



AGENDA REPORT
March 26, 2019

**Public Hearing, Re: Code Revisions to Increase the Number and Length of
Stay for RV's Permitted at Fish Camps (Second Hearing)**

SUBJECT:

Second Public Hearing, Re: Code Revisions to Chapter 62, Article VI, Division 5, specifically amending Section 62-1835.4.5 and Section 62-1841.

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct the second public hearing to approve revisions to Chapter 62, Article VI, Division 5, Section 62-1835.4.5 and Section 62-1841, to better align Fish Camps and Recreational Vehicle Parks.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County commissioners in regular session on January 22, 2019, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Division 5, Section 62-1835.4.5 Fish Camps and Section 62-1841 Recreational Vehicles. The purpose of this code revision is to more closely align the Fish Camp requirements with the Recreational Vehicle Park zoning classification.

Revisions to the conditions of the permitted uses with conditions under Section 62-1835.4.5 Fish Camps and Section 62-1841 Recreational Vehicles would; 1) Ensure that the land use requirements for Fish Camp uses is consistent with the current Comprehensive Plan Future Land Use; and, 2) Allow for longer, temporary stays/vacations of up to 180 days by patrons of fish camps for recreational vehicles, cabins, and park trailers, where onsite sewage treatment, disposal systems or an onsite dump station holding tank meeting state requirements is available.

There are four main fish camps in Brevard County that have long been established and are located on properties with commercial land use designations. The Future Land Use Element of the Comprehensive Plan adopted on September 8, 1988 designated these pre-existing camps as Neighborhood Commercial and Community Commercial Future Land Uses. However, Section 62-1835.4.5(2), currently only allows fish camps on

properties with Agricultural, Residential 1, and Residential 1:2.5 Future Land Use designations making these fish camps nonconforming uses, limiting their ability to maintain and expand uses and structures. The proposed code revisions add "Community Commercial" and "Neighborhood Commercial" to the Future Land Uses in which Fish Camps are permitted under Section 62-1835.4.5.(2).

Additional proposed language clarifies that only structures ancillary to the fish camp must meet the separation requirements from adjacent residentially developed lots, but that all structures must at a minimum meet the zoning classification requirements for setbacks.

On February 13, 2019 the Brevard Construction Advisory Committee (BCAC) heard the item and unanimously recommended approval. The Local Planning Agency (LPA) heard the item on February 25, 2019, and unanimously recommended approval. On March 12, 2019, the Board of County Commissioner conducted the first public hearing and unanimously recommended approval.

CLERK TO THE BOARD INSTRUCTIONS:

Please return a certified copy of the ordinance to the Planning and Development Department.

ATTACHMENTS:

Description

- ▣ **Ordinance strikethrough and underline copy**
- ▣ **Original Clean Ordinance**
- ▣ **CAO Sign Off**
- ▣ **Legislative Intent Memo**

Brevard County Attorney
Ordinance Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

| | | | |
|---|--|---|-----------------------|
| Ordinance Name: Recreational Vehicles at Fishcamps | | Ordinance Author: George C. Ritchie | |
| Division Name: Planning & Development Dept. (Zoning Office) | | Mail Stop: 81 | Review Deadline: |
| Sent by P&ZO: George C. Ritchie | | | |
| Dept./Office Director: Tad Calkins | | | |
| Meeting Date: (P&Z/LPA) February 25, 2019 | | (BCC) 2 nd hearing March 26, 2019 | Advertising Deadline: |

SECTION II

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

✓

JMB 2/8/19

SECTION III

Sent for Review

Land Dev. Y N N/A

ONRM Y N N/A

Other Dept./Office Y N N/A

Comments:



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 28, 2019

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

Attention: Deborah Thomas

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. 2019-06, which was filed in this office on March 28, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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 27, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item H.2., Code Revisions to Chapter 62, Article VI, Division 5, Specifically Amending
Section 62-1835.4.5 and Section 62-1841

The Board of County Commissioners, in regular session on March 26, 2019, conducted the second public hearing and adopted Ordinance No. 19-06, revising Chapter 62, Article VI, Division 5, Section 62-1835.4.5 and Section 62-1841, to better align Fish Camps and Recreational Vehicle Parks. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Donna Scott
for Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: County Manager
County Attorney

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS"; SPECIFICALLY AMENDING SECTION 62-1835.4.5 FISH CAMPS TO ADD ADDITIONAL FUTURE LAND USE DESIGNATIONS AND TO CLARIFY SETBACK CRITERION FOR SAID USE AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS"; SPECIFICALLY AMENDING SECTION 62-1841 RECREATION VEHICLES, TO CLARIFY SEVERAL CRITERION AND TO INCREASE THE LENGTH OF STAY AT FISH CAMPS; 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 desires that temporary stays/vacations at fish camps be extended from 72 hours to 180 days; the same as is found within the recreational vehicle park zoning classification; and

WHEREAS, the Board wishes to amend the land use requirements required for fish camp use to be consistent with the current comprehensive plan designations found at Honest Johns Fish Camp, Loughman Lake Lodge, Lone Cabbage Fish Camp and Camp Holly Fish Camp; and

WHEREAS, the Board wishes to protect developed residential sites from fish camp activities but allow fish camps to utilize standard zoning setbacks when not adjacent to developed residential lots; and

WHEREAS, the Board of County Commissioners, on January 22, 2019 directed preparation of an amendment to the Zoning Regulations as it relates to fish camps; and

WHEREAS, the Building Construction Advisory Committee, on February 13, 2019, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 25, 2019, reviewed the proposed ordinance and made recommendations; and

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

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

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

SECTION 1. Section 62-1835.4.5 Fish camps, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-1835.4.5. Fish camps.

Fish camps shall comply with the following conditions:

- (1) Must have contiguous frontage on an existing natural water body.
- (2) Shall be located in areas designated Community Commercial, Neighborhood Commercial, agricultural, residential 1:2.5 or residential 1 on the future land use map.
- (3) All structures on the lot/parcel shall at a minimum meet the zoning classification requirements for setbacks, however, structures which are ancillary to the fish camp use shall be set back a minimum 200 feet from adjacent residentially developed lots, except that accessory restaurants, as described in subsection (6), shall be set back a minimum 400 feet from residentially developed lots.
- (4) A 15-foot type B semi-opaque buffer, as per section 62-4341, shall be established to screen the activity.
- (5) Recreational vehicles may be an accessory use pursuant to section 62-1841.
- (6) Restaurants accessory to fish camps shall be limited to 100 seats if located on an unpaved local road, and to 150 seats if located on a paved local road.
- (7) A conditional use permit for alcoholic beverages accessory to a restaurant may be requested pursuant to section 62-1906.

SECTION 2. Section 62-1841 Recreational vehicles, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-1841. Recreational vehicles.

Recreational vehicles may be permitted as an accessory use at fishing camps or flea markets. For fish camps, up to 20% of the allowable recreational vehicle sites may be developed as cabins or park trailers. For fish camps, all units (recreational vehicles (RVs), cabins and park trailers) shall be connected to electricity, water, and to: sewer, onsite sewage treatment and disposal systems (OSTDS) meeting standards and provisions of Florida Statutes Chapter 381.0065 and Florida Department of Health (DOH) Chapter 64E-6, Florida Administrative Code, Chapter 513.08 Florida Statutes, and Chapter 46 of Brevard County Code or have access to an onsite sanitary dump station pursuant to DOH Chapter 64E-15.010 (1)(a) Florida Administrative Code and Chapter 64E-15.004(5) Florida Administrative Code or Department of Environmental Protection regulations to allow a maximum length of stay limited to a maximum of 180 days. Self-contained recreational vehicles not connected to the above identified utilities shall have a

length of stay limited to 72 hours. For flea markets, such vehicles shall be self-contained and shall not be connected to any utility except electricity. The length of stay for such vehicles at flea markets shall be limited to 72 hours. There shall be a maximum of ten vehicles per acre, but no more than 60 vehicles, at any fish camp or 30 vehicles at any flea market, regardless of the size of the fish camp or flea market.

SECTION 3. 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 4. 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 5. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

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

DONE, ORDERED AND ADOPTED, in regular session, this 26th day of March, 2019.

Attest:



Scott Ellis, Clerk

(S E A L)

BOAR OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair

(approved by the Board on March 26, 2019)

Reviewed for legal form and content by: _____

NOTICE OF ZONING CODE CHANGE

The Brevard County Board of County Commissioners proposes to adopt the following ordinance described below. A public hearing to consider this ordinance was held during the Board of County Commissioner's Meeting on March 12, 2019. The second and final public hearing will be held on March 26, 2019, beginning at 9:00 a.m., in the Commission Chambers, 1st Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT REGULATIONS, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, PERMITTED USES WITH CONDITIONS; SPECIFICALLY AMENDING SECTION 62-1835.4.5, FISH CAMPS, TO ADD ADDITIONAL FUTURE LAND USE DESIGNATIONS AND TO CLARIFY SETBACK CRITERION FOR SAID USE AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, PERMITTED USES WITH CONDITIONS; SPECIFICALLY AMENDING SECTION 62-1841, RECREATION VEHICLES, TO CLARIFY SEVERAL CRITERION AND TO INCREASE THE LENGTH OF STAY AT FISH CAMPS; 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.

Copies of the ordinance to be considered can be reviewed at Planning and Development, 1st floor Building A, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons seeking to preserve a verbatim transcript of the record must make those arrangements at their own expense.

The needs of the hearing or visually impaired persons shall be met if the department sponsoring the meeting/hearing is contacted at least 48 hours prior to the public meeting/hearing by any person wishing assistance.

Per: Tad Calkins, Director, Planning and Development Dept.
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, FL 32940
(321)633-2070

Strike through

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS"; SPECIFICALLY AMENDING SECTION 62-1835.4.5 FISH CAMPS TO ADD ADDITIONAL FUTURE LAND USE DESIGNATIONS AND TO CLARIFY SETBACK CRITERION FOR SAID USE AND AMENDING ARTICLE VI, DIVISION 5, SUBDIVISION II, "PERMITTED USES WITH CONDITIONS"; SPECIFICALLY AMENDING SECTION 62-1841 RECREATION VEHICLES, TO CLARIFY SEVERAL CRITERION AND TO INCREASE THE LENGTH OF STAY AT FISH CAMPS; 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 desires that temporary stays/vacations at fish camps be extended from 72 hours to 180 days; the same as is found within the recreational vehicle park zoning classification; and

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WHEREAS, the Board wishes to protect developed residential sites from fish camp activities but allow fish camps to utilize standard zoning setbacks when not adjacent to developed residential lots; and

WHEREAS, the Board of County Commissioners, on January 22, 2019 directed preparation of an amendment to the Zoning Regulations as it relates to fish camps; and

WHEREAS, the Building Construction Advisory Committee, on February 13, 2019, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 25, 2019, 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 62-1835.4.5 Fish camps, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 62-1835.4.5. Fish camps.

Fish camps shall comply with the following conditions:

- (1) Must have contiguous frontage on an existing natural water body.
- (2) Shall be located in areas designated Community Commercial, Neighborhood Commercial, agricultural, residential 1:2.5 or residential 1 on the future land use map.
- (3) All structures on the lot/parcel shall at a minimum meet the zoning classification requirements for setbacks, however, structures which are ancillary to the fish camp use shall be set back a minimum 200 feet from adjacent residentially developed lots, except that accessory restaurants, as described in subsection (6), shall be set back a minimum 400 feet from residentially developed lots.
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(DOH) Chapter 64E-6, Florida Administrative Code, Chapter 513.08 Florida Statutes, and Chapter 46 of Brevard County Code or have access to an onsite sanitary dump station pursuant to DOH Chapter 64E-15.010 (1)(a) Florida Administrative Code and Chapter 64E-15.004(5) Florida Administrative Code or Department of Environmental Protection regulations to allow a maximum length of stay limited to a maximum of 180 days. Self-contained recreational vehicles not connected to the above identified utilities shall have a length of stay limited to 72 hours. For flea markets, such Such vehicles shall be self-contained and shall not be connected to any utility except electricity. The length of stay for such vehicles at flea markets shall be limited to 72 hours. There shall be a maximum of ten vehicles per acre, but no more than ~~30~~60 vehicles, at any fishing camp or 30 vehicles at any flea market, regardless of the size of the fishing camp or flea market.

SECTION 3. 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 4. 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 5. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

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

DONE, ORDERED AND ADOPTED, in regular session, this 26th day of March, 2019.

Attest:

BOAR OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

(S E A L)

Kristine Isnardi, Chair
(approved by the Board on March 26, 2019)

Reviewed for legal form and content by: _____



January 23, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: George Richie

RE: Item J.1., Legislative Intent and Permission to Advertise for Code Enforcement Revisions to Increase the Number and the Length of Stay RV's are Permitted at Fish Camps

The Board of County Commissioners, in regular session on January 22, 2019, approved legislative intent and permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations, Sections 1835.4.5 and Section 62-1841 to better align Fish Camps and Recreational Vehicle Parks.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
for: Tammy Rowe, Deputy Clerk

/kp