



**AGENDA REPORT**  
**August 14, 2018**

**Proposed Amendment to Zoning Classification**

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**SUBJECT:**

Proposed Amendment to TU-1 Zoning Classification

**DEPT/OFFICE:**

District 1

**REQUESTED ACTION:**

Approve legislative intent and authorize staff to advertise the title to the attached ordinance at least 10 days prior an September 18, 2018 County Commission public hearing on that date.

**SUMMARY EXPLANATION and BACKGROUND:**

**Legislative Intent**

The TU-1 Zoning Classification currently requires tourist uses, including hotels, to 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. The original purpose for that requirement is the concept of locating commercial activity at "nodes" located at intersections of major through county roads and major arterials.

U.S. 1 runs through the MICCO area but the only nearby major county road is Micco Rd. which is more than 3 ½ miles from Grant Rd., the nearest major county road. Commercial zoning and commercial development already in place on U.S. 1 in the area south of Micco Rd. is heavily strip commercial, rather than nodal.

BU-1 and BU-2 commercial zoning both allow hotels as long as the site meets the requirement of TU-1 zoning. However, the ¼ mile limitation is preventing the development of hotels on any of the commercial properties more than ¼ mile south of Micco Rd. at "de facto" nodes located at median cuts along U.S. 1 south of Micco Rd. In addition, though the County Commission has eliminated minimum floor area requirements for hotels, the TU-1 classification and the conditions for hotels specified in section 1844.5 of the zoning regulations still restrict the total number of hotel units to 30 units per acre—which functionally eliminates the effect of the action taken by the County Commission to dispense with minimum floor area requirements for hotels.

The attached ordinance addresses both of the above referenced issues for areas south of Micco Rd. by expanding the intersection location requirement from ¼ mile to one mile and eliminating the minimum density requirement for hotels in that same area.

**ATTACHMENTS:**

**Description**

▫ **Ordinance**



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

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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

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

**AN ORDINANCE AMENDING SECTION 62-1511 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA BY ADDING A NEW SUBSECTION (4)(f) TO ALLOW HOTEL USES ON US 1 SOUTH OF MICCO ROAD UPON COMPLIANCE WITH SPECIFIED CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED** by the Board of County Commissioners of Brevard County, Florida:

**Section 1. Sec. 62-1511. - General tourist commercial, TU-1** is hereby amended by adding a new subsection (4)(f) to read as underlined below:

**Section 1. 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.

*(1) Permitted uses.*

a. Permitted uses are as follows:

- Art galleries, libraries and museums.
- Civic, philanthropic or fraternal organizations.
- Hotels and motels.
- Parks and public recreational facilities.
- Resort dwellings.
- Restaurants.
- Sale of alcoholic beverages, package only.
- Single-family residence.

b. All uses permitted in the restricted neighborhood retail commercial zoning classification (BU-1-A) are permitted in this zoning classification in conjunction with and accessory to a hotel or motel which has a minimum of 25 units.

c. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

- Preexisting use.
- Tourist efficiencies.

*(2) Accessory uses.*

- a. Customary uses secondary and incidental to permitted uses are permitted.
- b. Retail shops and personal service activities are permitted in conjunction with hotels or motels.

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

- Alcoholic beverages for on-premises consumption.
- Change of nonconforming agricultural use.
- Land alteration (over five acres and up to ten acres).
- Marina.
- Recreational facilities.
- Substantial expansion of a preexisting use.
- Wireless telecommunication facilities and broadcast towers.

(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. U.S. 1 Corridor south of Micco Road: No maximum density for hotels located on a parcel or combined parcels having a commercial land use designation over a minimum of fifty percent of the total property area, subject to the following locational criteria:
  - 1. a hotel use is located within one mile of Micco Road;
  - 2. a hotel use has direct access to U.S. 1;
  - 3. a hotel use is located on property adjacent to property zoned or used for purposes allowed under the BU-1 zoning classification on at least two sides;
  - 4. the property upon which the hotel use is proposed is located within 500 feet of a property located on the opposite side of U.S. 1 zoned or used for purposes allowed under the BU-1 or BU-2 zoning classifications.

(5) *Lot requirements.*

- a. *Minimum lot size.* An area of not less than 15,000 square feet is required, having a width of not less than 100 feet and a depth of not less than 150 feet.

b. *Maximum lot coverage.* Maximum structural lot coverage is 40 percent.

(6) *Setbacks.*

a. *Breezeway/visual corridor.* All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105.

b. *Generally.* Setbacks for all other property, except for gasoline stations, are as follows. For setbacks for gasoline stations, see subdivision VI of this division.

1. The front setback shall be not less than 25 feet from the front lot line.
2. The rear setback shall be not less than 20 feet from the rear lot line.
3. Side setbacks shall be as follows:
  - i. For an interior lot, the side setback shall be not less than 15 feet from the side lot line.
  - ii. For a corner lot, the side setback shall be not less than 15 feet from the side lot line. If a corner lot is contiguous to a key lot, the setback shall not be less than 25 feet.
4. Accessory buildings shall be located to the rear of the principal building, and no closer than ten feet to the rear and side lot lines, but in no case within the setback from a side street. There shall be a minimum spacing of 15 feet between any structure on the same site.

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

(8) *Structural height standards.*

a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

c. Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.

d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.

e. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

(9) *Site plan.* A site plan shall be submitted in accordance with article VIII of this chapter.

(10) *Metal buildings.* Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in section 62-2115.

(11) *Maximum floor area ratio.* The floor area ratio shall be governed by section 62-2110.

**Severability.** Should any portion of this ordinance be deemed to violate law or declared unconstitutional, that portion shall be deemed stricken and the remainder shall survive and remain in full force and effect.

**Effective Date.** This ordinance shall take effect upon filing with the Secretary of State within ten (10) days of the date of adoption. The Clerk is hereby authorized to obtain the signature of the Chair on the Ordinance and forward the executed ordinance to the Secretary of State.

DONE AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018

Brevard County Board of County Commissioners

By: \_\_\_\_\_

Rita Pritchett, Chair

Attest:

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

ORDINANCE NO. 2018 \_\_\_\_\_

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# D3 Edit

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**Effective Date.** This ordinance shall take effect upon filing with the Secretary of State within ten (10) days of the date of adoption. The Clerk is hereby authorized to obtain the signature of the Chair on the Ordinance and forward the executed ordinance to the Secretary of State.

DONE AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018

Brevard County Board of County Commissioners

By: \_\_\_\_\_

Rita Pritchett, Chair

Attest:

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