



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

I.6.

5/7/2024

Subject:

Board Discussion of Citizen Request, Consideration of Legislative Intent and Permission to Advertise Amendments to Sec. 62-1334, "Agricultural Residential, AU and AU(L)" and the Creation of a section of Code entitled "Commercial Recreational Vehicle, Recreational Equipment, and Trailer Storage (Outdoor)," Brevard County Code of Ordinances

Fiscal Impact:

Cost of advertisement of associated ordinance amendments

Dept/Office:

District 5, on behalf of Citizen Tony Masone (Represented by Kelly Hyvonen)

Requested Action:

Board discussion of citizen request, and consideration of legislative intent and permission to advertise is sought in amending Chapter 62, Article VI, Division 4, Subdivision II, Section 62-1334, "Agricultural Residential, AU and AU(L)," Brevard County Code of Ordinances, to allow for the inclusion of "commercial recreational vehicle, recreational equipment, and trailer storage (outdoor)" as a conditional use in the AU and AU(L) zoning classifications, and the creation of a section of Code entitled "Commercial Recreational Vehicle, Recreational Equipment, and Trailer Storage (Outdoor)," Brevard County Code of Ordinances, to set the conditions thereto.

Summary Explanation and Background:

Currently, the commercial storage of recreational vehicles, recreational equipment, and trailer storage is not permissible within the AU and AU(L) zoning classifications. It is proposed to amend Section 62-1334, Brevard County Code of Ordinances, to allow for this use as a conditional use. In addition, a new section would be created to set the conditions for the use.

Such conditions may include, but are not limited to:

- Minimum property size of 5 acres
- Requiring the use to be taking place no closer than 25 feet from all property lines
- Instituting setbacks from rights-of-way
- Prohibition of storage of commercial vehicles or heavy equipment
- Requiring an opaque barrier on all sides of the use, with the screen being a minimum of 6 feet in height

- Limiting the use to no more than 50% of the property on which it is located

If approved, for the conditional use to be utilized within the AU or AU(L) zoning classifications, a conditional use permit (CUP) would be required. The procedure for obtaining a CUP is outlined in Section 62-1901 of the Brevard County Code of Ordinances. Among other requirements, the process includes review by the Planning and Zoning Board as well as approval by the Board of County Commissioners.

Should the Board approve legislative intent and permission to advertise, the resulting proposed ordinance would be reviewed by the Building Construction Advisory Committee and the Planning and Zoning Board/Local Planning Agency before consideration by the Board of County Commissioners. Should the Board adopt the ordinance after 2 public hearings (in accordance with Section 125.66(5)(b), Florida Statutes), it would be subject to approval by Florida Commerce prior to becoming effective within the Area of Critical State Concern in the South Beaches area.

Clerk to the Board Instructions:

Please send a copy of the Board Action Memo to the District 5 Commission Office and the Planning and Development Department.



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

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May 8, 2024

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

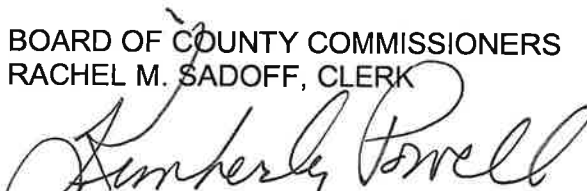
RE: Item I.6., Board Discussion of Citizen Request, Consideration of Legislative Intent and Permission to Advertise Amendments to Section 62-1334, "Agricultural Residential, AU and AU(L)" and the Creation of Section 62-2135, "Commercial Recreational Vehicle, Recreational Equipment, and Trailer Storage (Outdoor)," Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on May 7, 2024, discussed and denied the citizen request to consider legislative intent and permission to advertise amending Chapter 62, Article VI, Division 4, Subdivision II, Section 62-1334, "Agricultural Residential, AU and AU(L)," Brevard County Code of Ordinances, to allow for the inclusion of "commercial recreational vehicle, recreational equipment, and trailer storage (outdoor)" as a conditional use in the AU and AU(L) zoning classifications, and the creation of a section of Code entitled "Commercial Recreational Vehicle, Recreational Equipment, and Trailer Storage (Outdoor)," Brevard County Code of Ordinances, to set the conditions thereto.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

cc: Commissioner Steele



Planning & Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: District 5 Commission Office

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

CC: Frank Abbate, County Manager
John Denninghoff, PE. Assistant County Manager
Tad Calkins, Director, Planning and Development

DATE: May 1, 2024

SUBJECT: Staff Analysis of Allowing RV and Boat Storage in AU and AU(L) Zoning Classifications

BACKGROUND:

A Citizens Request has been submitted thru the District 5 Commission Office to allow RV and boat storage within the AU and AU(L) zoning classifications.

STAFF Analysis:

1. BU-2 Zoning Classification

Currently, Sec. 62-1483-Retail, warehousing and wholesale commercial, BU-2 zoning classification is the only commercial zoning classification that allows the storage of RV's and boats use as a permitted with conditions. The BU-2 zoning classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic, and other potential nuisance factors associated with BU-2 activities should be considered. Examples of uses includes; storage yards, major automotive repair, and wherehousing.

No other commercial zoning classifications (BU-1, BU-1A, or RP) allows for RV and boat storage either as permitted with conditions or as a conditional use. Other requirements include, but not limited to a minimum 300 sq.ft. building must be located on site.

2. AU/AU(L) Zoning Classification

Sec. 62-1334-Agricultural residential; The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character. The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.

The AU zoning classification only allows limited commercial activities related to the agricultural production such as selling of products that are grown or produced in an agricultural setting. AU(L) does not allow the retail commercial aspects of AU. AU(L) is designed to be a lower intensity than AU. Products grown or produced must be sold off-site. In contrast, RV and boat storage would strictly be a commercial use not associated with any agricultural production.

3. Compatibility

AU/AU(L) zoned properties are agricultural residential by definition. They have been imbedded in residential areas and, therefore allowing a non-agricultural related commercial use could create an incompatibility issue within an existing residential homes. Compatibility shall be evaluated by considering the following factors, at a minimum:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

RV and boat storage is a 24/7 operation and may have some unintended consequences such as, but not limited to, introducing commercial traffic within a residential area.

If the code was changed, it has the potential to affect 7,389 additional AU/AU(L) properties while there are currently 1,241 BU-2 zoned properties within the County that currently allow this use with conditions.

The Board should consider individual properties during the rezoning/and FLU change, where staff is able to provide a detailed analysis on a case-by-case basis based on compatibility with the surrounding area and consistency with the Comprehensive Plan.

Code Enforcement can be a useful factor in the determination of where a use is not compatible or appropriate for an area.

4. Consistency

Brevard County Code Sec. 62-1255, AU and AU(L) zoning classifications are not consistent for commercial uses within a Community Commercial (CC) FLUM designation. BU-2 zoning requires, at a minimum CC FLUM. Commercial uses require a Commercial Future Land Use designation.

5. Locational and Development Criteria for Community Commercial Uses Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into

the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

This locational criteria is designed to discourage embedding commercial development within residential areas and limit it to the intersections with higher traffic volumes where it is more appropriate and controlled. Local roads are not included in this locational criteria, where many of these AU/AU(L) properties are located on.

6. Site Planning

Brevard County Code Sec. 62-3202 requires site plans for construction or expansion of a building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. A building permit shall not be issued unless the construction plans are accompanied by an approved site development plan.

A RV and boat storage facility or an expansion of one would require site planning.

7. Code Enforcement

This request is a result of a code enforcement action (23CE-01326) where the property owner has been cited for operating a business for boats and RV storage in a residential zone.

Sec. 62-1334. Agricultural residential, AU and AU(L).

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character.

The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.

(1) *Permitted uses.*

a. 1. Permitted uses within the AU classification are as follows:

Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

2. Permitted uses within the AU(L) sub-classification are as follows:

Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in section 62-2108.

Parks and public recreational facilities.

Foster homes.

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

Fish camps (section 62-1835.4.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Landscaping business (section 62-1837).

Mobile home residential dwelling (section 62-1837.7.5).

Power substations, telephone exchanges and transmission facilities (section 62-1839).

Preexisting use (section 62-1839.7).

Private parks and playgrounds (section 62-1840).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section 62-1843).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership.

Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

Tiny house or a THOW.

- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

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

Airplane runways (section 62-1905).

Bed and breakfast inns (section 62-1912).

Boarding of horses and horses for hire (section 62-1913).

Captive wildlife (section 62-1958).

Change of nonconforming agricultural use.

[Commercial recreational vehicle, recreational equipment, and trailer storage \(outdoor\) \(section 62-2135\).](#)

Composting facility.

Farmers' market (section 62-1929).

Guesthouses or servants' quarters, without kitchen facilities (section 62-1932).

Hog farms (section 62-1934).

Land alteration (over five acres) (section 62-1936).

Private heliports (section 62-1943.5).

Roadside stand (section 62-1945.5).

Security mobile homes.

Single-family residential second kitchen facility.

Skateboard ramps (section 62-1948).

Substantial expansion of a preexisting use (section 62-1949.7).

Veterinary hospital, office or clinic, pet kennels (section 62-1956).

Wireless telecommunication facilities and broadcast towers.

Zoological parks (section 62-1960).

- (4) *Minimum lot size.* An area of not less than two and one-half acres is required, having a minimum width of 150 feet and a minimum depth of 150 feet.

- (5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

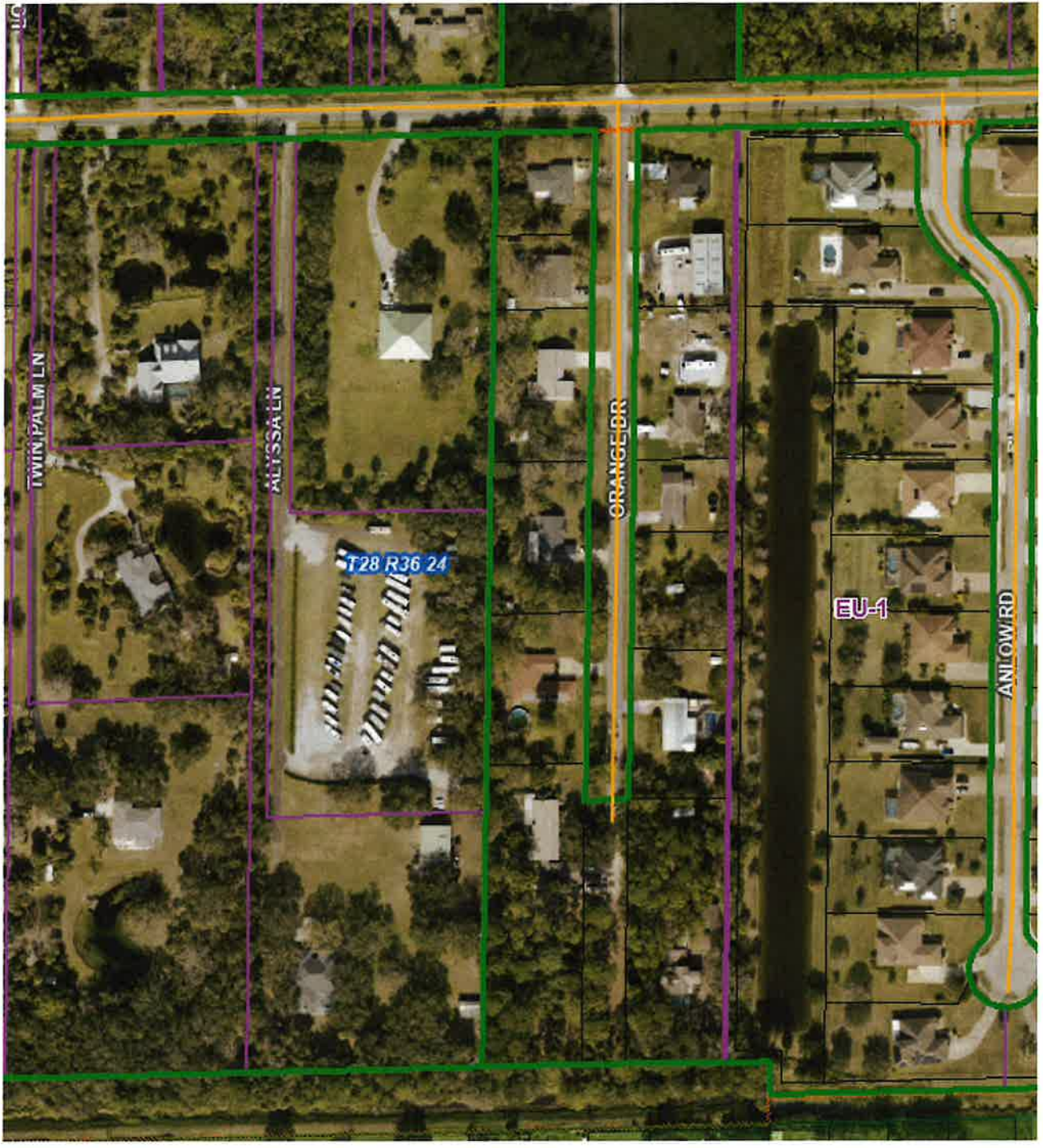
- b. Accessory buildings shall be located to the rear of the front building line of the principal building and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot lines.
 - c. Setbacks for barns and stalls are as follows:
 - 1. *Front*: 125 feet from the front lot line.
 - 2. *Side*: 50 feet from the side lot line.
 - 3. *Rear*: 50 feet from the rear lot line.
- (6) *Minimum floor area*. Minimum floor area is 750 square feet of living area.
- (7) *Maximum height of structures*. Maximum height of structures is as follows:
- a. Residential structures: 35 feet.
 - b. Structures accessory to an agricultural use: 45 feet.

(Code 1979, § 14-20.08(D); Ord. No. 95-47, §§ 8, 9, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 95-51, § 3, 10-19-95; Ord. No. 96-16, §§ 8, 9, 3-28-96; Ord. No. 96-46, § 10, 10-22-96; Ord. No. 97-29, § 2, 8-12-97; Ord. No. 97-46, § 1, 12-2-97; Ord. No. 98-03, § 6, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-11, § 3, 2-26-98; Ord. No. 98-62, § 5, 12-3-98; Ord. No. 2002-49, § 5, 9-17-02; Ord. No. 2003-03, § 6, 1-14-03; Ord. No. 03-40, § 1, 8-12-03; Ord. No. 04-29, § 6, 8-5-04; Ord. No. 2004-52, § 4, 12-14-04; Ord. No. 2005-25, § 5, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 9, 12-6-07; Ord. No. 2009-06, § 2(Exh. A), 2-5-09; Ord. No. 2010-22, § 10, 11-23-10; Ord. No. 2011-17, § 4, 5-26-11; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2014-30, § 3, 10-2-14; Ord. No. 2018-27, § 7, 12-4-18)

Editor's note(s)—Ord. No. 2013-38, § 1, adopted November 19, 2013, amended § 62-1334 to read as set out herein. Previously § 62-1334 was titled agricultural residential, AU and AU(L).

Sec. 62-2135. Commercial recreational vehicle, recreational equipment, and trailer storage (outdoor).

- (a) Definitions. For purposes of this section, refer to the definitions in section 62-2117(a).
- (b) Regulations. This use shall comply with the following regulations and specifications at a minimum:
 - (1) The minimum property size shall be five acres.
 - (2) The use must meet the principal structure requirements of the zoning classification and in no instance shall the commercial storage of recreational vehicles, recreational equipment, and trailers be closer than 25 feet to any property line.
 - (3) There shall be a minimum setback of 300 feet from any right-of-way.
 - (4) No storage of commercial vehicles or heavy equipment is permitted.
 - (5) The location must be a developed property.
 - (6) The use must be screened on all sides by an opaque barrier a minimum of six feet in height.
 - (7) The area of the use shall not exceed 50% of the area of the property on which it is located.



Task 3: Project Management

Deliverables: The Grantee will perform project management, including field engineering services, construction observation, site meetings with construction contractor(s) and design professionals, and overall project coordination and supervision.

Documentation: The Grantee will submit interim progress status summaries including summary of inspection(s), meeting minutes and field notes, as applicable.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above.

Task 4: Muck Dredging and Spoil Management

Deliverables: The Grantee will dredge approximately 400,000 cubic yards of muck sediments from the Banana River (Indian River Lagoon) in accordance with the construction contract documents. This task includes the installation of transportation infrastructure crossings and a hydraulic dredge pipeline to pump the sediments to the dredge material management area (DMMA). The DMMA site(s) will be prepared for dewatering and treatment of the dredged material, the site(s) restored, and the suitable dredged materials offloaded to the prepared spoil disposal site(s).

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 2) a signed statement from a Florida Licensed Professional Engineer indicating construction has been completed in accordance with the construction contract documents, as applicable.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Design and Permitting	No Cost Deliverable	\$0	07/01/2020	12/31/2022
2	Bidding and Contractor Selection	No Cost Deliverable	\$0	07/01/2020	12/31/2026
3	Project Management	No Cost Deliverable	\$0	07/01/2020	05/31/2028
4	Muck Dredging and Spoil Management	Contractual Services	\$1,000,000	07/01/2020	05/31/2028
Total:			\$1,000,000		

Note that, per Section 8 of Attachment 1 in the Agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the