifications.
2. Add as a permitted use: "Non-overnight commercial parking lot" to the BU-1, BU-2, PBP, PIP, IU and IU-1 zoning classifications.
3. Add as a conditional use: "Overnight commercial parking lot" to the BU-1, BU-2, PBP, PIP, IU and IU-1 zoning classifications.
4. Create a conditional use section for "Overnight commercial parking lot."

The proposed ordinance was recommended for approval by the BCAC on February 14, 2018. The Local Planning Agency will consider this item on February 19, 2018. Staff will apprise the Board of the LPA's recommendations.

This is the first of two required public hearings. The second public hearing is tentatively scheduled for March 20, 2018 at 9:00 A.M.

Fiscal impact: There will be no impact to the General Fund.

Clerk to the Board instruction:

Exhibits Attached:

Proposed Ordinance : Overnight Commercial Parking Ordinance

<b>Contract /Agreement (If attached):</b>		<b>Reviewed by County Attorney</b>		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Interim Assistant County Manager	Jim Liesenfelt				Department Director / Extension			
Frank Abbate	Assistant County Manager	John Denninghoff				Tad Calkins, Director, Planning and Development Dept. Ext. 5-6363			



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

March 2, 2018

**MEMORANDUM**

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

**RE:** Item IV.D., Ordinance for Code Amendment to Chapter 62, Article VI, Zoning Regulations – Overnight Commercial Parking

The Board of County Commissioners, in regular session on March 1, 2018, conducted the first public hearing, and continued consideration of an ordinance amending Chapter 62, Article VI, Division 4, Subdivision VI, Commercial, to create conditions for overnight commercial parking lots which will require Board approval through the conditional use permit zoning process, with non-overnight commercial parking lots being adopted as a permitted use within the following commercial and industrial zoning classifications: BU-1, BU-2, PBP, PIP, IU, and IU-1, including new traffic study language to require all applications currently being reviewed to submit a traffic study that follows cruise parking ordinance, not as a part of the CUP process, and paved parking surface to include alternative surface, to the second public hearing on March 20, 2018.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager  
County Attorney

**From:** [Jones, Jennifer](#)  
**To:** [Lewis, Sally A](#)  
**Subject:** FW: parking ordinance  
**Date:** Thursday, March 01, 2018 9:38:50 AM

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**From:** Commissioner, D2  
**Sent:** Thursday, March 01, 2018 9:37 AM  
**To:** Jones, Jennifer  
**Subject:** FW: parking ordinance

Please add to tonight Zoning agenda. Thank you!

Thank you,

*Liz Alward*

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

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**From:** Shari Richards [<mailto:richards.shari@ymail.com>]  
**Sent:** Wednesday, February 28, 2018 10:53 PM  
**To:** Commissioner, D2  
**Subject:** parking ordinance

Dear Commissioner Barfield,

I support the commercial overnight parking ordinance you are proposing and have emailed the other Commissioners to ask that they support it as well. I live on north Merritt Island and I am very concerned about what impact parking lots will have on the wonderful place that my family and I call home. I believe a traffic study needs to be done and input from the community needs to be allowed.

I, unfortunately, cannot make tomorrow's meeting as I'm caring for an elderly parent, but I did want you to know how I feel.

I appreciate what you are doing and hope the other commissioners will do what is best for NMI and the wonderful families that live there.

Sincerely,

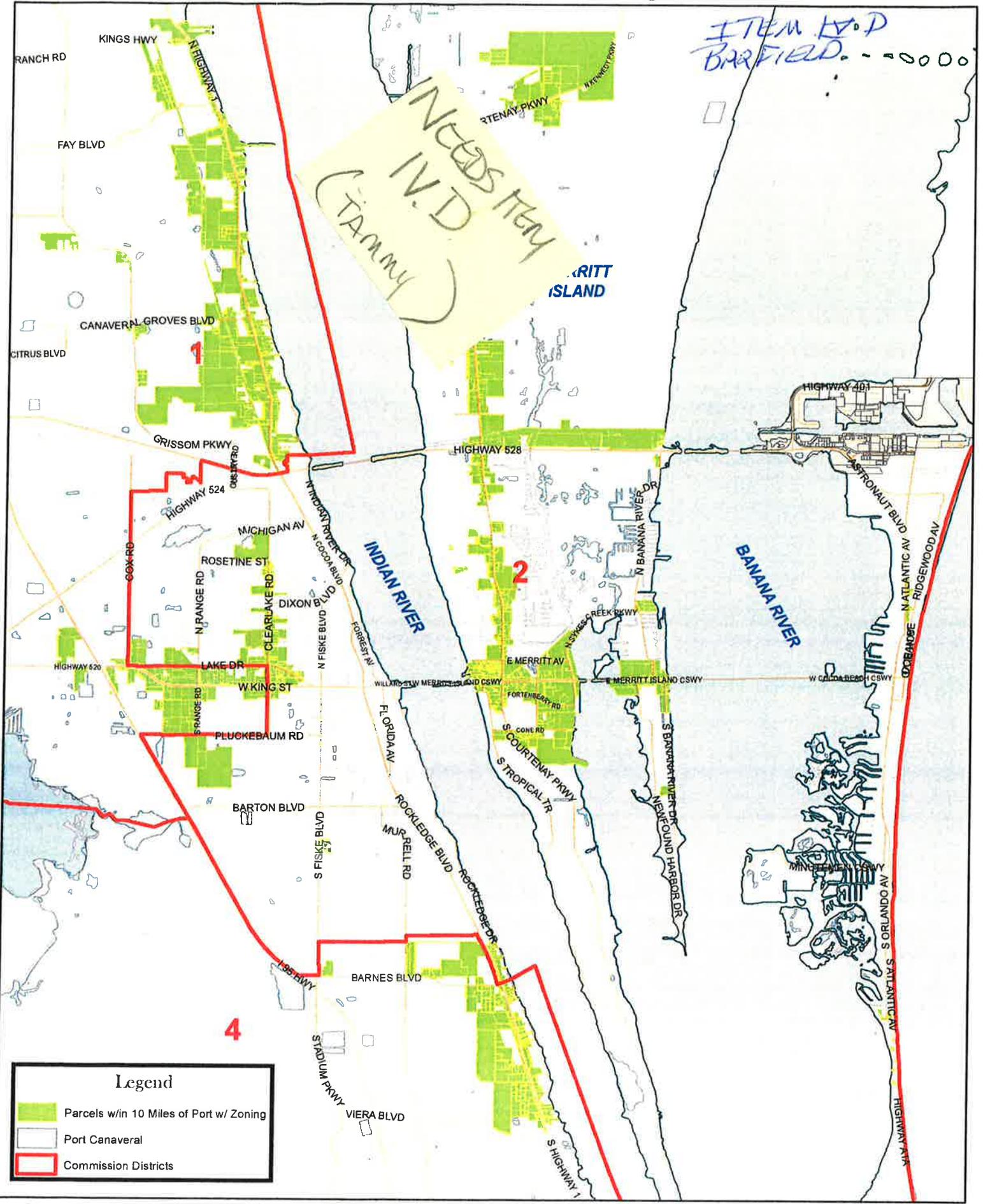
Shari Richards  
275 Mockingbird Lane  
Merritt Island, FL

# Overnight Commercial Parking

10 MILE RADIUS

ITEM 4-D  
BARFIELD - 10000

NEEDS ITEM  
I.V.D.  
(TAMMY)



**Legend**

- Parcels w/in 10 Miles of Port w/ Zoning
- Port Canaveral
- Commission Districts



1 Inch = 1.75 Mile  
0 0.5 1 2 3 4 Miles



**From:** [Jones, Jennifer](#)  
**To:** [Lewis, Sally A](#)  
**Subject:** FW: parking ordinance  
**Date:** Thursday, March 01, 2018 11:10:57 AM

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IV.D. for tonight.

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**From:** Commissioner, D3  
**Sent:** Thursday, March 01, 2018 11:08 AM  
**To:** Jones, Jennifer  
**Subject:** FW: parking ordinance

We received the email below in regards to IV D on tonight's agenda.



John Tobia  
County Commissioner, District 3



**BOARD OF COUNTY COMMISSIONERS**

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**From:** Shari Richards [<mailto:richards.shari@ymail.com>]  
**Sent:** Wednesday, February 28, 2018 10:46 PM  
**To:** Commissioner, D3  
**Subject:** parking ordinance

Dear Commissioner Tobia,  
I hope you will support the commercial overnight parking ordinance proposed by Commissioner Barfield. I live on north Merritt Island and I am very concerned about what impact parking lots will have on the wonderful place that my family and I call home. I believe a traffic study needs to be done and input from the community needs to be allowed. Please put yourself in our shoes... if a large change would affect where you live, wouldn't you like to have a say in the matter?

I, unfortunately, cannot make tomorrow's meeting as I'm caring for an elderly parent, but I did want you to know how I feel.

Please support the parking ordinance so we have a chance at doing what's best for NMI and for all the wonderful families that live here.

Sincerely,

Shari Richards  
275 Mockingbird Lane  
Merritt Island, FL

**From:** [Jones, Jennifer](#)  
**To:** [Lewis, Sally A](#)  
**Subject:** FW: parking ordinance  
**Date:** Thursday, March 01, 2018 9:38:50 AM

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**Sent:** Thursday, March 01, 2018 9:37 AM  
**To:** Jones, Jennifer  
**Subject:** FW: parking ordinance

Please add to tonight Zoning agenda. Thank you!

Thank you,

*Liz Alward*

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**Sent:** Wednesday, February 28, 2018 10:53 PM  
**To:** Commissioner, D2  
**Subject:** parking ordinance

Dear Commissioner Barfield,

I support the commercial overnight parking ordinance you are proposing and have emailed the other Commissioners to ask that they support it as well. I live on north Merritt Island and I am very concerned about what impact parking lots will have on the wonderful place that my family and I call home. I believe a traffic study needs to be done and input from the community needs to be allowed.

I, unfortunately, cannot make tomorrow's meeting as I'm caring for an elderly parent, but I did want you to know how I feel.

I appreciate what you are doing and hope the other commissioners will do what is best for NMI and the wonderful families that live there.

Sincerely,

Shari Richards  
275 Mockingbird Lane  
Merritt Island, FL

**From:** [Sam Bockman](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [gfb\\_1@cfl.rr.com](#); [rlewis113@cfl.rr.com](#); [marcialuhn@gmail.com](#)  
**Subject:** Altman Rezoning request / #17PZ00152  
**Date:** Wednesday, February 28, 2018 6:25:13 PM

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Dear Ms. Jones,

It appears the Altman's have found a lot on Merritt Island that has one or more horses and are using that property as a basis for them to have horses on their property which is currently zoned EU. I have done some research on the property located at 2105 N. Tropical Trail and note the following:

1. It is currently zoned AU not RR-1.
2. The home on this property was built in 1910.
3. The property is on 4.02 acres as opposed to the Altman property of 2.3 acres .
4. This property has a history of distressed periods and was foreclosed on about three years ago.
5. The current owners paid \$554,170 in a foreclosure sale, perhaps built a stable for horses, and subsequently .... the property Market Value based on Brevard County Property Appraser has dropped by almost \$100,000 in two years !
6. The property is located in Taxing District 2200-Unincorporated

Can we assume the current zoning is from 1910 when the house was built ? Therefore, would that allow the current owner to use "grandfather Clause" and therefore be allowed to have horses?

Regardless, the Altman's have chosen a poor comp in an effort to make their case that they should have horses on their property. The two properties are "apples and oranges" and the house on Merritt Island is not surrounded by Million dollar plus homes such as their current home is.

The Planning and Zoning Commission documented that there are no Residential lots fronting the Indian River between 192 in Melbourne all the way up to Cocoa Beach with RR-1 Zoning. Therefore, granting this request would be "unprecedented" and the final result is the committee voted UNANIMOUSLY February 5,2018 to REJECT the Altman request for RR-1 Zoning on their property.

Please pass this information on to the Brevard County Commissioners for their consideration at tomorrow's meeting. Also, I will be sending you another letter with my objection to the Altman's persistence in rezoning their property which would have devastating reduction in value of all their neighbors homes as well as a reduction in tax income for the County.

Thanks for your assistance in this matter.

Sam L. Barbara Bockman  
6505 North Highway #1  
Melbourne, Fl. 32940

**From:** [Sam Bockman](#)  
**To:** [Commissioner, D1](#); [Commissioner, D4](#); [Jones, Jennifer](#)  
**Cc:** [gfb\\_1@cfl.rr.com](mailto:gfb_1@cfl.rr.com); [rlewis113@cfl.rr.com](mailto:rlewis113@cfl.rr.com); [marcialuhn@gmail.com](mailto:marcialuhn@gmail.com)  
**Subject:** ID # 17PZ00152/Altman rezoning request  
**Date:** Wednesday, February 28, 2018 8:09:34 PM

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Ladies and Gentlemen of Brevard County Board of Commissioners,

The subject rezoning request was denied by the Planning and Zoning Commission on February 5, 2018. Hopefully, the Commission will honor and respect the P&Z decision as it was a "no brainer" for them. To allow rezoning would be unprecedented as there are no homes fronting the Indian River Lagoon with such zoning as research by P&Z revealed. Also, my home, the abutting homes to the north of the Altman's, and perhaps other residences within 1000 feet would see a dramatic decrease in the value of their personal residences as these are extremely highly valued homes sitting on River Front Estates. The residence two lots south of the Bockman's sold last year for \$2.1 million. My immediate neighbor abutting the south property line has just recently sold her home for \$1.6 million. These are all "clean" estate homes without Chicken pens, horse corrals, tree houses, boat trailers, camper trailers, cluttering their yards. Unfortunately, the Altman's have accumulated all of the above in their yard and are now going for a stable and horse corral to maintain two horses. Enough is enough, and even though we have been amiable neighbors, they are going over board with the construction of a horse corral.

Please read all of the prior correspondence and objections to this rezoning by my neighbors. There is a great deal of other matters addressed in the correspondence which expresses their objections to the rezoning request.

Under normal circumstances, I would like to feel the Board would rule based on the P&Z DENIAL and move on to more important matters on your usual busy agenda. However, I again appeal to your duties and responsibilities to the tax payers and Citizens of Brevard County and not be influenced by the fact the Altman's are determined to get what they want and they honestly feel they will prevail for the following reasons:

1. They will pay any amount of money to hire an expensive Attorney to represent their case and present you with a bunch of legal gobble-gook.
2. They obviously are using the "Altman" name as leverage to influence the Commission as Mr. Altman's brother (Thad Altman) has been a life long career Brevard Politician, having served on your Commission, State Representative, and now State Senator.
3. They are submitting a lengthy Binding Development Plan which desires to locate two horses on their property. This document states the Owner wishes to mitigate any negative impact on abutting land owners and affected homes, however, there is no language addressing HOW do they do this? The reality of the matter, is they can not control the stench of horse manure, control horse flies, and the eyesore views brought on by having horses roaming around in the front yard.
4. The only concession they make in this Document is they are willing to pay the "recording costs" of filing a legal "Binding Development Plan".

Surely the board will use their astuteness and not acquiesce to such an unreasonable request for rezoning this property.

Thanks for reading this and giving the matter your full professional attention.

Sam and Barbara Bockman  
6505 North Highway #1  
Melbourne, Florida 32940

Sam Bockman

sambockman@aol.com

**From:** [GBieringer](#)  
**To:** [Commissioner, D1](#); [Commissioner, D4](#); [Jones, Jennifer](#)  
**Cc:** [Sam Bockman](#); [rlewis113@cfl.rr.com](mailto:rlewis113@cfl.rr.com); [marcialuhn@gmail.com](mailto:marcialuhn@gmail.com)  
**Subject:** Re: ID # 17PZ00152/Altman rezoning request  
**Date:** Thursday, March 01, 2018 10:00:09 AM

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Ladies and Gentlemen of the Brevard County Board of Commissioners.

My wife and I concur completely with what Mr. Bockman wrote below.

We very strongly object to however he wants to sugar coat his plans to build facilities for and house two or more horses on his property bordering 542 ft. of our southern property line.

My wife is extremely sensitive to offensive odders, my grandson is allergic to ant bites to the extent that we have an EpiPen here and at his school in case he is accidentally bitten. We have no desire to put him at risk due to horse flies. For the last two month we have been able to enjoy the excellent Florida weather by leaving both our front and back doors open to take advantage of the breeze. This has also added dramatically in the reduction of our electric bill. This would be curtailed should this rezoning were allowed to proceed. The very problem of devaluation of our property due to this change is also a very real and insurmountable concern of ours.

Please follow the learned advice of your Planning and Zoning Commission and disallow this unwanted, and very likely environmental, health, and property value issue.

Properties on Merritt Island and elsewhere have no bearing on this case. There are ample locations in West Melbourne where such activities are acceptable. But not here!

Thank you.

Respectfully,

Gerald F. and Hye K. Bieringer  
2711 Suzie Ln.  
321-749-5116

On 2/28/2018 8:09 PM, Sam Bockman wrote:

Ladies and Gentlemen of Brevard County Board of Commissioners,

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Thanks for reading this and giving the matter your full professional attention.

Sam and Barbara Bockman  
6505 North Highway #1  
Melbourne, Florida 32940

Sam Bockman  
[sambockman@aol.com](mailto:sambockman@aol.com)

## Lewis, Sally A

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**From:** Jones, Jennifer  
**Sent:** Thursday, March 01, 2018 3:30 PM  
**To:** Lewis, Sally A  
**Subject:** FW: IV.D Add on for 3/1/18  
**Attachments:** IV.D MIRA Attachment.pdf

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**From:** Minnick, Bridget  
**Sent:** Thursday, March 01, 2018 3:26 PM  
**To:** Jones, Jennifer  
**Cc:** Abbate, Frank B; Bentley, Eden; Knox, Scott L; Alward, Elizabeth M  
**Subject:** IV.D Add on for 3/1/18

Good afternoon,

My apologies for last minute but we have just received the attached document to be added to agenda item- IV.D. at tonight's Zoning Meeting. Please let me know if there is anything else you need.

Best regards,

*Bridget Minnick*



**Bridget Minnick**  
**Legislative Aide to Commissioner Barfield**  
Brevard County, District 2  
p: 321.454.6601 | m: 321.301.6265 | [Bridget.Minnick@brevardfl.gov](mailto:Bridget.Minnick@brevardfl.gov)  
2575 N. Courtenay Parkway, Suite 200 Merritt Island, FL 32953



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# MERRITT ISLAND REDEVELOPMENT AGENCY

**TO:** Erin Sterk, Planning and Development  
James Mann, Planning and Development  
Rebecca Ragain, Planning and Development  
Tad Calkins, Director Planning and Development

**FROM:** Chuck Nelson   
Executive Director

**DATE:** March 1, 2018

**RE:** Proposed Overnight Parking Ordinance

On Thursday, February 22, 2018, the Merritt Island Redevelopment Agency Board of Directors reviewed the proposed Overnight Parking Ordinance. Agency Board members expressed concern over the potential for vacant commercial properties to be utilized for this purpose, harming existing businesses by increased transient traffic with little or no benefit to the commercial corridor.

The Board voted unanimously to support the Overnight Parking Ordinance that will create a Conditional Use Process for appropriate review and consideration for compatibility.

Your consideration of these major concerns is very much appreciated. Should you have any questions, please do not hesitate to contact me at 321-454-6610 or [chuck.nelson@brevardfl.gov](mailto:chuck.nelson@brevardfl.gov).

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

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VI, "COMMERCIAL"; SPECIFICALLY AMENDING SECTIONS: 62-1482. GENERAL RETAIL COMMERCIAL, BU-1 AND 62-1483. RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL, BU-2 ZONING CLASSIFICATIONS TO REMOVE "PARKING LOTS (COMMERCIAL)" FROM THE LIST OF PERMITTED USES, TO CREATE "NON-OVERNIGHT COMMERCIAL PARKING LOT" USE AS A PERMITTED USE AND TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE COMMERCIAL ZONING CLASSIFICATIONS; AMENDING ARTICLE VI, DIVISION 4, SUBDIVISION VIII, "INDUSTRIAL"; SPECIFICALLY AMENDING, SECTIONS: 62-1541. PLANNED BUSINESS PARK, PBP, 62-1542. PLANNED INDUSTRIAL PARK PIP, 62-1543. LIGHT INDUSTRIAL, IU AND 62-1544. HEAVY INDUSTRIAL, IU-1 TO ADD A CONDITIONAL USE FOR "OVERNIGHT COMMERCIAL PARKING LOT" USE WITHIN THESE INDUSTRIAL ZONING CLASSIFICATIONS; CREATING ARTICLE VI, DIVISION 5, SUBDIVISION III, "CONDITIONAL USES"; SPECIFICALLY CREATING A CONDITIONAL USE PERMIT UNDER SECTION 62-1941.3 TITLED "OVERNIGHT COMMERCIAL PARKING LOT" AND ESTABLISHING CONDITIONS FOR SAID USE; FOR 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 has concerns for the potential onsite as well as area impacts of overnight commercial parking use; and

WHEREAS, the Board of County Commissioners is concerned that existing development criteria for parking lots does not adequately address the impacts created; and

WHEREAS, the Board of County Commissioners, on December 19, 2017, directed preparation of an amendment to the Zoning Regulations as it relates to commercial cruise parking; and

WHEREAS, the Building Construction Advisory Committee, on February 14, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 19, 2018, reviewed the proposed ordinance and made recommendations; and

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

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike through indicates deletions.~~

SECTION 1. Section 62-1482 (1) (b), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to remove “Parking lots (commercial)” from the listing of permitted uses and to add to the listing of permitted uses, the use “Non-overnight commercial parking.”

**Sec. 62-1482. General retail commercial, BU-1.**

(1) Permitted uses.

- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile parts, if confined within a structure.

Automobile repairs, minor (as defined in Section 62-1102).

Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.

Automobile tires and mufflers (new), sales and service.

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

Billiard rooms and electronic game arcades (soundproofed).

Bookstores.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales; no production or firing except accessory to on site sales only.

Civic, philanthropic or fraternal organizations.

Coin laundromats.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Contractors' offices, with no outside storage.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Child or adult day care centers.

Display and sales rooms.

Dog and pet hospitals and beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Dyeing and carpet cleaning.  
Electrical appliance and lighting fixtures.  
Employment agencies.  
Fraternities and sororities.  
Florist shops.  
Foster homes.  
Fruit stores (packing on premises).  
Funeral homes and mortuaries.  
Furniture stores.  
Furriers.  
Gift shops.  
Grocery stores.  
Group homes, levels I and II.  
Hardware stores.  
Hat cleaning and blocking.  
Hobby shops.  
Hospitals.  
Interior decorating, costuming and draperies.  
Jewelry stores.  
Laboratories.  
Laundries.  
Lawn mower sales.  
Leather good stores.  
Luggage shops.  
Mail order offices.  
Meat, fish and seafood markets.  
Medical buildings and clinics, and dental clinics.

Messenger offices.

Millinery stores.

Motorcycle sales and service.

Music, radio and television shops and repairs.

Newsstands.

Non-overnight commercial parking

Nursing homes.

Optical stores.

Paint and wallpaper stores.

~~Parking lots (commercial).~~

Parks and public recreational facilities.

Pawnshops.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph studios and galleries.

Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverage, package only.

Schools for business training.

Schools, private or parochial.

Shoe repair shops.

Shoe stores.

Single-family residence.

Soft drink stands.

Souvenir stores.

Stationery stores and bookstores.

Tailor shops.

Tearooms.

Telephone and telegraph stations and exchanges.

Television and broadcasting stations, including studios, transmitting stations and towers and other incidental uses usually pertaining to such stations.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Worship, places of.

SECTION 2. Section 62-1482 (3), General retail commercial, BU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

**Sec. 62-1482. General retail commercial, BU-1.**

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (small scale and large scale).

Commercial/recreational and commercial/industrial marinas.

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance Overlay Districts.

Plant nurseries (with outside bulk storage of mulch, topsoil, etc.)

Security mobile home.

Substantial expansion of a preexisting use.

Trailer and truck rental.

Wireless telecommunication facilities and broadcast towers.

SECTION 3. Section 62-1483 (1) (b), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to remove “Parking lots (commercial)” from the listing of permitted uses and to add to the listing of permitted uses, the use “Non-overnight commercial parking.”

**Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.**

(1) Permitted uses.

- b. All uses listed below, or other uses of a similar nature compatible with the character of uses described herein:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile repairs, minor and major, as defined in Section 62-1102 (also see Section 62-1837.6).

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales and service.

Billiard rooms and electronic arcades (soundproofed).

Bookstores.

Bottling beverages.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales, including production and firing.

Child or adult day care centers.

Civic, philanthropic or fraternal organizations.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Display and sales rooms.

Dog and pet hospitals and beauty parlors.

Drug and sundry stores.

Dry cleaning and laundry pickup stations.

Dry cleaning plants.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Feed and hay for animals and stock.

Fertilizer stores.

Florist shops.

Foster homes.

Fraternalities and sororities.

Fruit stores (packing on premises).  
Funeral homes and mortuaries.  
Furniture stores.  
Furriers.  
Gift shops.  
Glass installation.  
Grocery stores.  
Group homes, levels I and II.  
Hardware stores.  
Hat cleaning and blocking.  
Hobby shops.  
Hospitals.  
Ice plants.  
Interior decorating, costuming and draperies.  
Jewelry stores.  
Kindergartens.  
Laboratories.  
Laundries.  
Lawn mower sales.  
Leather good stores.  
Luggage shops.  
Mail order offices.  
Meat markets.  
Medical buildings and clinics, and dental clinics.  
Messenger offices.  
Millinery stores.  
Music, radio and television shops and repairs.

Newsstands.

Non-overnight commercial parking

Nursing homes.

Optical stores.

Paint and body shops.

Paint and wallpaper stores.

~~Parking lots (commercial).~~

Parks and public recreational facilities.

Pawnshops.

Pet kennels.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph galleries.

Photographic studios.

Plant nurseries.

Plumbing and electrical shops.

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverages, package only.

Schools for business training.

Schools, private or parochial.

Seafood processing plants not located within 300 feet of any residential zone boundary.

Sharpening and grinding shops.

Ship chandlery.

Shoe repair shops.  
Shoe stores.  
Single-family residence.  
Soft drink stands.  
Souvenir stores.  
Stationery stores and bookstores.  
Tailor shops.  
Tearooms.  
Telephone and telegraph stations and exchanges.  
Television and broadcasting stations, including studios, transmitting stations and towers, power plants and other incidental uses usually pertaining to such stations.  
Testing laboratories.  
Theaters, but no drive-ins.  
Ticket offices and waiting rooms for common carriers.  
Tobacco stores.  
Upholstery shops.  
Wearing apparel stores.  
Welding repairs (except metal fabrication).  
Wholesale salesroom and storage rooms.  
Worship, places of.

SECTION 4. Section 62-1483 (3), Retail, warehousing and wholesale commercial, BU-2 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

**Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.**

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Automobile sales and storage (under one acre in the Merritt Island Redevelopment Area).

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marinas.

Flea markets (recreational vehicles may be an accessory use pursuant to division 5, subdivision II, of this article).

Land alteration (over five acres and up to ten acres).

Overnight commercial parking lot.

Performance overlay districts.

Security mobile home.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 5. Section 62-1541 (3), Planned business park, PBP Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

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

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 6. Section 62-1542 (3), Planned industrial park, PIP Code of Ordinances of Brevard County, Florida, is hereby amended to add “Overnight commercial parking lot” to the listing of conditional uses.

**Sec. 62-1542. Planned industrial park, PIP.**

(3) Conditional uses. Conditional uses are as follows:

Change of nonconforming agricultural use.

Land alteration (over five acres).

Marinas, commercial or recreational.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 7. Section 62-1543 (3), Light industrial, IU Code of Ordinances of Brevard County, Florida, is hereby amended to add “Overnight commercial parking lot” to the listing of conditional uses.

**Sec. 62-1543. Light industrial, IU.**

(3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Composting facility.

Flea markets (recreational vehicles).

Land alteration (over five acres).

Motocross.

Mulching facility.

Overnight commercial parking lot.

Substantial expansion of a preexisting use.

Truss manufacturing plant.

Wireless telecommunication facilities and broadcast towers.

SECTION 8. Section 62-1544 (3), Heavy industrial, IU-1 Code of Ordinances of Brevard County, Florida, is hereby amended to add "Overnight commercial parking lot" to the listing of conditional uses.

**Sec. 62-1544. Heavy industrial, IU-1.**

(3) Conditional uses. In addition to those specified in section 62-1540, conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Arsenals and explosives.

Cement, concrete and concrete building products.

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marina.

Flea markets.

Hazardous waste facility.

Heavy industry as defined in section 62-1102.

Land alteration (over five acres).

Metal salvage yards and junkyards.

Mining and smelting operations.

Motocross.

Overnight commercial parking lot.

Solid waste management facilities.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

SECTION 9. Section 62-1941.3 Overnight commercial parking lot, Code of Ordinances of Brevard County, Florida, is hereby created as follows:

**Sec. 62-1941.3 Overnight commercial parking lot.**

Overnight commercial parking lots are those commercial parking lots which offer 24 hour or longer extended parking stays for motorized vehicles. The following conditions are the minimum conditions necessary to meet the intent of this section.

- (1) Overnight commercial parking lot use shall be the primary use of the site. Parking lots which are secondary or accessory to an existing developed site such as surplus or overflow parking shall not qualify.
- (2) Minimum lot size shall be not less than 3 acres.
- (3) All parking spaces shall be paved.
- (4) A routing map shall be provided which depicts the routes shuttle service vehicles use to transport passengers to and from the overnight commercial parking lot.
- (5) A traffic study, statement or report of traffic patterns (incoming/outgoing) shall be provided for the Board to review to assist in determining if additional roadway improvements are warranted.
- (6) Applicant shall submit a site plan consistent with Chapter 62, Article VIII after Board approval of the CUP.

SECTION 10. 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 11. 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 12. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 13. 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 14. 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 20<sup>th</sup> day of March, 2018.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

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

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

( S E A L )

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