



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

Meeting

Date: February 19, 2018

TO: Local Planning Agency

THROUGH: Tad Calkins, Director
Planning & Development Department

FROM: George C. Ritchie, Planner III
Planning & Development Department

SUBJECT: Park N Ride lot Ordinance

DATE: January 31, 2018

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

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

If you have any questions please feel free to call George Ritchie at 633-2070.

Attachment: Clerk's Memo from the December 19, 2017 Board of County Commissioners meeting regarding Item VI.F.7.

Alward, Elizabeth M

From: Calkins, Tad
Sent: Monday, February 26, 2018 2:30 PM
To: Commissioner, D3; Commissioner, D1; Commissioner, D2; Commissioner, D4; Commissioner, D5
Cc: Denninghoff, John P; Abbate, Frank B; Bentley, Eden
Subject: RE: Parking Zoning Ordinance
Attachments: OvernightCommercialParking#ofParcels.xlsx; OvernightCommercialParking.pdf

Commissioner Tobia,

The following are the responses to your inquiry regarding Board Agenda Item IV. D., Code Amendment to Chapter 62, Article VI, Zoning Regulations 'Overnight Commercial Parking'.

1. To the best of our knowledge, there are 3,041 parcels that have BU-1, BU-2, PBP, PIP, IU, and IU-1 zoning classifications within a 10 mile radius from the Port. The attached spreadsheet indicates that the majority of these parcels (1,744) are in District 2. Since Districts 3 & 5 are outside of the 10 mile radius, no parcels were included in those areas. The attached Map depicts the location of the parcels containing the aforementioned zoning classifications. (Please note that the 3 acres minimum size proposed in the ordinance is not reflected in the attachments.)
2. The existing overnight commercial parking lots will become nonconforming uses with the adoption of the ordinance. These establishments would be allowed to continue operating as commercial parking. However, if they wanted to enlarge, expand, or modify they would need to comply with the provision Section 62-1182 or obtain a conditional use permit as proposed in the ordinance.
3. It is my understanding, we have not received a traffic study for any of the existing overnight commercial parking lots. The concern being the establishment will have a concentrated trip generation peak hour and perhaps several in the same day. Meaning, their patrons will arrive and leave in very short period of time, similar to elementary schools. The traffic study will allow us to determine if there is adequate onsite storage so vehicles are not stacking in the roadway creating safety concerns.

Hope you find this information helpful. Please do not hesitate to let know if you have any further questions.

Tad

From: Abbate, Frank B
Sent: Thursday, February 22, 2018 10:55 AM
To: Tobia, John
Cc: Denninghoff, John P; Calkins, Tad
Subject: Re: Parking Zoning Ordinance

Commissioner:

Thanks for the clarification.

Frank

Sent from my iPhone

On Feb 22, 2018, at 10:41 AM, Tobia, John <John.Tobia@brevardfl.gov> wrote:

Frank,

The request below can be limited to a 10 mile radius of the Port.

Thanks,

<image001.gif>

John Tobia

County Commissioner, District 3

<image002.jpg>

From: Tobia, John

Sent: Thursday, February 22, 2018 10:26 AM

To: Abbate, Frank B

Cc: Denninghoff, John P

Subject: Parking Zoning Ordinance

Frank,

Regarding the proposed parking lot zoning amendment, I would like some data, if possible.

1. How many parcels will be affected by the zoning change?
2. Will current overnight parking lots be grandfathered?
3. Have any traffic studies been done that reflect the contention that these parking lots are problematic?

Thank you,

<image001.gif>

John Tobia

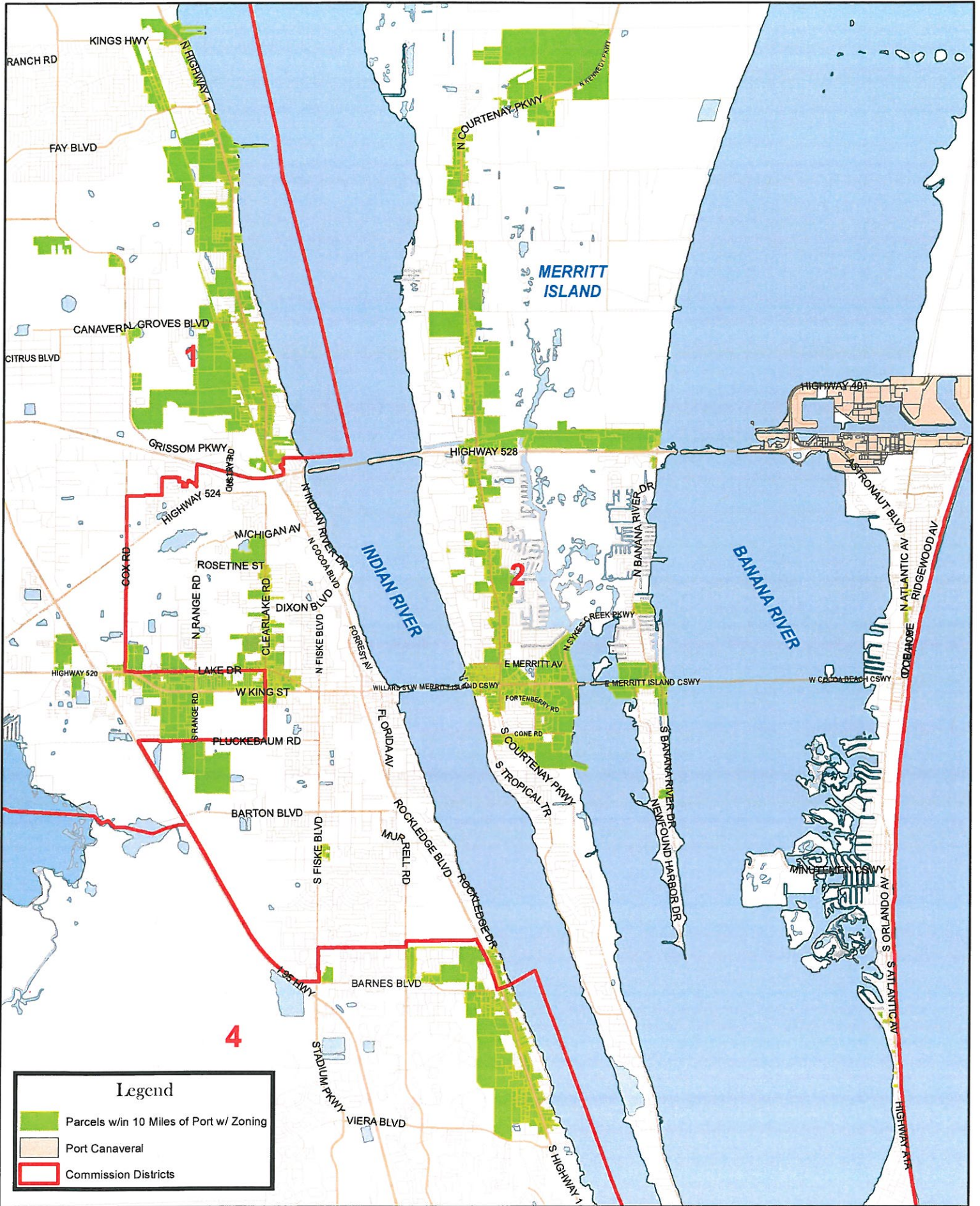
County Commissioner, District 3

<image002.jpg>

OVERNIGHT COMMERCIAL PARKING

<u>COMMISSION DISTRICT</u>	<u># OF PARCELS WITHIN 10 MILE RADIUS OF PORT WITH ZONING POTENTIAL</u>	<u># OF DUPLICATED PARCELS THAT ARE CONDOS</u>	<u># OF REMAINDER PARCELS</u>
1	1273	264	1009
2	3263	1519	1744
3	Outside of 10 Mile Radius 0	0	0
4	291	0	288
5	Outside of 10 Mile Radius 0	0	0
TOTAL	4827	1783	3041

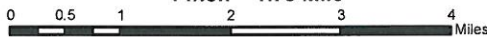
Overnight Commercial Parking



Legend

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

1 Inch = 1.75 Mile



Alward, Elizabeth M

From: Sterk, Erin
Sent: Wednesday, February 21, 2018 2:02 PM
To: Alward, Elizabeth M; Calkins, Tad; Ragain, Rebecca
Subject: FW: Cruise parking North Merritt Island
Attachments: Cruise Parking Merritt Island.pdf; 2411749.pdf

Good afternoon,

This morning, we received a request for Zoning confirmation for Tax ID 2411749 for Commercial Parking in NMI. They having the zoning they need to proceed with plans submittal and I suspect we receive the full submittal by the end of the week from Mr. Bruce Moia. They are proposing to develop 10 acres of a 16+ acre site just north of the Barge Canal double bascule bridge on the east side of SR 3 and proposing access from SR 3 and Smith Road.

As we have an Ordinance proposing changes to the code for this use, I thought I would clarify the following:

- The project at 10 acres in size will be required to have a preapplication conference
- The code that is in place as of the date of the preapplication conference will apply if the applicant submits a formal site plan within 180 days from that date.
- We have a deadline tomorrow, February 22, for a March 8 preapplication meeting and the next deadline of March 8 for a March 22 preapplication meeting
- The Non-Overnight Commercial Parking Ordinance is proposed to be heard by the Board March 1 (first hearing) and March 20 (second hearing).

The details we've received thus far are attached. Mr. Moia recused himself from the LPA vote on the Ordinance change, but is aware of the code change's timeline.

Please let me know if you have any questions,
Erin

(1) *Pre-application conference.* The pre-application conference provides a formal review and input in the formative stages of the site plan design which should help to expedite the approval process and thus reduce plan design and development costs for the applicant.

a. All major site plan applications meeting any of the following criteria **shall have a pre-application conference.** Applicants submitting a site plan application that does not require a pre-application conference may request to have a voluntary pre-application conference.

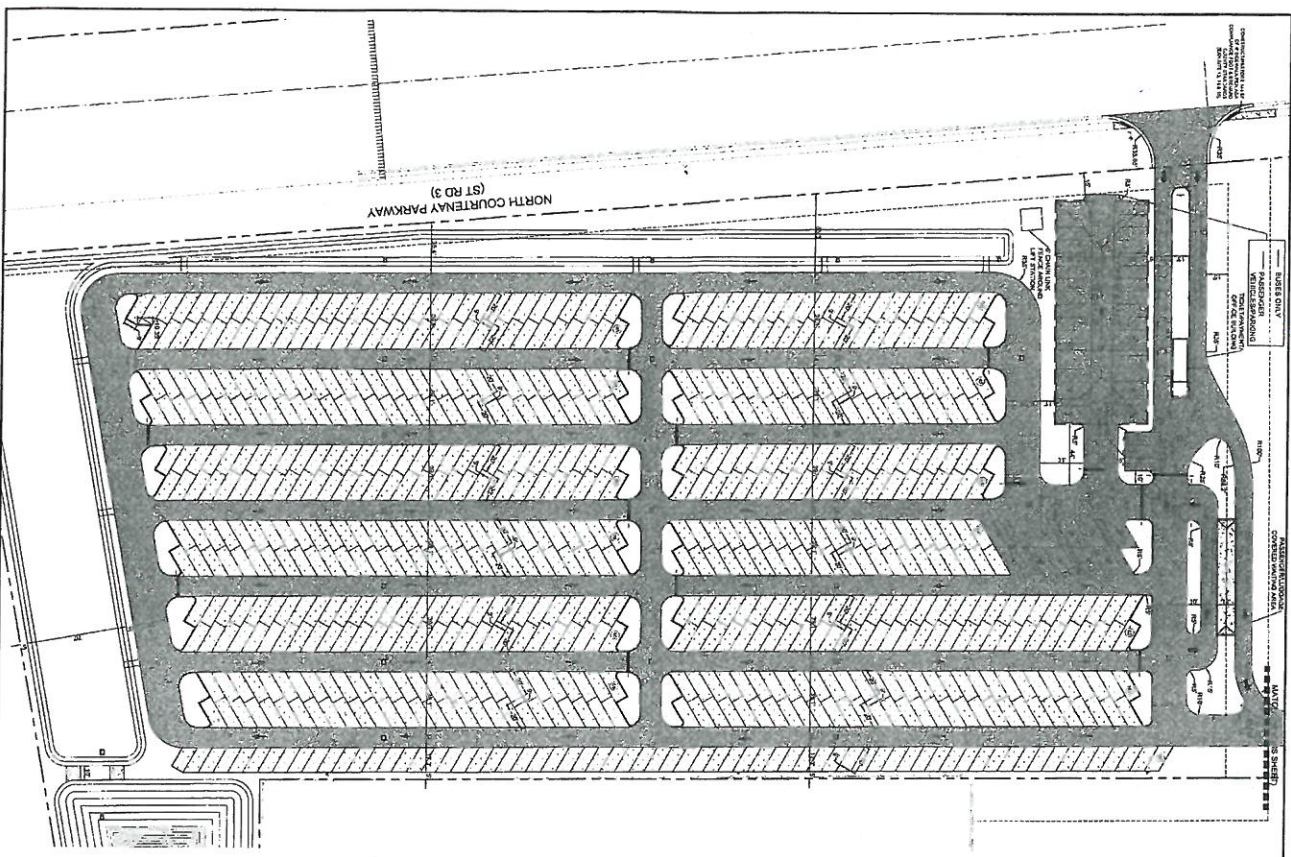
1. Projects consisting of **three acres or more**; or

c. The applicant will have 180 days from the date of the pre-application conference in which to submit a formal site plan in order for the project design to be **approved under the Code of Ordinances that were in effect as of the date of the pre-application conference.** A formal site plan submitted beyond the 180 days after the pre-application conference will be required to comply with the code requirements in affect at the time of formal engineering plan submittal. A formal site plan submitted more than 12 months after the pre-application conference shall have another pre-application conference.

From: Body, Paul
Sent: Wednesday, February 21, 2018 9:30 AM
To: Sterk, Erin
Subject: Cruise parking North Merritt Island

Erin, attached is Bruce's cruise parking project in North Merritt Island and zoning map.

700 Parking Spaces



BUILDING DETAIL

SMITH ROAD (DIRT)
STOP

CRUISE PARKING

LEGEND

TYPICAL ISLAND DETAIL

SITE PLAN

CRUISE PARKING

CRUISE PARKING

CRUISE PARKING

CRUISE PARKING

CRUISE PARKING

CRUISE PARKING

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LEGEND

- PROPOSED DRIVE PAVING
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE
- PROPOSED DRIVE PAVING
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE

TYPICAL ISLAND DETAIL

SCALE: 1" = 12'

SITE INFORMATION

GENERAL DATA

PROJECT NAME: CRUISE PARKING

CLIENT: MERRITT ISLAND

DESIGNER: MBV ENGINEERING, INC.

DATE: 12-12-2011

SCALE: 1" = 12'

LEGEND

- PROPOSED DRIVE PAVING
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE
- PROPOSED DRIVE PAVING
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE

SITE PLAN

CRUISE PARKING

MERRITT ISLAND

FLORIDA

CRUISE PARKING

MERRITT ISLAND

FLORIDA

CRUISE PARKING

MERRITT ISLAND

FLORIDA

CRUISE PARKING

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CRUISE PARKING

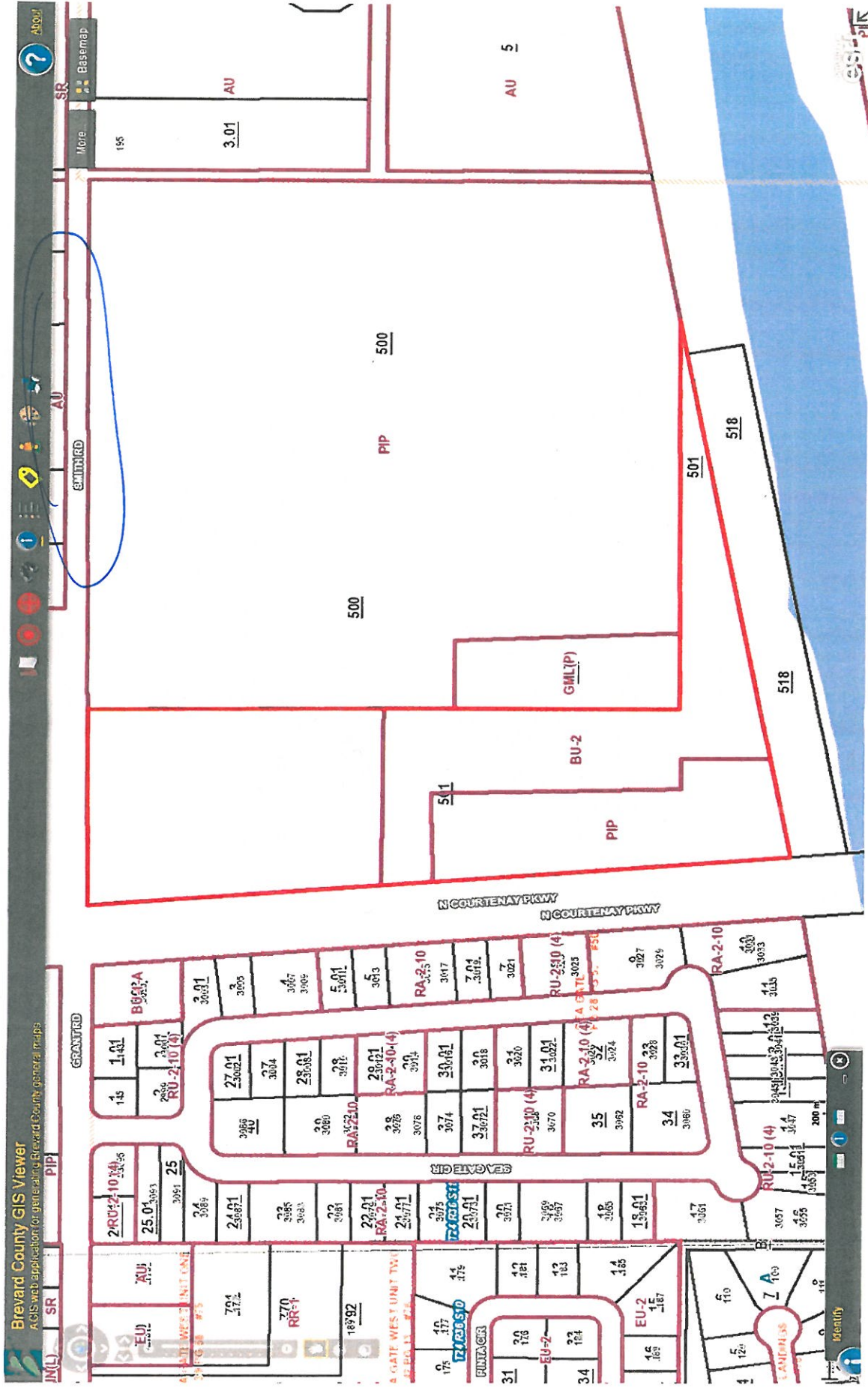
MERRITT ISLAND

FLORIDA

CRUISE PARKING

MERRITT ISLAND

FLORIDA



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

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.

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.

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.

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.

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).

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.

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.