



**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: JUNE 25, 2014**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of December 11, 2014 (Un table)  
Draft minutes of P&Z Board Meeting of May14, 2014

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
DECEMBER 11, 2013 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL, EXCUSED
ALTERNATE:	GEORGE FOSTER, VOTING FOR BALL
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

**DRAFT**

ADDITIONAL ATTENDEES: COUNCIL MEMBER ACQUAVIVA

**C. ADDITIONS/DELETIONS/CHANGES:** Chair said he would like to move public before the Discussion so they didn't have to sit through whole meeting. No objections.

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting – (not ready)

**MOTION: BUD / DON TO TABLE TO NEXT MEETING.**

**PUBLIC AGENDA ITEM "I" MOVED HERE:**

Tim Duncan, pastor of Brevard Worship Center, 6825 Babcock Street introduced himself and their plan to build a new church and parking lot on the property in front of the existing metal buildings. They will keep the existing buildings and use them for offices or other church purposes. The request is scheduled for the P&Z agenda of January 8, 2014. Don asked about the driveway. Pastor explained that the driveway will stay the same and is located just north of Booth Road and south of Ace Hardware. He just wanted to introduce himself. Board thanked him.

Kim Frodge of Nanna's House: She explained their mission is to help children of abusive homes and give them a safe place to stay. They have been doing this for the last five years. They are completely community funded. They take in newborn babies to age 11. She is hoping to build a gated community of eight block homes with metal roofs with five children max in each home for a total of 40 children. Pat explained that the development she is describing would need property in R-M4 or R-M6 zoning, both along Highway 1. Don said she would have to have a minimum of 1-acre for each house in order to get septic. Don thinks it falls under the subdivision code. You would have to have eight wells not one and same with septic. He is thinking of a development like she described would fall under subdivision. Bud asked why she is limited to five kids per home. It is the most family like. These kids have never experienced a good home life. She also said that with five kids and two house parents, you could use a mini-van; if more you would have more liability, with multiple vehicles, etc.

She asked where in Malabar she could do this. Chair said on Hwy 1 in R-M4 & R-M6 and Don was correct in saying she would need water and sewer. She asked if there was any land like that on Highway 1. Chair said no, but there is a proposed project that will have to bring the city water and sewer down to its location. They are on the R-M6 zoned area. Chair thought there were one or two other R-M4 parcels. Bud said she could stop by Town Hall staff and get a zoning map to see

where the area is. Don said the majority of land in Malabar is RR-65, rural residential zoning. Liz asked about Babcock Street – Denine said it is CG, OI and RR-65. Don said you can't put that in institutional. Ms. Frogge said in Palm Bay she would have to be in Institutional Zoning. She said it sounds like she would have to get the one or two parcels on Hwy 1 or it is pretty bleak to try and have it in Malabar. Bud told her there would be more options for her in Palm Bay. Chair said he didn't think she could do her project without city water and sewer. Ms. Frogge thanked them. Bud asked what she had taken away from this. Ms. Frogge said that she can't build in Malabar and to go to Palm Bay. Chair said that is not what they said. She would need to find property in the right zoning for multiple residences and either have enough acreage for septic or have water and sewer. She thanked Board. Board thanked her.

E. **PRESENTATION:** none

F. **ACTION:** none

G. **DISCUSSION:**

2. **Discussion of Sober Homes**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Discussion

**DRAFT**

Chair asked for this to be on agenda.

First though the Chair wanted to thank Board for all their hard work and dedication on getting the ALF regulations to Council. Chair explained the Attorney is drafting it into the proper language for Council's consideration.

The TA had mentioned that she had addressed the issue of the proliferation of sober Homes in South Florida to Council and Dick Korn and Leeanne Saylor told Council that the P&Z Board had already looked at this. The Chair said the Sober Homes issue may be something that they have already covered in the regulations they just created, but he wanted the Board to read up on it and discuss if anything needs to be done. They won't have another meeting until January so they will have plenty of time to read the material. Liz thought the definition could just be added to the ALF regulations. The Chair explained he didn't want to hold up getting the ALF regulations to Council.

Chair said under F.S. 400 (pg 13 of 64, Part 3.a) and Liz said on pg 14, (#11); both places appear to cover this use. Liz said just add a definition for Sober Homes and state it is governed under F.S. 419. Board discussed just adding verbiage to Article III under community residential homes. Don cautioned stating that these types of uses are not allowed in code could have legal problems regarding discrimination. He thinks Attorney should add in the proper language and then ordinance should come back to P&Z Board.

Denine directed them to the 12-pg packet she had placed at their seats re: survey FLC had done on this issue. It seems most of these places pop up and there is no oversight. Don said if it is a rental home, then it is a business and they should have a BTR.

Don said a few years ago they had considered a huge development on Highway 1 and part of it was rehab. Liz said it was for frail elders and that is allowed. She doesn't know how it got described as also having rehab. *FRAIL*

Denine said when she talked to Melbourne, they indicated that their legal department was also reviewing how to regulate sober homes. Don said he likes broader categories; sometimes less is more on laws. For every law that is written there could be a challenge. Don said it is difficult to control if someone owns a house and invites four others to live there. Liz said if they pay rent. Don said that if someone goes to Europe and rents out their home; said that they all know that it is a State controlled thing. Don said they even have a Council Member that rents out a house. He doesn't want to know what his neighbors are doing but if they are going to operate a sober home

then perhaps the Board should look at putting them in an institutional zoning. Liz said she also thought that it should be in Institutional. Don said in reading the handout, it seems hard to regulate where and how many you can have in a community without the discrimination issue coming up.

Don suggested adding code language "any forms of rehabilitation services shall be defined by State legislation." Still would need to run it by Attorney.

George suggested we just don't allow them based on the problems other cities have encountered.

Chair recognized Juliana Hirsch, 1035 Malabar Road. She said they should just state that they do not allow them in residential areas. Seems pretty simple to her. Juliana said that you can have up to five persons in your home as long as you don't charge. That's the crux, how do you find out. George said eventually the neighbors will come forward and then the Town can take action.

Council Member Marisa Acquaviva recognized: She was interested in hearing their discussion about sober homes because it is becoming a real issue down south, She stated they did a moratorium on pill mills to go on record that those types of facilities aren't welcome here. Perhaps we could do something similar. Don asked how long was the moratorium for pill mills? 6 or 8 months? He thinks it would just encourage sober homes to locate here. Liz said the problem is they are not required to be regulated. Chair added that a moratorium would just be a short term fix. She thanked Board again for their participation in this discussion.

**DRAFT**

Two questions for Attorney in form of motion:

**MOTION:** Don / Liz P&Z Board is recommending that they get a legal opinion on the following issues related to sober homes/half-way homes/rehabilitative homes:

- 1) Is there any advantage to doing a moratorium on these?
- 2) a. Is it appropriate under Community Residential Homes in the draft ordinance to add sober homes / half-way homes / rehabilitative homes in Section 1, 13, A, and what are the possible ramifications?  
 b. Should sober homes/half-way homes/rehabilitative homes be included in Article XX, Definitions, Section 6, 1-20.2?

VOTE: none taken.

#### **H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**

#### **I. PUBLIC:**

#### **J. OLD BUSINESS – None / NEW BUSINESS:**

Don asked if everyone was aware of the accident on Highway 1 last Friday night. He saw two reports on the news that stated that Malabar was doing something wrong and that is a State road. The other report from Orlando said they were crossing at Riverview Drive which is way south of the restaurant. Liz said everyone with property on both sides of the highway has the same problem. She said their park visitors that use the dock have to cross the Highway. Chair said it is 4-lanes of highway. Don said the report said the speed limit in that area is 45mph and that the driver wasn't speeding. Don said it is a State road, the speed limit is 55mph and the person probably was speeding. Don said he doesn't know what the facts are but...

Bud said there are four different speed limits between here and Melbourne. Bud said he knows people go faster than that from personal experience. Liz said they slow down at Robert Conlon because the police are there. Liz said there are commercial, business, residential, vacant and nothing and then residential along there.

Bud said he has to be careful but he questions the wisdom of having a restaurant with a large clientele, especially in the evening, the dark...if it is an appropriate place to have to cross the street to get to it? Liz said they have complementary valet parking and have had for several months. She also asked them to remember these are adults. She said it is hard to imagine they didn't see the head lights or the driver didn't see the couple, but it is really dark up there at times. She said they need more lighting up there. Don said the reports said they were crossing where the light was to the south of the restaurant and were hit well south of the building and were projected up to the building. Liz said they wouldn't cross there in the dark. Bud said the parking across the street is diagonal from the restaurant. Bud said he questions the wisdom of allowing them to operate; something like this was bound to happen; he was just waiting for it to happen. Don said the question is, is there a liability back to the Town? Liz said no, it is on the property owner. Bud said the owner of the Shack was also killed the same way.

Bud asked if the place was approved with separate parking, perhaps they should propose that places that could pose a danger should have parking on the same lot as the structure. Liz said not necessarily but they should have lighting. Don said who is responsible? Liz said if it is a business operating after dark it should be their responsibility, but it is a US highway – you can't just put lights up without approval.

Chair said what it sounded like Bud was trying to say was that for new construction they should consider contiguous parking if the property is intersected by a road. Bud said perhaps on roads with a speed over 25mph or present a clear and present danger to the public.

George said as a business person he understands the significance of a riverfront property and the great food, but there is not enough parking on the river side so there must be an alternative. They could require that the business provide for safe crossing either with a mode of transportation like a shuttle/trolley or with a pedestrian crossing with a light and button. Chair gave example of Officer's Club at Patrick. They have a light and crosswalk for pedestrians between the club on the beachside and the parking on the west side. Liz, Don and Bud agree it should be the business owner's responsibility. Bud said his personal opinion is that if that happened the business owner should seriously consider relocating.

Chair said homework assignment is to read up on off-street parking. Chair said it could be just adding language to the code that says new construction shall have contiguous parking with the parcel the structure is located.

George said as a business person, he understands the benefit of the riverfront location and there has to be an alternative to just mandating they relocate. You can mandate that the property owner provide safe measures for their clientele, such as a trolley.

Don also wanted on an upcoming meeting to discuss the issue of Palm Bay having the utilities now and they could put in sewer and require hook-up within 365 days. The other issue is the sphere of notification of property owners notified when there is a project that proposes water and sewer lines. If a project is approved then 100 current residents could be required to hook up without any say because the city of Palm Bay has the control, not the Town of Malabar. George didn't think that the City of Palm Bay could do that; Chair concurred that they couldn't do it. Bud said yes they could. Liz said it is the option of the provider and Mr. Paladin said he would work on this. Liz said we missed the opportunity to put that into the contract the first time. Now maybe the Council can get it into the contract. Chair said that is not their job. Don said it is part of planning and is part of their job and right now there is another city in control of every road and area in Malabar and we are at their whim. Bud said he brought this up before. It is a real concern. Liz said it wasn't presented properly before. And now there are new council members. Liz said Mr. Paladin has said he has leverage and will get it in his contract. Don said the real issue is the sewer and if the law says the provider can say you must hook-up and you know you are going to make a bundle of money by all

these people that now have to hook up it won't matter about any agreements. Also it won't matter if you have a perfectly performing septic; you will be forced to hook up to sewer with 365 days. Liz said no, it could be worded in the agreement with the provider. Don said it is in the code now with the approved agreement with Palm Bay and that is what needs to be changed.

Don asked that whenever a waterline is proposed that all possibly affected property owners be notified by mail; not just the 500' around the project site. Chair said that was done. Don asked Denine. Denine said it was changed from 200' to 500'. Liz and Don suggest that notice be sent to any potentially affected persons be notified.

**K. ADJOURN**

There being no further business to discuss, MOTION: Ryan / Don to adjourn this meeting. Vote: All Ayes. The meeting adjourned 10:30P.M.

BY:

\_\_\_\_\_  
Pat Reilly, Chair

 **DRAFT**

\_\_\_\_\_  
Denine Sherear, P&Z Board Secretary

\_\_\_\_\_  
Date Approved

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
MAY 14, 2014 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL, EXCUSED
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

**ADDITIONAL ATTENDEES:**

Reilly stated that George Foster will be voting in place of Grant Ball.

**C. ADDITIONS/DELETIONS/CHANGES:**

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 3/12/2014  
Planning and Zoning Meeting – 12/11/13

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

Chair asked for a motion to approve P&Z minutes of 3/12/14

**MOTION:** Krieger/Ritter to approve with corrections.

Page 5/41

Krieger, 4<sup>th</sup> parag. from top 7<sup>th</sup> line down told should be suggests

Ritter 2<sup>nd</sup> parag from top 4<sup>th</sup> line 000 should be small

**Vote:** All Ayes

Chair asked for a motion to approve P&Z minutes of 12/11/13

**MOTION:** Ryan/Ritter to approve with corrections.

Page 7/41

Ritter 2<sup>nd</sup> parag 6<sup>th</sup> line form the top add acre after "1" at the end of line

Page 8/41

Ritter 2<sup>nd</sup> parag from bottom, 2<sup>nd</sup> line flair = frail

Page 9/41 4<sup>th</sup> parag from top, 3<sup>rd</sup> line ....how do you find out.

The Board suggested listening to the tape again.

**MOTION: Krieger/Ritter to table minutes of 12/11/13 VOTE: All Ayes**

Foster commented that Denine did a great job on the agenda packet and that he likes the idea of including the Town Council minutes with the packet. He said it is a positive thing to share minutes between the Boards.

**E. PRESENTATION:**

**F. ACTION:**

**G. DISCUSSION:**

2. Continue Discussion on Future Land Use Maps and Defining R/LC

<b>Exhibit:</b>	Agenda Report No. 2
<b>Recommendation:</b>	Discussion

Reilly said that Krieger updated the verbiage for R/LC and it was emailed out to you and a copy is at your seat tonight. Krieger said that what he included is underline, italic, and bold.

Krieger said that the problem with the whole concept of R/LC originally this was set up to protect people already existing, but now it is becoming more a "mixed use". Krieger said he thinks it is going to be the biggest zoning in our town and take a lot of thinking. It is R/LC and we talked about all other commercial zoning, depending on density. The Town Council had said 6 units per acre.

Ritter will send changes to update verbiage for R/LC, she explained keeping R/LC "residential" until such time the property owner comes in and wants to change to R/LC adding commercial.

Foster said that we should decide that these property owners have the ability to get the "R/LC" it should remain "residential" until they petition for the R/LC.

Reilly disagrees with the R/LC setbacks, the Board discussed suggestions to add to verbiage and bring back to next meeting.

Reilly said that for R/LC you need 20,000 sq ft and in RS-10 & RS-15 it could never be R/LC due to setbacks.

Krieger said you already have density in place. When a property owner changes to R/LC there are two different scenarios, those with buildings and those that are going to build.

Foster said to help property owners increase property value by increasing the zoning of the property is a perfect idea and people should be able to get R/LC at any point.

Reilly explained the six (6) units per acre is what Council approved because those that bought R/LC property is presently have 6 units per acre. The consensus of the P&Z Board is 6 units per acre.

Ritter explained to the Board that due to restrictions and setbacks this would limit the density. Reilly added that only two areas have "RM-6", if we go to R/LC.

Foster suggested to "Grandfather" those areas that have been approved and are presently 6 units per acre.

Krieger asked if you look at RR-65 zoning, it is 1.5 acres, now with "units" a commercial unit 1 and a people unit are how many? Krieger said the intent is to protect those that already have homes and can grow if they choose into commercial. The density has to be lower than RM-6 or else you are opening the whole town up to apartment complexes.

Ryan reminded the Board that the preamble to the Code is that this Town is intended to be a rural community.

Reilly suggested putting Ritter's suggestions in the document and Krieger will do the verbiage.

Ryan suggested about 4 units per acre again and present to Council and let them know why. Krieger said the larger properties will have a way to slip major development in with these 6 units per acre.

Ritter discussed the chart about R/LC being "residential" first, than "commercial" you have to have same amount residential and commercial.

Krieger explained an example to the Board, if a property owner has 10 acres, and it is 6 units per acre, Reilly said that would be 60 units. Krieger added that 6 units had a multiplier of 2.6. Krieger said we need a definition of "unit".

Ritter/Reilly said the multiplier is only for ALF's. They explained the units for ALF's is different because it was "resident/beds".

Denine said that she sent (emailed) the approved Ordinance for ALF's and Vernacular Ordinance as requested by this Board.

Reilly discussed if a house has 4 persons in a house and there is 6 units this = 24 people.

Krieger said we are getting away from what the town is supposed to be. It is supposed to be "rural" we are doing this to help people, but what we are really doing is building our own demise.

Foster thought that on the arterial roads this R/LC is a good thing. There are countless other communities that have protected their rural residential areas and have also consciously sought clean development and clean businesses. He thinks "mixed use" is the whole concept, to do the best for your community. The R/LC can very clearly enhance the value of the properties and the safety and well being of the community.

Reilly suggested that we have to stay within the Charter and keep low density. Ritter said that the definition of "unit" be put in the Code Book.

The Board discussed extensively the residence vs commercial table and that there can never be more than one (1) more than the other residents or commercial.

Krieger said that the rural aspect of the town changes when you have high density, it is not rural.

Ryan said the way the town is situated now we are doing well, our tax bases is the lowest of any place around. We don't need commercial tax revenue. There is a limit to what the commercial portion should actually be it is primarily to serve the residents of Malabar. Ritter said it is not far to go for something you may need, maybe 4 miles.

Foster said the general complexion of the arterials is going to dramatically change when Malabar Road is widened. There is going to be pressure to develop these properties along the arterial sections.

Ritter said to Foster that we have a "Charter" to abide by. We don't have to conform to other municipalities around us.

Ryan said we have to respect the rights of the people that bought here, that is why they moved here into a rural community.

Reilly said for next meeting:

- Krieger is going to work on verbiage with suggestions
- Definition of "units"
- Ritter submit suggestions to be included

Krieger suggested keeping agricultural in verbiage and looking at:"LC"

The Board read the "LC" definition out of Article III District Provisions for clarification.

3. Discuss Off-Street Parking and Contiguous Parking  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Discussion

Ryan said to look at page 14/41 the code that Brevard County's Code. He suggested changing our code to go along with Brevard County/City of Melbourne. I think we should keep in mind with this parking situation the health, safety, and welfare of the general public. A safe operation.

Krieger asked how do you know when people are in compliance or out of compliance. For a new building it is one thing.

Ritter read page 15/41 #9 TO THE Board about safety and welfare of the public.

The Board discussed "off street parking" on the property of the business, not in adjacent areas.

Krieger suggested that when you get a BTR (Business Tax Receipt) that an inspection is conducted. Denine explained that when a new BTR is submitted the Building Official does an inspection before the RTR is issued.

Reilly explained that for a new building the site plan addresses the parking. This discussion is "off street parking which means "other than" on property of business.

Ryan talked about exceptions such as downtown Melbourne, that there are store fronts with limited parking in front of stores with public access parking in the back, as long as no one has to cross a major road, which has to do with health and welfare, then you are allowed to have non contiguous parking.

Ritter said that down town Melbourne has "public parking".

The Board discussed the City of Melbourne and Brevard County Codes for "Off Street Parking".

Ritter said on page 18/41 read that 60% of required parking has to be on site and the shared parking is for joint properties.

Reilly suggested the following for the next meeting:

- A list of what we want to add to our Code for "Off Street Parking"
- Look at our Code Article IX (9)

**H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**

Denine told Board about modification coming before this Board for the Palm House who purchased property across railroad tracks at the "old post office "property. The owner Doug Proctor wants to keep property rural and just put large trees on this site. Our Building Official Roger Cloutier and Town Engineer Morris Smith have reviewed the modification to forward information to Board.

**I. PUBLIC**

Juliana Hirsh 1035 Malabar Road, Malabar FL commented that there is something wrong with the encroachments of the gate.

Reilly suggested to Ryan to meet one on one with BW to find out what is going on.

**J. OLD BUSINESS/NEW BUSINESS:**

Ryan asked about AAA Storage using side gate that was never in the original plans to use for ongoing business. Denine said they are working with some issues right now.

Krieger said there are other problems beside the gate access with other properties.

Denine did explain that AAA Storage is not the only business using that W Railroad road, other businesses use it as well, Ryan said he is not concerned with the road, he is concerned with who goes through the back gate.

Reilly suggested addressing BW about the Code enforcement issue and if you do not get satisfaction go to Council.

**New Business**

Reilly said the next scheduled meeting is 5/28/2014. I will be gone, Grant Ball will be gone, and Krieger will be gone. It is suggested to cancel this meeting by Chair. The June 11, 2014 meeting Reilly gone and Grant Ball gone, go ahead with meeting Ritter will Chair the meeting on 6/11/14. The second meeting in June is 6/25/14 everyone will be back.

Ryan said a quorum is only a Board Member not an Alternate.

P&Z Meeting cancelled for 5/28/12

**K. ADJOURN**

There being no further business to discuss, MOTION: Krieger/ Ryan to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:27P.M.

BY:

\_\_\_\_\_  
Pat Reilly, Chair

\_\_\_\_\_  
Denine Sherear, P&Z Board Secretary

\_\_\_\_\_  
Date Approved: as corrected

**TOWN OF MALABAR**

**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: June 25, 2014**

**Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary**

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**SUBJECT: Future Land Use Map and Defining R/LC**

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**BACKGROUND/HISTORY:**

This Board is reviewing the R/LC Land Use/Zoning verbiage that is in our code and what was sent to Council for approval previously. Mr. Krieger was going to revise suggestions from this Board from the May 14<sup>th</sup> meeting and bring back to this meeting for review and discussion.

**ATTACHMENTS:**

- Don Krieger's suggestions on R/LC (dated 5/12/14)
- Liz Ritter's suggestions on R/LC (dated 5/16/14)

**ACTION OPTIONS:**

Discussion/ Recommendation to Council

**BRING 3 RING BINDER FROM  
THE FEBRUARY 12, 2014  
MEETING  
&  
AGENDA (3) FROM FEBRUARY  
26, 2014**

**Liz Ritter**  
**R/LC**  
**Suggestions**  
**Submitted**  
**5/16/2014**



Regular text is original MUNI code  
Strike-through text we had wanted to be ~~deleted~~  
Underline text is what we had proposed  
Bold underlined text is further additions we had suggested (Purple is Liz)  
Italic bold underlined text is my possible suggestions

## R/LC Residential and Limited Commercial

R/LC "Residential and Limited Commercial." The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Rural-Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM).

***R/LC is intended to encompass progressive land uses including elements of low-density rural and agricultural applications as well as allowing low and moderate commercial applications within a mixed-use framework.***

Such development is intended to accommodate limited commercial goods and services together with rural-residential activities on specific sites designated "R/LC" which ~~are situated along the west side of the US 1 corridor as delineated on the FLUM.~~ This residential land use and zoning shall permit moderate density multiple family residential development, limited commercial development separately where current Infrastructure allows or as a combination of these uses as regulated by table 1-3.3A.

For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a maximum density up to ~~four (4)~~ ~~six (6)~~ six (6) residential units per acre. A building(s) or portions of a building may have residential or commercial use(s) or a combination of both.

**Residential / Limited** Commercial activities shall generally cater to the following markets:

Local residential markets within the town as opposed to regional markets; or Specialized markets with customized market demands.

A Malabar Vernacular Style is required for all development along arterial roadways.

**Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one**

**Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as described in the following table**

Permitted Combinations of Uses

Total Units/ uses	Residential	Limited commercial
1	<u>1</u>	<u>0</u>
1	<u>0</u>	<u>1</u>
2	1	1
3	2	1
3	1	2
4	2	2
<u>5</u>	<u>3</u>	<u>2</u>
<u>5</u>	<u>2</u>	<u>3</u>
<u>6</u>	<u>3</u>	<u>3</u>

Building or portions of building may have residential or commercial use(s) or both as regulated by table 1-3.3A.

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities with a floor area in excess of four thousand (4,000) square feet, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops since the former would usually require a floor area larger than four thousand (4,000) square feet; would generally carry a relatively larger inventory; and require substantially greater parking area.

Uses, which are not intended to be accommodated within the limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

Liz changes: in purple      Original in red

Single family or multiple family residential uses with a density no greater than six (6) units per acre may also be located in the R/LC district. Such residential uses may be located either within a freestanding structure or within a structure housing both Residential and Limited Commercial activities. The R/LC district is intended and shall be interpreted to be a ~~"commercial"~~ "residential" district, until such time as application is made and accepted for a Limited Commercial activity, and shall then comply with respect to required setbacks and other size and dimension provisions referenced by zoning district in this Code.

**Don Krieger**  
**R/LC**  
**Suggestions**  
**Submitted**  
**5/12/2014**

Don

Regular text is original MUNI code  
Strike-through text we had wanted to be deleted  
Underline text is what we had proposed  
Bold underlined text is further additions we had suggested  
Italic bold underlined text is my possible suggestions



## R/LC Residential and Limited Commercial

R/LC "Residential and Limited Commercial." The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Rural-Residential and Limited **Complementary** Commercial development on the Comprehensive Plan Future Land Use Map (FLUM).

***R/LC is intended to encompass progressive land uses including elements of low-density rural and agricultural applications as well as allowing low and moderate commercial applications within a mixed-use framework.***

Such development is intended to accommodate limited commercial goods and services together with rural-residential activities on specific sites designated "R/LC" which are situated along the west side of the US 1 corridor as delineated on the FLUM. This residential land use **and zoning** shall permit **moderate density** multiple family residential development, limited commercial development separately **where current Ina-structure allows** or as a combination of these uses as regulated by table 1-3.3A.

For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a maximum density up to four (4) ~~six (6)~~ six (6) residential units per acre. A building or buildings or portions of a building may have residential or commercial use(s) or a combination of both.

Residential / Limited Commercial activities shall generally cater to the following markets:

Local residential markets within the town as opposed to regional markets;  
or

Specialized markets with customized market demands.

A Malabar Vernacular Style is required for all development along arterial roadways.

**Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one**

**Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as described in the following table**

Permitted Combinations of Uses

Total Units/ uses	Residential	Limited commercial
1	0	1
1	1	0
2	1	1
3	2	1
3	1	2
4	2	2

Building or portions of building may have residential or commercial use(s) or both as regulated by table 1-3.3A.

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities with a floor area in excess of four thousand (4,000) square feet, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops since the former would usually require a floor area larger than four thousand (4,000) square feet; would generally carry a relatively larger inventory; and require substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

Single family or multiple family residential uses with a density no greater than six (6) four (4) units per acre may also be located in the R/LC district. Such residential uses may be located either within a freestanding structure or within a structure housing both Residential and Limited Commercial activities. The R/LC district is intended and shall be interpreted to be a "~~commercial~~" district with respect to required setbacks and other size and dimension provisions referenced by zoning district in this Code.

Article XX definitions:

Unit: Building or portion of building used for a residential or commercial purpose.

Commercial Unit: Buildings or portion of building used expressly for commercial purpose.

Tri-plex should be changed to add residential building (take out dwelling) for consistency.

***Additional points of discussion***

*I think we should reevaluate the six (6) unit uses in R/LC this places all R/LC at a very high density never allowed before within the majority of our Town. Possibly subcategories under R/LC?*

*Does the Limited Commercial aspect of R/LC include lesser uses other than CL land uses? It seems a say dental office would be an OI type land use, so what does LC really mean? Is it CL or can it be say a commercial stable?*

*I think we should address vacant land as opposed to an already established building or household. Does new development have more or less restrictions? How can or is it permitted to switch from commercial to residential and vise-versa?*

# TOWN OF MALABAR

## PLANNING AND ZONING

### AGENDA ITEM REPORT

AGENDA ITEM NO: 3  
Meeting Date: June 25, 2014

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

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**SUBJECT: Off-Street Parking and Contiguous Parking**

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#### **BACKGROUND/HISTORY:**

P & Z Board reviewed the verbiage that is in our Town Codes concerning Off-Street Parking and Contiguous Parking on 5/14/14. Chair Pat Reilly suggested reviewing different Codes provided by staff for surrounding municipalities as requested by this Board and bringing list of suggestion of what you would like to add to Town of Malabar Code to next P & Z meeting.

#### **ATTACHMENTS:**

- Brevard County Code For Parking & Loading Requirements (Updated version of Sec 62-3206)
- Brevard County Article VI Zoning Regulations
- City of Melbourne Codes
- Town of Malabar Codes

#### **ACTION OPTIONS:**

Discussion

**BREVARD COUNTY**

**CODE FOR PARKING AND**

**LOADING REQUIREMENTS**

**(UPDATED VERSION OF SEC.62-3206**

**4/24/2014)**

**Sec. 62-3206. Parking and loading requirements.**

- (a) *Purpose.* In the interest of the health, safety and welfare of the general public in the promotion and preservation of traffic safety, all buildings, structures or activities shall be provided with adequate off-street parking and off-street loading facilities for the use of occupants, employees, visitors and patrons associated with the site in accordance with the parking and loading requirements of this section.
- (b) *General.*
- (1) Parking and loading areas shall be provided, maintained and continued as part of the primary use of new and existing developments. Existing buildings or changes of the occupational uses shall provide the necessary parking required by this section subject to the following:
    - a. A building or existing use may be modernized, altered, or repaired without providing additional parking and loading facilities provided there is no increase in floor area or capacity and no change of occupational use.
    - b. Where such building or use is enlarged in floor area, volume, capacity, or space occupied, then the necessary parking and loading area shall be provided for the additional floor area, volume, capacity, or space created.
    - c. Where the occupational use of a building or structure is changed to a new use that requires more parking spaces or loading zones than exist on the site, then the necessary parking and loading area shall be provided for the new use.
  - (2) The required parking and loading areas shall be provided prior to the building or structure receiving a certificate of occupancy (CO). In cases where the county does not issue a certificate of occupancy, then the necessary parking and loading areas shall be provided prior to the building or structure being occupied.
  - (3) Parking and loading areas shall be located on the site of the principal use which it is intended to serve, unless otherwise provided in this section.
  - (4) The parking area shall be designed and constructed so that the ingress to and egress from the site, both vehicular and pedestrian, provide safe traffic control and flow on the site, as well as between the site and adjoining land, including public road right-of-way.
  - (5) Except for single-family residences and duplexes, all off-street parking, loading areas and maneuvering space and associated driveway aisles, shall be paved (i.e., asphalt, concrete, or paver blocks).
- (c) *Parking and loading area design criteria.* The following design criteria shall be utilized for the design of parking lots and loading facilities and their associated driveways, drive aisles and maneuvering areas. Additional information relating to the minimum parking and loading design standards is in the exhibits.
- (1) Parking space dimensions.
    - a. Standard parking 0-90 degrees nine feet by 20 feet minimum.
    - b. Parallel parking nine feet by 24 feet minimum.
    - c. Parking spaces may incorporate a permeable area within the front two feet of each space, provided secured wheel barriers are placed at the termination of the parking space pavement.
  - (2) Drive aisle dimensions.

- a. Two-way drive aisles 24 feet minimum width, may be reduced to 22 feet if parking is only on one-side of the drive aisle.
  - b. One-way drive aisle 14 feet minimum width.
- (3) Parking lots or loading areas shall have no driveway aisle(s) which dead-end(s) without a turnaround area (refer to exhibits).
  - (4) No parking lot or loading area driveway aisle shall have an inner radius or any curved portion which is less than 15 feet. For operations, including special vehicles (trucks of various sizes) the criteria in the exhibits and/or AASHTO design vehicle turning templates, shall be utilized to determine proper turning radii.
  - (5) Pavement and parking spaces shall not be permitted within a required a vegetative buffer area.
  - (6) All points of ingress and egress for accessing parking lots from either a public street or an adjacent parking lot, internal collector driveway, shall not exceed 24 feet in width unless otherwise approved by the county.
  - (7) Accessible parking shall be designed, constructed, and designated pursuant to the current Americans with Disabilities Act (ADA) Design Standards and the Florida Accessibility Code (FAC). These parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the disabled parking spaces.
  - (8) Multifamily parking shall comply with all Fair Housing Act requirements.
  - (9) All parking and loading areas shall be designed and constructed to prevent backing vehicles directly onto a public road or right-of-way, except for single-family residential dwellings and duplexes that are located on local and/or subdivision streets.
  - (10) Access points to public or private streets shall be in compliance with the federal, state, and local access management regulations.
  - (11) All required parking spaces, dumpster spaces, loading areas, delineation and other striping requirements shall be identified using the striping and visual contrast criteria of the current manual of uniform traffic control devices (Federal Highway Administration—FHWA).
  - (12) Commercial and industrial land uses that require significant outside sales display or storage parking shall not cause the developed site to exceed 60 percent impervious area. Additional unpaved display and storage parking areas exceeding 60 percent may be approved subject to:
    - a. The area shall not front on a public right-of-way, and
    - b. The method of stabilization is county approved, and
    - c. The area contains sod.
  - (13) All properties located within a residential zoning classification where building height exceeds 45 feet, one level of parking shall be required to be located within the area defined by the exterior walls of the principal habitable structure.
  - (14) Within the Merritt Island Redevelopment Area, new developments located within the Merritt Park Place subdivision will be required to locate on-site parking to the side or rear of the principal structure.
- (d) *Minimum parking spaces.* The minimum number of off-street parking spaces shall be determined from the following criteria. No use shall have less than three parking spaces. The parking criteria for any use not specifically mentioned shall be the same as for the use most similar to the one sought. Fractional spaces shall be rounded to the closest number.
- (1)

- Amusement game parlors, pool halls and other similar recreational buildings: One space per 200 square feet of floor area.
- (2) Assisted living facilities: One space per two occupants or two beds whichever is greater.
  - (3) Automotive, boat and trailer sales: One space per 500 square feet of floor area, plus one space per 2,500 square feet of outside display area.
  - (4) Barbershops and beauty shops: Two spaces per barber or beauty chair.
  - (5) Business complex: Consisting of a mix of office, retail, wholesale stores, recreational areas, warehousing, manufacturing, light industrial, or scientific research functions shall provide one space per 325 square foot total.
  - (6) Churches and places of worship: One space per three seats or seating places in sanctuary.
  - (7) Condominiums, townhome and apartment complexes: Two spaces per residential unit plus one space per five units for guest parking.
  - (8) Convenience store: One space per 125 square feet of floor area. Gas pump aisles may be counted as parking spaces—One pump with two sides, two spaces; one pump with one side, one space.
  - (9) Day care centers: One and one-half spaces for each employee.
  - (10) Duplexes: Two parking spaces are required per residential unit; a garage space may count as one parking space.
  - (11) Flea markets and farmers' markets: One space per 50 square feet of sales area, including outdoor areas.
  - (12) Furniture and major appliance stores: One space per 500 square feet of floor area.
  - (13) General retail: One space per 250 square feet of floor area.
  - (14) Hospitals and other similar health care facilities: One space shall be reserved for doctors for each ten patient beds, plus one space per four patient beds, plus one space per one and one-half employees, exclusive of doctor parking spaces.
  - (15) Independent living facilities: 1.1 space per dwelling unit.
  - (16) Libraries, museums, art galleries: One space per 300 square feet of floor area.
  - (17) Lumber yards, manufacturing and warehouses: One space per each 500 square feet of floor space. Building units having a minimum of 50 square feet and not exceeding 200 square feet, whose primary purpose is to provide an address for an business tax receipt, parking shall be one space per unit.
  - (18) Marinas: Marinas and boat ramps:
    - a. Wet slips: One parking space per three wet slips
    - b. Dry slips and moorings: One parking space per four dry slips or moorings for facilities up to 50 dry slips or moorings, or one parking space per five dry slips or moorings for facilities with over 50 dry slips or moorings.
    - c. Live-aboard: One parking space per boat slip.
    - d. Boat ramps: 25 parking spaces per boat ramp or hoist available to the general public.

In addition to the aforementioned requirements, one parking space per each 300 square feet devoted to sales and service shall be provided. The county manager or designee may require that the applicant submit a parking study, signed and sealed by a professional engineer, to determine the number of additional parking spaces

necessary to support ancillary uses, including but not limited to, charter boats, ecotourism vessels, boat-yards and party-boats.

- (19) Medical urgent care clinics: One space per 200 square feet of floor area.
  - (20) Mini warehouses: A mini warehouse as defined in the county zoning code shall have a minimum and a maximum of five parking spaces, including one accessible parking space, regardless of size. A minimum 24-foot driveway aisle shall be provided contiguously along any side of the mini-warehouse containing the access points or doors to the individual storage areas.
  - (21) Mortuaries, funeral homes and crematoriums: One space per three seats, or seating spaces within chapel, plus one and one-half spaces per employee.
  - (22) Motels and hotels: One and third spaces per unit or room, plus 30 percent of the parking space requirements associated with other uses permitted in addition to overnight lodging accommodations.
  - (23) Outdoor attractions, with grandstands or without: One space per three fixed seats and one space per 20 square feet of seating or spectator area where no fixed seats are provided.
  - (24) Parks and recreation areas: Parking spaces should be considered on the specific parks development plan and should be determined by its active or passive facilities. A parking study must be reviewed and approved by the county traffic section.
  - (25) Private clubs and clubhouses: One space per 200 square feet of floor area.
  - (26) Professional offices buildings (including medical, dental, and veterinarian): One space per 250 square feet of floor area.
  - (27) Recreational vehicle site: One space per lot plus one space per 20 lots for guest parking.
  - (28) Restaurants, cocktail lounges and other eating and drinking establishments: One space per three seats of the maximum seating capacity including indoor and outdoor seating of such establishment plus one space for every four employees.  
Fast food and sit down restaurants that are part of a strip center or an outparcel with shared parking: one space per three seats of the maximum seating capacity including indoor and outdoor seating of such establishment, plus one space for every four employees on the largest shift.
  - (29) Schools (public and private schools) calculations based on maximum student capacity:
    - a. College universities, technical or vocational schools: One space per three students and faculty.
    - b. Schools:
      - 1. High Schools: One space per four students.
      - 2. Middle schools: One space per ten students.
      - 3. Elementary schools: One space per five students.
  - (30) Service stations, automobile repair and garages: One space per 200 square feet.
  - (31) Single-family residence: Two spaces per unit.
  - (32) Theaters, auditoriums, convention halls and other similar public assemblage places: One space per three seats.
- (e) *Loading area design criteria and requirements.*
- (1) The loading area shall avoid undue interferences with public use of the streets, alleys, or required access aisles, driveways and spaces for parking areas.

- (2) Loading spaces or berths shall have minimum dimensions of 14 by 30 feet and a height of not less than 14 feet. Service alleys or driveways shall have a minimum width of 20 feet. In addition, the loading zone shall be designed and constructed in accordance with the Exhibits.
- (3) Loading facilities and truck parking are prohibited on street frontages in the commercial zoning categories and in a planned business park (PBP) or planned industrial park (PIP) classification.
- (4) Loading facilities and truck parking shall be located to the side or at the rear of the most forward structures and shall be paved and have adequate drainage and shall be maintained in good condition.
- (5) Loading facilities shall be designed and constructed to allow all maneuvering of trucks and other vehicles on site and preclude backing directly into a public street or utilizing public right-of-way.
- (6) The following requirements for loading spaces or berths and truck parking areas shall apply to all commercial and industrial zones:
  - a. A minimum number of loading spaces or berths shall be provided and maintained as follows:

Size of Building or Structure (square feet)	Number of Spaces or Berths
Over 5,000 but not over 25,000	1
Over 25,000 but not over 60,000	2
Over 60,000 but not over 120,000	3
Over 120,000 but not over 200,000	4
Over 200,000 but not over 290,000	5

- b. Businesses that provide fueling or similar uses shall designate fuel truck delivery area design pursuant to the requirements of this section.
  - (f) *Alternate requirements.* The county manager or designee may approve alternate requirements including offsite parking, shared parking, alternate construction standards, and parking reductions subject to the following criteria.
    - (1) *Offsite and shared parking.* A site may utilize parking spaces of any adjoining property or a site separated by a public or private right-of-way subject to all of the following criteria:
      - a. The primary property containing the use requiring the parking provides a minimum of 60 percent of its required parking spaces onsite.
      - b. The secondary offsite location has excess parking spaces as established under this section.
      - c. A common access and parking easement agreement that provides for perpetual access and use of the adjoining property's parking spaces and access drive aisles is executed by all applicable parties and is provided at the time of site plan application.
      - d. Parking facilities separated from the use by public road right-of-way shall satisfy the following criteria:
        1. The right-of way is not classified as a minor arterial or higher, or
        2. The roadway currently has less than 5,000 average daily traffic (ADT),  
or

3. Any road projected to have such classification or average daily traffic under the county comprehensive plan, except as may be provided otherwise by article VI.
- (2) *Alternate construction standards.* A development may request to utilize an alternative standard to pave off-street parking, loading areas, maneuvering space and associated driveway aisles based on the following criteria:
    - a. Whether total paving would have a detrimental effect upon existing unpaved roads or water quality.
    - b. Whether operations or activities (churches, equipment storage yards, etc.) are such that the use of certain portions of the parking areas would only be used on an intermittent basis. Driveway aisles and loading areas shall be paved.
    - c. A stabilized surface acceptable to the county shall be provided for the entire unpaved parking area, and such area shall be organized for traffic control and parking by permanent fixation of a delineation method per the approval of a site development plan.
    - d. Commercial and industrial developments required by this section to provide 400 or more parking spaces may set aside up to no less than 25 percent or no more than 35 percent of that requirement as stabilized overflow parking. This parking shall not be paved.
  - (3) *Parking reduction.* The applicant may request a reduction in parking requirements subject to the following criteria:
    - a. The applicant provides a study, prepared by a professional engineer, with justification and supporting calculations that demonstrates alternative modes of transportation including, but not limited to, transit, bicycle and pedestrian facilities allows for the reduction in parking requirements.
    - b. With the exception of multifamily developments, all other commercial buildings 25,000 square feet and over shall be allowed to reduce the total parking requirement by 15 percent.

(Ord. No. 13-10, § 8. 12-3-13)

# **BREVARD COUNTY**

## **ARTICLE VI**

# **ZONING REGULATIONS**

Brevard County, Florida, Code of Ordinances >> - STATE LAW REFERENCE TABLE >> **Chapter 62 - LAND DEVELOPMENT REGULATIONS >> ARTICLE VI. - ZONING REGULATIONS >> DIVISION 1. GENERALLY >>**

**DIVISION 1. GENERALLY**

Sec. 62-1101. Short title.

Sec. 62-1102. Definitions and rules of construction.

Sec. 62-1103. Interpretation; conflicting provisions.

Sec. 62-1104. Conforming title designations for previous zoning regulations.

Sec. 62-1105. Penalty.

Sec. 62-1106. Additional remedies.

Sec. 62-1107. Severability.

Sec. 62-1108. Purpose and intent.

Secs. 62-1109—62-1150. Reserved.

**Sec. 62-1101. Short title.**

This article shall be known and may be cited as the Brevard County Zoning Regulations.

*(Code 1979, § 14-20.01)*

**Sec. 62-1102. Definitions and rules of construction.**

For the purpose of this article, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

*Accessory building or use* means a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, provided the building, structure or use shall be constructed after or concurrently with the principal structure.

- (1) Accessory buildings or structures include but are not limited to private garages, storage sheds, carports, greenhouses, gazebos, cabanas, utility buildings/rooms, verandas, glass rooms, porches, screened porches or awnings, swimming pools and screened enclosures, and private residential boat docks with up to two slips for use of the occupants of the principal residential structure. Buildings or structures secondary and incidental to agricultural uses include, but are not limited to stables, barns, paddock areas and storage areas. Accessory buildings or structures may have a full or half bath; but may not have living quarters or a kitchen, unless such structure is a guesthouse consistent with section 62-1932.
- (2) Accessory uses include a child or adult day care center accessory to a church, a golf driving range accessory to a golf course, and the package sales of alcoholic beverages accessory to a convenience store. Pursuant to subsection 62-2100.5(1)(f), one single-family garage apartment is accessory to a single-family residence in multi-

family zoning classifications. Pursuant to subsection 62-2100.5(2), horses and agricultural pursuits are accessory to a principal residence.

- (3) Except where otherwise provided in this section, an addition which is attached to a principal structure shall not be considered an accessory building, but shall be considered part of the principal structure. "Attached" for the purpose of this regulation means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and permits access between the principal structure and the addition either internally or under the common roof. If there is a connection between the addition and the principal structure which is not enclosed but is comprised solely of the common roof, then the addition shall be considered part of the principal structure if the length of the connection does not exceed the length of the addition by more than 50 percent (or 20 feet, whichever is less). Otherwise, the addition shall be considered a detached accessory structure. "Enclosed" for the purpose of this regulation means an area under a roof which has solid walls at least four feet in height around its entire circumference, or which is 100 percent screened from floor to ceiling, such that the enclosed inside space is clearly separated from the outside space.

*Air curtain incinerator* (a type of solid waste management facility defined in chapter 94, article I of this Code) means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

*Alley* means a public right-of-way or passageway, less than 30 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, not generally used as a thoroughfare or for general traffic and not otherwise officially designated as a street.

*Alteration* means any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air conditioning systems.

*Aquaculture* means the cultivation, production, and raising of the natural products of water, including associated activities such as landing, processing and transporting of shellfish. For the purposes of this chapter, aquaculture shall be divided into three categories:

*Case I.* Product is brought on-shore (landed) from a lease and transferred from that point to an off-site market.

*Case II.* Product is grown on site (i.e., hatchery or nursery) and transferred to the property owner's lease. On parcels having a commercial or industrial zoning classification as described below, the product may also be sold to the customer directly from the site.

*Case III.* Product is brought on-shore and then is further processed on site (deputation) before being transferred off site.

Aquaculture Case I and Case III are permitted in BU-2 or industrial classifications.

Aquaculture, Case II is permitted in BU-1, BU-2 or industrial zoning classifications. All cases are permitted in AU, PA and AGR classifications.

*Aquaculture operations* means activities related to the hatchery, nursery and maintenance of the product, including tanks, sludge application areas, settling facilities wet storage areas of containers, culture containers, activities related to the cultivation and maintenance of marine algae or other food stocks. The setbacks for aquaculture operations shall not include intake and discharge structures.

*Assigned resident* means any person residing in a residential social service facility as a result of being elderly, handicapped or family deprived, and having been assigned to that facility in accordance with licensing restrictions of the state department of health and rehabilitative services. For purposes of this subsection, the term "family deprived" shall mean abused, neglected or abandoned children, dependent adults or adults who are incapable of living alone due to age or infirmity and who are unable to reside with family members. The following persons shall not be considered as assigned residents: any person meeting the criteria for involuntary placement under F.S. ch. 394; any person who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity under F.S. § 776.08; or any person who has been convicted of, or entered a plea of guilty or nolo contendere to, or been found not guilty by reason of insanity of any sex offense under F.S. § 917.012.

*Assisted living facility (ALF)* means a structure in which the owner or operators are subject to licensing and approval by the state, whether operated on a profit or nonprofit basis. Such facilities may provide lodging, food and one or more personal services for unrelated adults and shall not be regulated or operated by or associated with any jail, prison or correctional facility or system. Generally, such facilities shall have more than 14 clients and must be licensed by the state as an assisted living facility. If a facility is not licensed by the state, such facility must be approved by the county.

*Automobile repair, major* means repairs of a nature that usually cannot be done quickly and which will encompass more highly skilled work. Such repairs include removal of the engine head or pan, engine transmission or differential. Often this work is necessary as a result of a major component failure or an accident. These types of repairs cannot be done while the customer waits, and will often take more than one day to complete. Such repairs include but are not limited to:

- Accident repairs.
- Automotive machine shops.
- Framework and frame straightening.
- Grinding valves, cleaning carbon or removing the head of engines or crankcases.
- Major engine repair, replacement, rebuilding or reconditioning.
- Paint and body work.
- Radiator recoring and rebuilding.
- Replacement of body parts and fenders.
- Tire recapping.
- Transmission and differential repair, replacement, or rebuilding.
- Welding.

*Automobile repair, minor* means repairs of a nature that can usually be done quickly with minimum noise, odor or other negative impacts. This includes preventative maintenance or replacement of easily accessible parts that routinely wear out. This does not include removal of the engine head or pan, engine transmission or differential. These types of repairs can be often done while the customer waits, and usually will not take more than one day to complete. Such repairs include but are not limited to:

- Air conditioning maintenance and refrigerant replacement.
- Audio installation and repairs.
- Brake pads, shoes, rotors and drums replacement.
- Chassis lubrication.

Electrical components repair and replacement.

Fuel injection systems and carburetor replacement.

Fuel pumps and fuel lines.

Ignition systems, sparkplugs, and batteries.

Motor oil, engine cooling and lubrication, brake fluid, transmission and other fluid replacement.

Mufflers, tailpipes, water hoses, fan belts, headlights and light bulbs, floor mats, seat covers, wipers and wiper blades, and replacement of grease retainers and wheel bearings.

Rustproofing.

Shock absorbers or other suspension systems replacement.

Tire replacement, repair and servicing, but no recapping.

Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines or crankcases.

Washing, polishing and detailing.

Wheel balancing and alignment.

Windshield, window replacement.

Wiring repairs.

*Automotive sales and service facilities* means the site used for sale or storage of new and used automobiles, service stations, paint and body repair shops and automotive repair garages, including the sales and servicing of any automotive component. No storage of junk or wrecked motor vehicles, other than the temporary storage of those motor vehicles awaiting repair, shall be permitted. A minimum of 75 percent of the motor vehicles shall be operable and readily accessible to the public for inspection and operation. For purposes of this subsection, temporary storage of junk or wrecked motor vehicles shall mean that the vehicle may remain on the site for a length of time not to exceed 120 days in any calendar year.

*Bar and cocktail lounge* mean any place in the business of selling and dispensing alcoholic beverages of any type, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.

*Barn* means a building for the housing of farm animals and storage of farm-related products, feed, equipment, machinery or fleets of vehicles or aircraft.

*Biomedical waste incinerator* (a type of solid waste management facility defined in chapter 94, article I of this Code) means a combustion apparatus, furnace or other device used for igniting, incinerating or burning biomedical waste to a temperature high enough and for a period long enough to ensure destruction of all pathogenic organisms and render such waste noninfectious and harmless.

*Bluff line* means an ambulatory line which shifts with shoreline changes signifying the edge of a marine cliff or bluff or a steep bank located beside a river, ravine, plain or ocean, or the broad, steep face of a bank or headland.

*Board of adjustment.* See article II, division 4, of this chapter.

*Boardinghouse* means a building, other than an apartment building, hotel, motel, motor lodge or restaurant, where meals, lodging, or lodging and meals are provided for fair compensation for three or more persons.

*Boatbuilding* means the process of building, constructing, manufacturing or assembling water vessels within a substantial building.

*Boundary of classification* means the centerline of a street or right-of-way, or the centerline of the alleyway between the rear or side property lines, or, where no alley exists, the rear or side property lines of all lots, bordering on any zone limits or any zone boundary shown on the official zoning map.

*Breezeway/visual corridor.*

- (1) *Oceanfront breezeway/visual corridor* means a corridor across the full depth of oceanfront properties which shall be reserved to ensure unrestricted movement of ocean breezes and to provide visual access to the ocean. The corridor shall include all land from the mean low-water line to State Road A1A, or other dedicated public right-of-way running parallel to the ocean, whichever lies closer to the ocean, and shall include a minimum of 30 percent of subject property's width. The width of the corridor shall be measured as described in section 62-2105. Notwithstanding any other provision of this article to the contrary, this minimum 30 percent breezeway/visual corridor requirement shall include all oceanfront properties, except single-family residential. Single-family residential structures on the oceanfront shall continue to be subject to State of Florida Department of Environmental Protection guidelines establishing a 60 percent coverage of the shore-parallel width of the property, pursuant to F.S. ch. 161.053, "Coastal Construction and Excavation" and Florida Administrative Code Chapter 16B-33.008.
- (2) *Riverfront breezeway/visual corridor* means a corridor across the full depth of riverfront properties, which shall include all land from the mean low-water line to a distance of 250 feet, or the distance to the closest dedicated public right-of-way running parallel to the water, whichever distance is less, and shall include a minimum of 30 percent of the subject property's width. The width of the corridor shall be measured as described in section 62-2105. Notwithstanding any other provision of this article to the contrary, this minimum 30 percent breezeway/visual corridor requirement shall include all riverfront properties, except single-family residential.

*Building* means any structure constructed or used for residence, business, industry or other private or public purposes, including structures that are accessory to such uses, provided such structures are in compliance with the Standard Building Code. This shall include but not be limited to single-family dwellings, sheds, garages, carports, storerooms and other stationary structures.

*Building height.*

- (1) Where a building or structure is constructed with a flat roof, the height of the building or structure shall be the vertical distance measured from the average elevation of the finished development grade of the building site to the finished elevation of the flat roof of the uppermost story, excluding elevator or mechanical equipment screens.
- (2) Where a building or structure is constructed with a hip roof or gabled roof, the height of the building or structure shall be the vertical distance measured from the average elevation of the finished development grade of the building site to the highest bearing point of the roof trusses or roof joists of an acceptable slope, which slope shall not exceed 45 degrees or 12-on-12, provided that any habitable space located within the confines of the acceptable slope shall be solely for the use of the occupants of the floor immediately below and not used as a separate occupancy. Church steeples, bell

towers, or other similar features customarily used to identify a church shall be excluded from the height restriction, as long as the height at the top of the identifying feature as measured from finished development grade does not exceed 200 percent of the maximum height or height threshold.

- (3) Where one level of parking is provided under any principal building, excluding single family homes, building height shall be measured from the elevation of the lowest point of the structure of the first habitable floor to a point defined in either subsection (1) or (2) of this definition; provided, however, that setbacks, breezeway/visual corridor and fire protection requirements under this article shall be based on building height as measured from the average elevation of the finished development grade of the building site.

*Building line.* Compliance with setbacks shall be determined by measuring from any projection of the structure or any vertical support of a covered roof section to the nearest point of the lot line.

*Building site* means the ground area of a building or buildings together with all open spaces surrounded by said building or buildings under the same ownership.

*Captive wildlife* means animals of a species not usually domesticated in the United States, and requiring permitting or licensing for possession by the State of Florida Fish and Wildlife Conservation Commission as Class I or Class II wildlife or poisonous or venomous reptiles per F.S. §§ 372.86 or 372.922, or Rule 68A-6.002, F.A.C.

*Certified survey.* A survey, sketch, plan, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed and sealed by a registered surveyor licensed by the state.

*Civic, philanthropic or fraternal organizations* means:

- (1) A group of people formally organized to pursue goals or activities for a common nonprofit interest or purpose, usually cultural, religious, or social, with regular meetings and usually characterized by certain membership qualifications, supported by the payment of regular periodic fees and dues, and a constitution and/or bylaws;
- (2) A nonprofit, humanitarian organization involved in an active effort to promote human welfare; or
- (3) An organization that promotes fellowship among its members and is devoted to the principle of volunteer community service.

*Community center* means a building used for recreational, social, educational, and cultural activities, usually owned by a nonprofit organization such a homeowners association, located in the same neighborhood as and operated solely for the benefit of its resident membership.

*Composting facility* (defined in chapter 94, article I of this Code) means a solid waste management facility where solid waste is processed using composting technology. Processing shall be limited to vegetative debris generated from land clearing activities. The vegetative debris may be processed by physically turning, windrowing, aeration or other mechanical handling. Simple exposure of organic matter to the elements resulting in a natural decay, with little or no mechanical handling, is considered disposal and for the purpose of this chapter would not be considered a composting facility. Composting of other materials shall be performed under the conditional use requirements of the solid waste management facility.

*Conditional use.* See division 5 of this article.

*Contractors.* NAICS 235.

*County* means the unincorporated areas of Brevard County, Florida.

*County zoning regulations* means those regulations relating to land use and control adopted by ordinance by the board of county commissioners under the authority of various state and local laws.

*Court.* A street court is a concave lateral extension of the primary street pavement with a turning radius of not less than 35 feet and a depth which may range upward to a maximum of 70 feet.

*Development rights* means the number of residential dwelling units that a specific parcel of real property can generate or yield given a zoning classification's gross density provision.

*Duplex* means a residential building designated for or occupied by two families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, multiple-family* means a residential building designed for or occupied by more than two families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, single-family* means a private residence building used or designed for use as a home or residence, in which the use and management of all sleeping quarters and all appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one family unit. All rooms within the building must have internal access, and the building shall have only one kitchen and one electrical meter, unless otherwise provided in this section. No other structure located on the lot may contain a kitchen except where otherwise provided in this section. Shelters that are not designed and constructed in compliance with Brevard County, State and other applicable development codes for a single-family dwelling, such as tents, lean-tos, and sheds, are prohibited from use as a residence on a temporary or permanent basis. A second electrical meter on a single-family zoned lot for detached accessory structures or docks shall be permitted where the accessory structure is located more than 100 feet from the residence or where the boat dock is located more than 100 feet from the residence or where the boat dock is separated from the residence by a public right-of-way.

*Farmer's stand* means a roadside stand operated by the landowner of agriculturally zoned property to sell produce grown on that site to the general public.

*Fireworks* means any combustible or explosive composition or substance or combinations of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, or any article containing any explosives or flammable compound or any tablets or other device containing any explosives or flammable compound or any tablets or other device containing any explosive substance, as defined by Chapter 791.01(4)(a), Florida Statutes (2003). "Fireworks" does not include sparklers approved by the division of the state fire marshal of the Department of Financial Services pursuant to Chapter 791.013, Florida Statutes (2003), novelties, trick noisemakers, toy pistols, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound or mixture are used, as defined by Chapter 791.01(4)(b) and (c), Florida Statutes (2003). Wholesale fireworks

sales shall require IU-1 zoning, whereas retail sales of items not so defined as fireworks shall be permitted in the BU-1 and BU-1-A classifications.

*Fish camps* are commercial activities located near adjacent water bodies for the purpose of supporting recreational activities. Fish camps provide immediate access to water bodies. Facilities provided at fish camps may include boat ramps supported by slips and piers extending into the water body. Fish camps may also sell items normally bought at convenience stores, examples are such items as prepackaged food and beverages together with specialty items associated with fishing or other water-type recreational uses. Fish camps may have other accessory uses which provide services to boaters and/or fishermen which may include bait and tackle shops and accessory restaurants as limited by section 62-1835.4.5.

*Floor area* means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two attached buildings. The required minimum floor area within each classification shall not apply to accessory structures.

*Floor area ratio (FAR)* is computed by dividing the gross floor area of all buildings on a lot by the area of that lot.

*Foster home* means a dwelling unit in which the owners or operators are subject to licensing and approval by state department of health and rehabilitative services, and where the owners or operators live permanently and provide full-time care and supervision to a maximum of five assigned residents who are unrelated to the owners or operators. The maximum number of assigned residents shall be reduced by one for each minor child, natural or adopted, of the foster parents.

*Frontage* means the distance measured along a road right-of-way which provides access to the property, or the distance measured along a major water body. If a lot fronts both on a road right-of-way and a major water body, the definition set out under *Lot, double-frontage* shall apply.

*Garage, private* means a structure not larger than 600 square feet in area, unless otherwise provided in this article, for the private use of the owner or occupant of the principal building on a lot or for the use of his family or domestic employees for the storage of noncommercial motor vehicles, and which has no public shop or mechanical service in connection therewith.

*Group home* means a facility in which the owners or operators are subject to licensing and approval by the state department of children and families, and where the owners or operators provide basic care, personal services and supervision necessary to meet the physical, emotional and social needs of assigned residents. A group home shall house no more than 14 assigned residents. Group homes shall be categorized by levels, according to the number of assigned residents residing on the premises, as follows:

- (1) Level I: No more than six assigned residents.
- (2) Level II: Seven to 14 assigned residents.

*Guesthouse* means living quarters within a detached accessory building located on the same premises as the main building, to be used for housing members of the family occupying the main building or their temporary guests. Such quarters shall be subject to the provisions of section 62-1932, shall have no separate utility meters, and shall not be rented or otherwise used as a separate dwelling.

*Hazardous waste facility* means any building, site, structure, or equipment at or by which hazardous waste, which is generated off-site, is transferred to, disposed of, stored, or treated and required to obtain an operating permit for a hazardous waste treatment, storage and/or disposal facility by the Florida Department of Environmental Protection.

*Heavy industry* means the manufacture of goods under the following NAICS codes: 21-Mining, 322-Paper Manufacturing, 324-Petroleum and Coal Products, 325-Chemical Manufacturing, 311611, 311615-Slaughtering of Animals or Poultry, 31611-Leather Tanning, 3221-Pulp or Paper Mills, 32531-Fertilizer, 32732-Ready-mix Concrete, 336-Transportation Equipment, outdoors, and 2211-Electric Power Generation.

*Hotel and motel* mean a building designed or used to provide lodging, or boarding and lodging, to the public, for transients, tourists or persons of shortterm residence, in which there are six or more guestrooms, with limited or no kitchen facilities being offered, and with the building being open to the general traveling public, as opposed to the customary purpose and use of a boardinghouse or lodginghouse, apartment building or multiple-family dwelling.

*Independent living facility (ILF)* means a residential structure having at least 16 living units designed and operated to house adults over 55 years of age and their spouses, while providing meals, transportation, and 24-hour security, and other personal services, but not on-site medical services. Such facilities may not be subject to state licensing and may be operated either on a profit or nonprofit basis. Such facilities shall not be regulated or operated by or associated with any jail, prison or correctional facility or system.

*Industry* means the manufacture of goods under the following NAICS codes: 311-Food (except 311611 and 311615), 312-Beverages, 313-Textile Mills, 314-Textile Product Mills, 315-Apparel Manufacturing, 316-Leather and Allied Products (except 31611), 321-Wood Products, 323-Printing and Related Support Activities, 326-Plastics and Rubber, 327-Nonmetallic Mineral Production (except Ready-mix Concrete 32732), 331-Primary Metals, 332-Fabricated Metals Products, 333-Machinery, 334-Computer and Electronic Products, 335-Electrical Equipment, 336-Transportation Equipment indoor manufacture, 337-Furniture and Related Equipment, 339-Miscellaneous Manufacturing. Utilities; 2212-Natural Gas Distribution above ground facilities, 2213-Water, Sewer, and other Utilities. Underground utilities or overhead distribution lines for power are not considered a land use.

*Junkyard* means an open area where any waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes the activity commonly known as an auto wrecking yard.

*Kennel, pet* means the keeping of any pet or pets, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop, as permitted by this article.

*Kitchen* means a room or area within a room whose primary purpose is to store, prepare and cook food. A kitchen will have a refrigerator to store food, counter space and a sink to prepare food, and a stove and/or range to cook food.

*Land alteration* means any land alteration, excavation or private lake as defined in article XIII, division 4 or 5, of this chapter.

*Landfill* means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal for which a permit issued by the Florida Department of Environmental Protection is required. This term does not include:

- (a) Land application sites where reclaimed water, effluents or wastewater residuals are applied to the land through spray irrigation, land spreading, or other methods;
- (b) A surface impoundment for the treatment and disposal of stormwater or wastewater; or
- (c) An injection well into which fluids are injected, by gravity flow or under pressure.

*Learning center* means a private organization that provides personalized instructional services to students of any age, where the student/teacher ratio does not exceed 3:1.

*Living area* means the minimum internal area of a residential building as measured by its outside dimensions, exclusive of carports, porches, sheds and attached garages. However, living area may include up to 25 percent of an enclosed garage or screened porch under the primary roof, but not to exceed ten percent of the minimum living area requirement of the applicable residential zoning classification. Living area shall be usable and shall have a minimum ceiling height of seven feet.

*Lot* means a parcel of land shown on a recorded plat, or any piece of land described by a deed recorded in the official records book of the county. The mean high-water line of major natural water bodies will be used in computing lot size and density and the establishment of setbacks for waterfront property in tidal areas. The ordinary high-water level shall be utilized in nontidal areas.

*Lot, corner* means any lot situated at the junction of and abutting on two or more intersecting streets. If the angle of intersection of the centerlines of two streets is more than 135 degrees, the lot fronting on the intersection is not a corner lot. A lot fronting only one named street curving around it (as described in Figure 1) is considered a corner lot if the street abuts two adjacent lot lines and if the intersection of the centerlines of the street is 135 degrees or less.

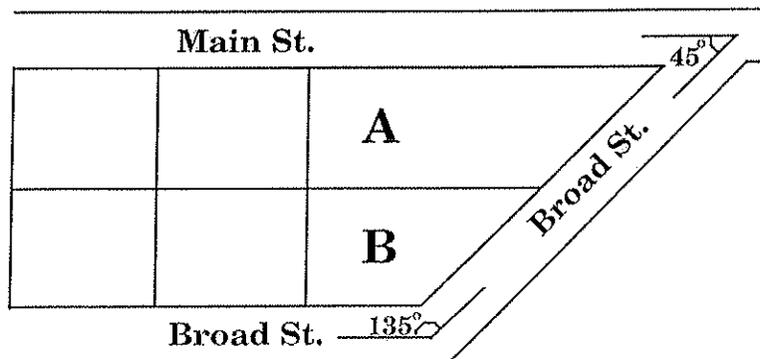


Figure 1. Both lots A and B are corner lots

*Lot coverage* means that portion of any lot, parcel or tract of land which is covered by all structures.

*Lot depth* means that distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear. To determine the rearmost points of side lot lines for irregular lots, see the definition for rear lot line set forth in this section.

*Lot, double-frontage.* A double-frontage or through lot is defined as a lot that has frontage on two streets. The applicable front setback requirement shall apply to both frontages, regardless of which line the landowner elects as the front line, except as provided for within subsection 62-2109 (d). (See also *Lot line, front.*)

*Lot, interior* means any lot which is not a corner lot.

*Lot, key* means an interior lot so subdivided or situated as to have its side lines coincide with the rear lot lines of adjacent lots on either or both of its sides.

*Lot line, front.* In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from the right-of-way line of the street. In the case of double-frontage lots, easement lots, and flag lots, one such line shall be elected by the owner to be the front lot line for the purpose of this article. The front lot line may be the frontage along a major water body.

*Lot line, rear.* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a rear lot line in which such lot line is more than 20 degrees from parallel to the front lot line, the rear lot line shall be that assumed line parallel to the front lot line, the length of which shall not be less than 50 percent of the required lot width.

*Lot line, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot width* means the distance between straight lines connecting the front and rear lot lines at each side of the lot, drawn perpendicular to parallel side lot lines, or, if not parallel, measured across the rear of the minimum required front yard as established by the front setback. The following exceptions apply:

- (1) The width between side lot lines at the front lot line shall not be less than 72 percent of the required lot width.
- (2) In the case of lots on the turning circle of culs-de-sac or courts, the distance as measured using the chord length between the side lot lines at the intersection with the front lot line shall not be less than 67 percent of the required lot width. If the lot is one-half acre or greater in size, the lot width on culs-de-sac or courts shall not be required to exceed 60 feet and shall not be required to have the minimum lot width at the building setback line.
- (3) In appropriate circumstances as provided in this article, lot width may be measured on the basis of actual frontage on a road right-of-way or street rather than perpendicular to the side lot lines as provided in this definition, when the property abuts a road right-of-way or street existing prior to the adoption of the ordinance from which this article is derived. In order for lot width to be determined based on actual frontage within the confines of the lot, the acute angle created by the front property line and the parallel side lot lines shall be no less than 60 degrees and the obtuse angle created shall be no greater than 120 degrees. In these instances, the front property line shall be determined by drawing a straight line between the front most points of the side lot lines where they intersect the road right-of-way or street.

*Marina* means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.

- (1) *Residential/recreational marina* means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.
- (2) *Commercial/recreational marina* means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests.
- (3) *Commercial/industrial marina* means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category.

*Materials recovery facility* (defined in F.S. § 403.703 [1997]) means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Medical clinic* means medical facilities for the diagnosis and treatment of outpatients.

*Mining and smelting operations.*

- (1) Mining involves the excavation of solid minerals, including but not limited to clay, gravel, phosphate, lime, shell and shells (excluding live shellfish), stone and sand, from any mine, quarry, pit or other real property, when the mine, quarry, pit or other real property is under common ownership involving a minimum size of 50 acres; except the definition of mining does not include the following:
  - a. Earth-moving operations which are incidental to agricultural pursuits.
  - b. Site preparation and finish grading for permitted uses.
  - c. Dredging activity under necessary approved permits.
  - d. Construction and maintenance of drainage canals when such activities are approved by the county engineer.
  - e. Earth-moving operations which are a part of county-approved construction, such as subdivision improvements or excavations for a structure approved under a valid building permit.
  - f. Installation of utilities.
  - g. Excavation relating to the accessory use of land and drainage when the excavation is to be refilled upon completion of the excavation, such as excavation relating to the placement of septic tanks and drainfields and grave-digging operations.
  - h. Construction of swimming pools under a valid building permit.
  - i. Excavation related to foundations of any building or structure done under a valid building permit.
  - j. Excavation where no excavated materials are sold, whether directly or indirectly, or transferred from one parcel of land to any noncontinuous parcel of land.
  - k. Land alterations.
- (2) Smelting operations include activities relating to the processing, by any means, of any materials excavated from any real property located within or outside of the county. This definition shall apply notwithstanding the fact that the materials are transported to the site of the smelting operations from another noncontiguous parcel of property.

*Mobile home* means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. ch. 320, and is built on an integral

chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. ch. 320. Further, all regulations contained in F.S. ch. 319 shall apply. If a mobile home is no longer eligible for a title certificate under F.S. ch. 319, the structure shall no longer be considered a mobile home. This definition does not include modular units defined as travel trailers in this section.

*Modular coach* means a modular unit residential building, either a mobile home as defined in F.S. ch. 320, or a modular factory-built mobile housing unit that falls under the jurisdiction of the state department of community affairs under the Housing Act of 1971. The unit may have parts and sections fabricated and assembled as a complete unit at a central plant and moved to a permanent site, or component parts may be fabricated in one area and assembled as a complete structure permanently upon a site. Units may have wheels and axles when transported to the site but are intended to remain permanent structures once located or assembled on a site.

*Modular factory-built home* means a modular unit residential building comprised of one or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is in substantial part constructed in central manufacturing facilities and bears the approval of the state department of community affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes as defined by F.S. ch. 320.

*Motel. See Hotel.*

*Mulching facility* means a facility where landclearing debris is mechanically chipped or ground for landscaping material, landfill cover or fuel.

*NAICS codes* means classifications established by the North American Industrial Classification System (NAICS). Some uses will be defined only by their NAICS classification.

*Nonconforming use.* See division 2, subdivision II, section 62-1181, of this article.

*Non-governmental organization (NGO)* means a non-profit organization conducting life science, ocean, coastal and marine research, or environmental science research in partnership with a government entity.

*Office and research* means office buildings and research facilities (NAICS 5417, 54138).

*Open space, usable common.*

- (1) Usable common open space means a total amount of improved usable area including outdoor space permanently set aside and designated on a site development plan as recreational or open space for use by the landowners or residents of a development. Such usable space may be in the form of active or passive recreational areas, including but not limited to playgrounds or tot lots, golf courses, beach frontage, nature trails, lakes, bikeways or community recreational facilities with such amenities as a swimming pool, tennis courts and shuffleboard courts. The usable common open space shall be improved to the extent necessary to complement the residential uses, meet the minimum needs of the residents, and contain compatible and complimentary structures for the benefit and enjoyment of the landowners or residents. For the designation of usable common open space per the percentage-of-site requirement of an applicable zoning classification, the following shall be excluded (except under

certain conditions defined in this definition), but exclusions are not necessarily limited only to these areas and facilities:

- a. All easements and drainage facilities.
  - b. Parking areas, including all pavement areas, grassed median strips or areas, and parking space grassed island separators.
  - c. Rights-of-way.
  - d. Private streets, roads and driveways.
  - e. Minimum setback areas.
  - f. Spacing between all structures.
  - g. A structure's space envelope, defined as an area lying within 7½ feet of any exterior wall of the structure. The structure space envelope shall be shown by dotted lines on the site development plan.
  - h. Open space areas having a width of less than 40 feet or a size of less than 4,000 square feet, unless such areas are specifically improved for recreational use as set forth in this subsection.
- (2) The zoning division director may, however, accept all or portions of easements, setback areas and spacings between structures (in excess of minimums) as active usable common open space, provided the following conditions are met:
- a. All proposed facilities to be located in such areas shall be compatible with the active and passive recreational facilities examples stated in this subsection;
  - b. Facilities shall not represent an inordinate, unjustifiable amount of superficial low-cost facilities such as picnic tables and nature trails which are placed indiscriminately and have little definable function within the context of the site's natural amenities or recreational and open space needs of the development's future residents;
  - c. The proposed facilities or activities shall not interfere with the primary function of the easements, setbacks or structure spacings; and
  - d. No facility shall lie within the space envelope of any proposed structure.
- (3) The zoning division director may also accept areas located within designated parking areas, provided each area has a minimum size of 2,000 square feet and a minimum width of 30 feet for a trapezoidal or trapezium shape, or either a minimum 25-foot base or a 50-foot height for a triangular shape.
- (4) In any residential project requiring common recreation and open space, active recreation shall be provided at a rate that varies with the density of the project according to the following table. The remainder of the required total common usable recreation and open space requirement may be devoted to passive recreation.

Density (units per acre)	Active Recreation (acres per 100 units)
Less than or equal to 10	1.5
More than 10 and less than or equal to 15	1.0
More than 15	0.5

- (5) The exclusion of water bodies which are in whole or part drainage easements may be waived by the board of county commissioners after adequate measures are provided which guarantee in perpetuity a level of water quality acceptable for recreational purposes. Private navigable canals shall not be utilized in fulfilling the common open

space requirement beyond that which is allowed for water bodies as provided in this definition.

- (6) In the PUD zoning classification, if golf courses are used to partially fulfill common open space requirements, such areas may not exceed 60 percent of the required open space. Where a golf course is utilized to partially fulfill the open space requirement, other facilities to meet the active residential needs of children and adults shall be provided. All water areas included as part of the open space requirement, other than private canals, shall be permanent water bodies and shall be improved with docks or piers and shall have a three to one minimum sloped edge extending at least 20 feet into the water areas and planted with grass and maintained around all sides so not to harbor mosquitoes, insects and rodents, unless it is determined by an environmental review of the water body that such slope or improvements would be detrimental to the ecology of such water body site. A slope of three to one shall be utilized with seawalls.

*Orphanage* means one or more buildings used for the semipermanent 24-hour care of orphans or other children deprived of parental care, operated by a public agency or a philanthropic or charitable organization, but shall not include a foster home or correctional institution, or commercial enterprises operated by such organization or any party acting on its behalf.

*Overriding public benefit* means the result of a development action by a private property owner that substantially preserves, restores or enhances those natural functions which define and make up the Conservation/Environmental Area I classification provided for by the conservation and coastal zone protection elements of the county comprehensive plan. An overriding public benefit shall include but not be limited to proposals which preserve, restore or enhance the floodplain, wetland or prime aquifer recharge functions and provide for dedication of associated lands to the county or other acceptable public entity or agency.



*Parking lot* means an area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

*Passive recreation.* Recreation uses are considered passive where very minimum alteration of vegetation, topography or other native features is necessary, and the actual use and enjoyment of the site amenities requires only a small amount of physical effort by an individual. Activities which are considered passive include but are not limited to hiking, nature observation, primitive camping, nonmotorized boating, shelling, swimming, picnicking, archeological or historic preservation, and hunting or fishing as provided for by the state fish and game laws. Site alterations which are considered acceptable for passive activities are exemplified by boardwalks, picnic areas, wildlife feeding areas, outdoor educational displays, observation stations, archaeological or historic markers, and paths and trails for walking or hiking. Areas which may be considered for passive recreation areas include wetlands and associated uplands, wildlife habitats, floodplains, vegetative communities including native vegetation to meet landscaping requirements, water bodies and aquifer recharge areas.

*Performance Overlay District* means a geographically defined area that encompasses one or more underlying zones and that imposes additional requirements above that required by these underlying zones. "Performance Overlay District (POD)" shall impose additional requirements upon any industrial use seeking to locate within the POD. These additional requirements would surpass the underlying zoning classification requirements and any other regulation that was less stringent than those listed in the POD.

*Pets* means those animals and fowl normally domesticated in the United States, typically obtained at pet shops, and kept in or around the home for pleasure rather than utility, e.g., dogs, cats, canaries, mynahs, parrots, parakeets, fish, rabbits and rodents and excluding animals defined by the state as class I or class II wildlife, as set forth in Rule 68A-6.0022(2), F.A.C. Pets are permitted in any GU or residential zoning classification unless otherwise prohibited in section 62-2108, pertaining to farm animals and fowl.

*Plant nursery* means a full service retail sales establishment which sells plants that are purchased wholesale from off site. Accessory items can include packaged fertilizer, seed, mulch, and topsoil, as well as other packaged items commonly associated with a retail plant nursery, as long as such items are stored inside of a solid or screened structure. However, the sale or outside storage of bulk items, and/or the on-site storage of commercial vehicles or heavy equipment, shall be prohibited in the BU-1 or agricultural zoning classifications, except with a conditional use permit for "plant nursery (with outside bulk storage of mulch, topsoil, etc.)" in BU-1 as provided in section 62-1942, or a "landscaping business" in the agricultural classifications as provided in section 62-1837. A BU-2 or Industrial zoning classification is otherwise required for such use.

*Private heliports* shall apply to all sites used or intended to be used for the landing and take-off of private helicopters for residential purposes.

*Professional office* means a building providing office space for use by a person or persons engaged in an occupation generally classified as being professional in nature, including but not limited to the following: appraisers, architects, attorneys, accountants, engineers, doctors, dentists, osteopaths, chiropractors, optometrists, realtors and other similar or related professions. Specifically excluded from such use is the display, sale, storage and delivery of goods and merchandise.

*Public benefit* means the result of a development action by a private property owner that preserves, restores or enhances the floodplain, wetland or aquifer recharge functions; or a proposal that substantially enhances the compatibility of land uses or alleviates the public's burden regarding capital expenditures for essential services in the area of a transfer district.

*Public building* means a structure owned and operated by a municipality, county, state or federal government or any agency thereof and utilized for a public service or purpose.

*Recovered materials* (defined in F.S. § 403.703 [1997]) means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

*Recovered materials processing facility* (defined in F.S. § 403.703) means a facility engaged solely in the storage, processing, resale or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of F.S. § 403.7045(1)(F).

*Residential social service facility (RSSF)* means a governmental, nongovernmental, nonprofit or for-profit facility providing an alternative to institutional placement, in which a caretaker provides 24-hour-a-day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians, and assists such assigned residents to the extent necessary for them to participate in normal activities and to meet the demands of daily living.

Residential social service facilities shall include foster homes, family shelter homes, group homes, adult congregate living facilities, and treatment and recovery facilities, as defined in this section.

*Resort dwelling* means any single family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 90 days or three calendar months, whichever is less. For the purposes of this chapter, a resort dwelling is a commercial use. For the purposes of this definition, subleases for less than 90 days are to be considered separate rental periods. This definition does not include month-to-month hold-over leases from a previous lease longer than 90 days.



*Right-of-way line.* The right-of-way line shall be considered a property line, and all front setback requirements provided in this article shall be measured from the right-of-way line. Side and rear yard depths shall be measured from property lines, except that the depth for corner lots shall be controlled by the right-of-way of the side street.

*Roadside stand* means any motor vehicle, stall, building, tent, counter or other method or device which is being utilized for the temporary display, storage or sale of any type of goods or services and which shall not exceed 30 feet.

*Screened porch* (as used in subsections 62-1340(5), 62-1341(5), 62-1342(5), and 62-1446 (d)) means non-conventionally built screened rooms, typically with aluminum frames and roofs, which cannot be enclosed into living area. The reduced rear setback provision in these sections is not intended to apply to conventionally built screened rooms, having permanent roofs and supporting posts and beams that are structurally similar to the residence, which could later be enclosed to permanent living spaces.

*Self storage mini-warehouse* means a fully enclosed building having individual compartmentalized units, bays or lockers which are to be used only as storage space for customer's personal property.

*Setback* means the minimum horizontal distance between the lot line and the building line. When two or more lots under one ownership are used, the exterior property lines shall be used in determining setbacks.

*Shipyard* means the use of property for the building, constructing, manufacturing, assembling, repairing, maintaining or overhauling of water vessels outside of a substantial structure.

*Shopping center* (as used in section 62-1906(4)) means a community commercial shopping center in a BU-1 or BU-2 zoning classification, having at least 21,800 square feet of floor area, an anchor retail tenant, and space for other retail users. The complex shall be used primarily for retail uses as opposed to professional, medical, office, warehouse or other use.

*Sign.* See article IX of this chapter.

*Single-family attached residential* means a multiple residential unit structure that is architecturally and characteristically compatible with single-family detached residential lifestyles. These residential characteristics include architectural styles which share a common wall. Each residential unit shall be contiguous to and have direct access to a designated yard, and have its own entrance separate from any other unit within the same structure.

*Skateboard ramp* means a curved or flat surface, elevated on one or more sides, for the use of skateboards, bikes or other nonpowered wheeled vehicles in the performance of various maneuvers.

*Solid waste disposal facility* means any solid waste management facility which is the final resting place for solid waste including landfills, incineration facilities that produce ash from the process of incinerating municipal solid waste.

*Solid waste management facility* (defined in F.S. § 403.703 [1997]) means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing or storage of solid waste, including biomedical waste and construction and demolition debris. The term does not include recovered materials processing facilities which meet the requirements of F.S. § 403.7046, except the portion of such facilities, if any, that is used for the management of solid waste.

*Special use* means a special use permit previously issued by the board of county commissioners under section 25 of the county zoning regulations between October 1, 1967, and August 2, 1973. Existing uses that were established under special use permits shall be considered non-conforming uses, unless they are listed as permitted uses in the zoning classification within which they are located. If the use permitted by a special use permit has not been established, or has been discontinued or abandoned pursuant to sections 62-1182 and 62-1183, the special use permit shall be considered invalid.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it.

*Structure* means anything constructed or erected, the use of which requires rigid location on the ground, or attachment to something having permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, nor a non-supporting wall acting as a screen or fence, nor an elevated boardwalk shall be considered a structure for the purpose of setbacks.

*Telephone switching facilities.* Telephone switching facilities utilizing a standardized unmanned building requiring only one parking space and occupying less than 300 square feet are exempt from site plan requirements and minimum square footage requirements in all zoning classifications.

*Tenant dwelling* means a single-family dwelling to be used by yearround employees, on the basis of one dwelling unit per five acres of land, provided such dwellings are accessory to the principal use of the land. A tenant dwelling may be a mobile home pursuant to the requirements of section 62-1843.

*Townhouse* means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

*Transfer of development rights (TDR)* is used to describe the severing of development rights from a specific parcel of real property and transferring the development rights to another separate and specific parcel of real property, or to another portion of the same parcel of real property.

*Transfer station* (defined in F.S. § 403.703 [1997]) means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

*Transportation* means the facilities for land, air, or water transportation NAICS codes: 481-Air, 482-Rail, 483-Water, 485-Transit and ground passenger, 486-Pipelines, 485-Transit and ground passenger is not an industrial use and is regulated by the applicable zoning classification where permitted.

*Treatment and recovery facility* means a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders. Such facility shall be licensed by the state department of health and rehabilitative services as a treatment and recovery facility. If such facility is not licensed by the state department of health and rehabilitative services, it must be approved by the county division of health and social services.

*Trucking*. NAICS 484.

*Unincorporated areas* means any land in the county not lying within the boundaries of a duly incorporated village, town or municipality.

*Variance*. See article II, division 5, section 62-251, of this chapter.

*Volume reduction plant* means a solid waste management facility which incinerates, pulverizes, compacts, shreds, and bales, composts, or otherwise accepts and processes solid waste for recycling or disposal.

*Waste disposal*. NAICS 562.

*Waterfront*. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water, including a creek, canal, bay, ocean, river or any other body of water, natural or artificial, not including a swimming pool, whether the lot line is a front lot line, a rear lot line or a side lot line.

*Worship, place of* means a building that by design and construction is primarily intended for conducting organized religious services, including associated accessory uses such as schools, day care facilities, recreational facilities, meeting halls, and counseling.

*Yard* means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

(Code 1979, § 14-20.04; Ord. No. 93-26, § 1, 11-10-93; Ord. No. 95-03, § 1, 1-26-95; Ord. No. 96-46, § 7, 10-22-96; Ord. No. 97-46, § 2, 12-2-97; Ord. No. 98-03, § 2, 1-29-98; Ord. No. 98-11, § 1, 2-26-98; Ord. No. 98-28, § 1, 4-30-98; Ord. No. 99-07, § 5, 1-28-99; Ord. No. 99-33, § 1, 5-6-99; Ord. No. 99-45, § 1, 8-12-99; Ord. No. 2000-03, § 1, 1-11-00; Ord. No. 2000-07, § 1, 1-25-00; Ord. No. 2000-30, § 1, 5-9-00; Ord. No. 2000-50, § 2, 10-31-00; Ord. No. 00-51, § 2, 10-31-00; Ord. No. 01-07, § 5, 2-20-01; Ord. No. 01-020, § 1, 4-24-01; Ord. No. 01-63, § 1, 10-2-01; Ord. No. 2001-71, § 1, 11-1-01; Ord. No. 02-014, § 1, 3-19-02; Ord. No. 2002-42, § 1, 8-27-02; Ord. No. 2002-49, § 1, 9-17-02; Ord. No. 2002-58, § 1, 11-12-02; Ord. No. 02-62, § 1, 12-17-02; Ord. No. 2003-03, § 2, 1-14-03; Ord. No. 03-30, § 1, 7-22-03; Ord. No. 03-39, § 1, 8-12-03; Ord. No. 04-17, § 2, 5-6-04; Ord. No. 04-29, § 1, 8-5-04; Ord. No. 2005-25, §§ 1, 2, 5-19-05; Ord. No. 05-27, § 1, 5-19-05; Ord. No. 06-003, § 1, 1-10-06; Ord. No. 06-21, § 1, 4-25-06; Ord. No. 06-26, § 1, 5-4-06; Ord. No. 06-36, § 1, 5-24-06; Ord. No. 06-37, § 1, 7-11-06)

### **Sec. 62-1103. Interpretation; conflicting provisions.**

The provisions of this article shall be held to be the minimum requirements adopted for the promotion of the general public health, safety and welfare of the people of the county. In the event of conflicting provisions, the more restrictive provisions of this article or any other regulations adopted by the county shall apply.

*(Code 1979, § 14-20.02)*

#### **Sec. 62-1104. Conforming title designations for previous zoning regulations.**

- (a) Any reference in those subparagraphs and sections of the county zoning regulations of October 1, 1967, as amended, incorporated in this article by reference, to the zoning director, building and zoning official, building and zoning authority or any other similar description of any administrative official, is hereby deemed a reference to the zoning official.
- (b) Any reference in those subparagraphs and sections of the county zoning regulations of October 1, 1967, as amended, incorporated in this article by reference, to the zoning board, is hereby deemed a reference to the planning and zoning board.

*(Code 1979, § 14-20.63; Ord. No. 93-17, § 2, 6-22-93)*

#### **Sec. 62-1105. Penalty.**

It shall be unlawful for any person to violate the provisions of this article or to use any land, structure or building in violation of any provision of this article. Any person found guilty of violating this section shall be deemed guilty of an offense, and shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment. Each separate day that a violation exists or continues shall be deemed a separate offense for the purposes of this section. Any penalties pursuant to F.S. ch. 162 or chapter 2, article VI, division 2, may be pursued.

*(Code 1979, § 14-20.66)*

*State law reference— Penalties for ordinance violations, F.S. § 125.69.*

#### **Sec. 62-1106. Additional remedies.**

If any building or structure is erected, constructed, altered, repaired or maintained or any building, structure or land is used in violation of the provisions of this article, the proper authorities of the county, in addition to the remedies otherwise provided for in this article, may institute any appropriate action or proceeding to prevent such violations in a court of competent jurisdiction.

*(Code 1979, § 14-20.67)*

#### **Sec. 62-1107. Severability.**

If any section, paragraph, subdivision, clause, sentence or provision of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this article, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

*(Code 1979, § 14-20.68)*

#### **Sec. 62-1108. Purpose and intent.**

- (a) It is the purpose and intent of this article to consolidate the power, authority, procedure and regulations contained in various local laws relating to the county, and regulations and ordinances enacted and adopted by the board of county commissioners, into a uniform and comprehensive ordinance relating to the establishment of comprehensive zoning regulations and land use controls.
- (b) This article is adopted in recognition of the established zoning regulations of the county enacted under the authority of various local laws and, except as such regulations are specifically amended in this article, is not intended to affect the force or validity of such regulations and ordinances and the comprehensive zoning and land use regulations promulgated under the authority of such local laws. The intent of the board of county commissioners is to continue the land use and zoning regulations and comprehensive zoning previously established in the county under the consolidated and comprehensive procedures, powers and regulations contained in this article.
- (c) The uniform, comprehensive and consolidated procedures, powers and regulations contained in this article are intended to provide for the promotion of the general public health, safety, comfort and welfare; to provide for the division of the unincorporated areas of the county into zoning classifications; to regulate, determine and establish the height, size, location, relocation, erection, construction, repair, alteration and use of buildings and other structures within each district or zoning classification; to establish and control the use of land within each zoning classification for trade, industry, manufacturing, agriculture, residence and other specified uses; to determine, establish and control the use of bodies of navigable and nonnavigable waterways for trade, industry, residence, recreation and other specified uses; to establish and control the density of population; to control the size of yards, courts and open spaces to provide for adequate light and air; to secure safety from fire, flood, panic and other dangers; to ensure that adequate provisions are established to provide for transportation, drainage, sanitation, water supply, sewerage, other public utilities, schools, recreational facilities and further public requirements; and to prescribe penalties for the violation of this article.

*(Code 1979, § 14-20.03)*

**Secs. 62-1109—62-1150. Reserved.**

**CITY OF  
MELBOURNE CODE  
FOR OFF STREET  
PARKING**

### Sec. 9.74. Minimum standards for the design of off-street parking areas.

This section provides minimum standards for the required design of certain accessory areas including parking lots, drive aisles, setbacks, and yard areas and other off-street and vehicular use areas. Parking or additional parking required as a result of new construction, a change in use of an existing structure, or modification of a non-conforming site requires that code complying landscaping improvements be shown on site plans for all uses at both the time of the site plan approval as well as the time of the building permit issuance in accordance with the Preservation and Landscape Design Code (Appendix D, Article XV).

- (a) *Intent.* The intent and purpose of this section is:
  - (1) To improve the appearance of required setbacks and yard areas as well as parking lots and other vehicular use areas which will help to protect and preserve the appearance, character and value of the surrounding area and thereby promote the general welfare and aesthetic qualities of the city;
  - (2) To create buffer areas between properties of different zoning classifications and to reduce nuisances of incompatibilities between abutting land uses; and
  - (3) To establish minimum criteria for off-street parking areas by providing for the safety and general welfare.
- (b) *Enforcement.* Parking standards on and off-street shall be enforced as provided for in Chapter 31, City Code. This section provides minimum standards. More stringent conditions already contained in the Code of Ordinances or hereafter adopted by the city council shall take precedence over the provisions of this chapter and be controlling.
- (c) Parking spaces for all dwellings shall be located on the same property with the main building to be served where feasible, unless otherwise permitted in this section, except that one-half ( $\frac{1}{2}$ ) the total number of required spaces for multiple-family dwellings, townhouses, and mobile homes may be located in a common parking facility not more than two hundred (200) feet distant from the nearest boundary of the site. The owners of off-site parking area property and the property to be served by said off-site parking area shall file with the city a binding lot agreement as required in section 9.75(c).
- (d) *Minimum spaces required and use areas.* Except as provided in section 9.74(r), required off-street parking areas for three (3) or more vehicles serving non-single-family or two-family uses shall have individual spaces marked, and shall be so designed, maintained, and regulated in such a manner that no parking or maneuvering incidental to parking shall be on any area, public street, sidewalk, or alley, and so that any vehicle may be parked and unparked without moving another.
- (e) *Plan required.* A plan showing off-street parking, to be developed with or without building improvements, shall be submitted and approved by the engineering division and planning and zoning department of the City of Melbourne before a permit is issued for the construction of, or use of the building, structure or accessory, or separate parking facility being considered. This plan shall show the location, and accurately designate the number of required spaces, their size, access aisles, driveways, and their relation to the plan and required landscaping.

(f)

*Access and accessibility.* Except as provided in section 9.74(r), each parking space shall be directly accessible from an aisle or driveway leading to a street or alley. Access aisles and/or driveways shall be of sufficient size to permit convenient ingress and egress. Each parking space, with the exception of parking spaces for one- and two-family units, shall be accessible without driving over or through any other parking space. No parking space or loading space shall be located in such manner as to block entry or exit to a building, or ramped curb for handicapped access, and in this respect a clearance shall be provided adjacent to an entrance or exit door equal to the width of the door or three (3) feet, whichever is the greater. No parking space shall be permitted which would require backing into the right-of-way except from single-family and two-family driveways.

- (g) *Paved parking required.* All parking areas and vehicular access to parking areas shall be paved with an asphalt, concrete or other surfacing approved by the city engineer, afford adequate drainage, and meet engineering specifications [also see section 9.74 (q)].
- (h) *Parking prohibitions.* Required parking areas shall be used for motor vehicle parking only, with no sales display, dead storage, repair work, dismantling or servicing of any kind.
- (i) *Landscaping provisions.* All parking areas shall be provided with landscaped areas at the end of each row and meet the landscape requirements specified in city code, Appendix D, Chapter 9, Article XV.
- (j) *Parking lot lighting.* If lighting is provided, it shall be positioned to reflect away from residential areas and from any public street or highway and meet the standards of Chapter 20, Article VII, City Code.
- (k) *Code compliance.* All off-street parking spaces shall comply with the off-street parking standards as set forth in this article.
- (l) *Parking space size.* For the purpose of this article, the term off-street parking space shall apply to non-single-family or two-family units and consist of a minimum rectangular parking area measuring eleven (11) feet by twenty (20) feet exclusive of access drives and aisles. However, in those areas where parking is assigned to employees, there may be ten (10) foot wide parking spaces that provide for use solely by employees either with an employee only gated area in an approved parking lot or with signage on each parking space, or group of spaces, designating that the space is for employee parking only. The number of employee parking spaces must be reasonably based on the business proposed in the development and cannot exceed the number of employees on the largest working shift. Residential uses that provide the required parking with assigned, enclosed spaces may also provide this parking as ten-foot wide spaces. All other parking spaces shall be eleven (11) feet in width and twenty (20) feet in length, or eighteen (18) feet in length when there is a two-foot overhang, when used at anytime for parking. Also, for each ten-foot space provided, an additional twenty (20) square feet of landscaped area must be provided within the parking area. These spaces must be clearly marked and controlled. Parallel curb parking spaces shall be a minimum of eleven (11) feet by twenty-five (25) feet. Bicycle parking spaces shall consist of a minimum rectangular parking area measuring two (2) feet wide by seven (7) feet in length and with a rack for securing each bicycle. Bicycle lockers may substitute for the rack and space requirement. All bicycle parking areas shall be located in a well-lighted area in close proximity to the building away from the general motor vehicular parking area in order to discourage theft and possible damage.

- (m) *Curbing requirements.* Perimeter and interior landscaped areas and sidewalks shall be protected from vehicular encroachment by the use of curbing. When curbing is used as a wheel stop for head-in parking, the twenty (20) foot dimension of the parking space requirement (eleven (11) feet by twenty (20) feet) may be reduced to eighteen (18) feet. Curbing dimensions for the landscaped area shall conform to the standard (not the Miami-type curb) curb specifications established by the city. Because of safety reasons, individual wheel stops protruding from the pavement are prohibited. Where curb parking abuts a sidewalk the sidewalk width shall be increased by two (2) feet.
- (n) *Aisle widths.* Off-street parking areas shall be designed so that there is an unrestricted flow and circulation of traffic within the parking lot as well as at the site ingress/egress points. One-way traffic lanes shall be clearly marked on the paved surface to show the flow of traffic. All areas shall be designed for "head-in" parking only. "Pull through" parking design shall be permitted when necessary to serve special type vehicles such as truck trailers, boat trailers and similar vehicles. The following table shall govern the minimum width of traffic lanes within the parking area:

Angle of Parking	Minimum Width of Lane(s)	
	One-Way (feet)	Two-Way (feet)
0° (parallel to curb)	16	24
45°	16	not permitted
60°	16	not permitted
90° (perpendicular to curb)	24	24
No parking allowed	16	24

- (o) *Special parking lot design considerations and restrictions.*
- (1) Whenever an off-street parking area is designed to provide parking of vehicles in six (6) rows or more, interior landscaped curbed areas shall be provided the length of the parking rows to prevent cross traffic flow and traffic hazards. Such planted landscaping between rows shall be not less than eight feet in width measured back of curb to back of curb. Parking rows shall be limited to three hundred (300) feet in length. [Also see Appendix D, Chapter 9, Article XV, Section 9.273 (b) (1) c. 5.]
  - (2) Parking may be located in a required front, rear or side yard for single-family and two-family dwellings but may not cover more than twenty (20) per cent of the lot or parcel.
  - (3) In the C-P zoning district, required off-street parking spaces may be located in the front yard in accordance with the requirements of Appendix D, Chapter 9, Article XV, Section 9.273, b.1. In the C-P zoning district, required off-street parking spaces may be located in the side yard, except that no parking space shall be permitted within fifteen (15) feet of the side lot line.

- (4) In the C-1, C-1A, C-2, C-3, M-1, M-2, R-2, R-3 and R-P zoning districts, required off-street parking spaces may be located in the front yard in accordance with the requirements of Appendix D, Chapter 9, Article XV, Section 9.273, b.1.
  - (5) In all districts requiring rear-yard setbacks, required off-street parking spaces may be located in the rear yard, except that no parking space shall be permitted within ten (10) feet of the rear lot line.
  - (6) Other than as listed above in paragraphs (3), (4), and (5), no required yard shall be used for any parking space, drive or back-out area, except that access drives may cross the required yard.
  - (7) When parking structures/parking garages are built in any district, whether as an accessory structure or a part of the principal structure, the garage building setback shall comply with the setback requirements of the applicable zoning district, except when abutting a zoning district with a more restrictive setback. In such cases the more restrictive setback of the adjacent zoning district shall apply. In the C-3 zoning district, the parking garage setback shall be no less than five feet.
  - (8) When an area is posted with a sign stating that non-residential parking is prohibited, only vehicles which are in the area due to an association with a residence may park on either the paved or the unpaved public right-of-way. This shall include the family and guests at a residence, and delivery, service or utility vehicles which are providing materials or services to the residence or to the residential neighborhood. All vehicles shall park in conformance with all other applicable laws and ordinances.
  - (9) Parking lot setbacks are determined by the landscaping regulations outlined in Appendix D, Chapter 9, Article XV, Section 9.73
- (p) *Parking, storage, or use of recreational equipment and recreational vehicles.* No recreational equipment or recreational vehicles shall be parked or stored on any lot in a residential district except in a carport, enclosed building, or to the rear of the front building line.
1. As it relates to this paragraph, the "front building line" shall be construed as the contour of the building located adjacent to the front yard right-of-way and shall extend parallel to the rights-of-way to the side property lines that intersect the right-of-way.
  2. All recreational equipment and recreational vehicles may be parked in a side corner yard if located behind a six-foot opaque fence, or parked behind the required side corner setback.
  3. Recreational equipment and recreational vehicles may be parked anywhere on residential premises during loading/unloading or maintenance for a period not to exceed forty-eight (48) consecutive hours within a seven-day period.
  4. Guests with recreational vehicles visiting the residence are allowed to park a recreational vehicle on a designated driveway for up to two (2) weeks per calendar year. No portion of the recreational equipment or recreational vehicles shall extend over any portion of the sidewalk.
  5. Recreational equipment and recreational vehicles shall not be parked in any right-of-way.
  6. All recreational equipment and recreational vehicles shall be properly tagged (if applicable) and in operable condition.

7. No such recreational equipment or recreational vehicles shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location, except as permitted above. No trailer shall be parked on any lot for living purposes other than in established trailer parks.

For Agriculture Estate Use (AEU) zoning districts, refer to Appendix B, Article V, Section 2(E)(2)(f).

For Rural Estate Use (REU) zoning districts, refer to Appendix B, Article V, Section 2 (F)(2)(e).

- (q) *Vehicular use areas.* All areas within commercial, and industrial districts and for residential developments of four (4) or more attached units used for the display or parking of any and all types of motor vehicles, boats, or heavy construction equipment, and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to drives, parking, service and display areas, shall be paved according to the city's engineering specifications.
- (r) *Vehicular use areas for residential developments.*
- (1) Vehicular use areas for single-family, two- and three-family dwellings. All one-, two- and three-family units shall provide a paved drive a minimum of ten (10) feet wide to an enclosed garage. The garage floor shall be made of cement or any material approved by the building official. This requirement shall be applicable to single-, two- or three-family dwellings in any district where such uses are permitted.
  - (2) Vehicular use areas for multiple-family developments utilizing attached one-car garages. Projects where individual units have an attached one-car garage may utilize a paved drive measuring a minimum of ten (10) feet wide by twenty (20) feet long to an enclosed single car garage as a required parking space if noted on the site plan that such a space is assigned to that unit. The garage floor shall be made of cement or any material approved by the building official.
- (s) *Parking for disabled persons:*
- (1) Location: Accessible parking spaces for the physically disabled shall be located on the shortest possible accessible route of travel from adjacent parking to an accessible entrance of a building. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces for the physically disabled shall be dispersed and located closest to the accessible entrances. Parking spaces shall not be located as to require the disabled person to wheel behind parked vehicles. Parallel parking spaces for the physically disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
  - (2) Design: Diagonal and perpendicular accessible parking spaces for the physically disabled shall be twelve (12) feet wide, shall have an adjacent five-foot wide access aisle and shall not be located so as to require the handicapped to cross behind another parking space, drive aisle, or other unsafe act in order to obtain access to a building. Two (2) accessible parking spaces for the physically disabled may share a common access aisle. Accessible parallel parking spaces for the physically disabled shall meet the minimum regular parking space size requirements for a parallel parking space. In addition they shall have a five-foot wide access aisle immediately to the front of the parallel accessible parking space. The parking access aisle must be

connected to an accessible route to the appropriate accessible entrance of a building or facility. Handicap ramps for sidewalks and building entrances shall be required to be adjacent to or as close as practical to handicap spaces without violating the above standard. Parked vehicle overhangs shall not reduce the required clear width of an accessible circulation route. The cross slope of the space shall not exceed two (2) per cent. Curb ramps shall be located outside of the disabled parking spaces.

- (3) **Marking/signing:** Each accessible parking space for the physically disabled shall be conspicuously marked with typical four-inch white striping. The space shall then be further outlined within the white striping with a four-inch stripe of light blue paint (tinted to shade 15180 of Federal Standard 595a). There shall be two (2) inches between stripes. The opposite side of the ramp away from the space shall have a four-inch white stripe. Parallel spaces shall be striped with blue and white striping in the front, rear and street side of the space. The space shall also be posted and maintained with a permanent sign, that is positioned at a height of seven (7) feet above grade to the base of the sign. The sign (FDOT Model FTP-26) shall be eighteen (18) inches (wide) by thirty (30) inches (tall) and shall bear the international symbol of accessibility (eighteen (18) inches by eighteen (18) inches) and the caption "PARKING BY DISABLED PERMIT ONLY" (twelve (12) inches by eighteen (18) inches). A smaller sign (FDOT Model FTP-15) may be used when space does not permit placement of a standard sign, as determined by the city engineer. All other specifications regarding marking and signage of parking spaces shall be in accordance with Florida Department of Transportation standards.
- (4) All parking spaces, ramps and sidewalks shall be designed, constructed, and maintained in conformance with Florida and federal law. For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking space as the city engineer shall determine to be necessary, considering all the parking generating factors involved, shall be provided.

*(Ord. No. 95-51, § 6, 11-29-95; Ord. No. 2002-31, § 1, 5-14-02; Ord. No. 2003-23, § 1, 4-22-03; Ord. No. 2004-37, § 7, 5-25-04; Ord. No. 2005-81, § 3, 9-13-05; Ord. No. 2008-70, § 2, 1-13-09; Ord. No. 2009-31, § 15, 8-25-09)*

# TOWN OF MALABAR CODES

OFF-STREET  
PARKING AND  
INTERNAL TRAFFIC  
CIRCULATION

ARTICLE IX

Article IX

OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Section 1-9.1. Applicability.

Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, floor area, seats, employees or other factors determinative of parking demand as stated in this Article IX.

Section 1-9.2. Parking spaces required by use.

1. *Single Family Dwellings.* Two (2) spaces for each single family dwelling, plus one (1) space for each one thousand square feet over two thousand square feet of floor area.
2. *Two Family Dwellings.* Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
3. *Multi-Family Dwelling.* Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
4. *Hotels and Motels.* One (1) space for each sleeping unit plus one (1) space for manager and one (1) space for every three (3) employees on the largest shift.
5. *Mobile Home Parks or Courts.* Two (2) spaces per unit; one (1) must be at lot site.
6. *Mobile Home Subdivisions.* Two (2) spaces for each mobile home unit at the site.
7. *Private Clubs or Lodges.* One (1) space for every five (5) seats or one (1) space for every one hundred fifty (150) square feet of gross building area, whichever is greater.
8. *Stadiums and Other Places of Public Assembly.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred twenty (120) square feet of floor area of the main assembly hall, whichever is greater.
9. *Places of Worship.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
10. *Public Buildings, Theaters, Auditorium.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
11. *Hospitals.* One (1) space for each two (2) beds intended for patients, plus one (1) space for each doctor, or other employee, and one (1) visitor space for every three beds, or one (1) space per three hundred (300) feet of building area, whichever is greater.
12. *Nursing Homes.* One (1) space for each five (5) beds plus one (1) space for each employee, including doctors, or one (1) space for per three hundred (300) feet of building area, whichever is greater.

13. *Medical Offices.* One (1) space for each one hundred fifty (150) square feet of gross building area or five (5) spaces for each doctor, whichever is greater.

14. *Child Care Facilities.* One (1) space for each employee plus one (1) visitor or parental space for every three children enrolled, or one (1) space for each three hundred (300) feet of building area, whichever is greater.

15. *Retail Sales Stores.* One (1) space for each two hundred (200) square feet of retail floor space.

16. *Restaurants and Lounges.* One (1) space for each one hundred (100) square feet of gross building area.

17. *Libraries and Museums.* One (1) space for each three hundred (300) square feet of gross building area.

18. *Manufacturing Wholesale and Warehousing.* One (1) space per five hundred (500) square feet of gross building area or one (1) space for each two (2) employees on the largest shift, whichever is greater.

19. *Bowling Lanes.* Six (6) spaces per lane.

20. *Marinas.* One (1) space for each three hundred (300) square feet of principal building plus one (1) space for every three (3) storage or slip places.

21. *Schools.*

(a) *High Schools.* One (1) space for each four (4) students.

(b) *Junior High and Elementary Schools.* One (1) space for each ten (10) students.

22. *Business and Vocational Schools.* One (1) space for each three (3) students.

23. *Gasoline Service Stations.* Two (2) spaces for each bay, grease rack (excluding grease trap as parking space) or similar facility, plus one (1) space for each gas pump. No such bay, rack or similar facility shall be counted as a parking space for meeting the parking requirements of this Article.

24. *Shopping Centers.* Five and one-half (5.5) parking spaces for each one thousand (1,000) square feet of gross floor space in the shopping center.

25. *Office and Professional Building (excluding medical offices).* One (1) space for each two hundred (200) square feet of office space.

26. *Transportation Terminals.* One (1) space for each two hundred (200) square feet of floor space.

27. *Auto Sales and Repair.* One (1) space for each employee at maximum employment on a single shift, plus two (2) spaces for each three hundred (300) square feet of auto repair or sales spaces.

28. *Funeral Homes.* One (1) space for every three (3) seats figuring maximum seating capacity plus five (5) spaces for employees or one (1) space for each one hundred twenty (120) square feet of floor area of gross floor area [sic], whichever is greater.

29. *Drive-Through Facilities.* In addition to other parking requirements for a principal use, stacking spaces shall be provided for drive-through facilities in compliance with the following minimum specifications:

(a) *Number of spaces required including receiving or service window space.* Six (6) stacking spaces per drive-through lane. Where this requirement is demonstrated by the applicant to be inconsistent with the traffic generating characteristics of a specific use, the applicant may request that the standard be modified by the Town Council. The Town Council may approve a reduction in the required waiting spaces for such use provided the applicant demonstrates that the intended use generates a low volume of drive-up traffic and does not require the standard six (6) stacking spaces. The Town Council shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.

(b) *Length of Spaces.* Each space shall be a minimum of twenty (20) feet in length.

(c) *Width of Spaces.* On curves with a radius of twenty-five (25) feet or less, a minimum pavement width of twelve (12) feet shall be provided. On curves with a radius of more than twenty-five (25) feet, a minimum pavement width of ten (10) feet shall be provided.

(d) *Surface requirements* shall be the same as those specified for parking areas.

30. *Bed and Breakfast.* One (1) parking space for each guest quarter and two (2) spaces for the entire residence.

(Ord. No. 06-19, § 2, 1-11-07)

### Section 1-9.3. Computation of parking spaces.

In computing the number of required parking spaces the following rules shall govern:

1. *Floor Area Calculation.* Floor area means the gross floor area of a particular use.
2. *Interpretation of Computation with Fractions.* Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.
3. *Requirements for Uses Not Identified.* The parking requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized herein or where not recognized herein, shall be based on criteria published by the American Planning Association or similarly recognized standards of their profession and such standard shall be approved by the Town Council.
4. *Requirements for Mixed Uses.* In the case of mixed uses the parking spaces shall be equal to the sum of the several uses computed separately.
5. *Applicability of Standards to Expanding Uses.* Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as

to create a need for a greater number of parking spaces than that existing such spaces shall be provided in accordance with this Section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.

6. *Location of Off-Street Parking Spaces.* Except as otherwise prescribed for dwelling units, off-street parking spaces required by this section shall be located on the site on which the main building or use is located. For buildings or uses located in a commercial district, parking spaces may be located not more than five hundred (500) feet from the subject site if approved by the Town Council. Such parking space will be within a commercially zoned district and appropriate legal documents including any required restrictive covenants, necessary to implement conditions imposed by the Town Council shall be filed as an integral part of the approved site plan.
7. *Combined Parking Spaces.* The required parking spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time.

#### **Section 1-9.4. Parking in yards and landscaping.**

Unenclosed parking spaces may be located within a required yard. All parking areas other than for single family homes shall conform to the landscape requirements of the Town land development regulations, as exist or as may hereinafter be amended.

#### **Section 1-9.5. Design and specifications for parking and loading areas.**

A. *Stalls, Aisles and Driveways.* Parking stalls shall be ten (10) feet wide by twenty (20) feet long for angle parking; and shall be nine (9) feet wide by twenty-three (23) feet long for parallel parking stalls. Aisle dimensions shall be in accord with standard specifications on file with the Building Official. Angle parking shall be restricted to angles of ninety (90) degrees, sixty (60) degrees, or forty-five (45) degrees. The following criteria are applicable to all parking spaces, excepting single family homes.

1. Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements. Internal circulation also shall be designed so as not to create conflict with access into or egress from the site and shall be consistent with the landscape requirements of this Code.
2. No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet or more from said driveway or access aisle and appropriate improvements are provided to allow for safe pedestrian access to the door.
3. All paved parking spaces shall have lines between spaces to indicate individual stalls, and each stall may be required to be equipped with wheel stops if deemed appropriate by the Town Council based on recommendations of the Town Staff.
  - (a) Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2½) feet from the front end of the stall to prevent encroachment into

required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.

(b) Wheel stops for stalls not adjacent to landscaped strips shall be located three and one-half (3½) feet from the front end of the stall. The front three (3) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.

4. Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen (15) percent compact car parking stalls. Such compact car stalls shall be seven and a half (7½) feet wide by fifteen (15) feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.
5. All publicly maintained and operated parking facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the Department of Community Affairs, Florida Board of Building Codes and Standards.

B. *Entries, Exits, Drives and Vehicle Maneuvering Areas.* All uses which are required to provide three or more off-street parking spaces shall have entry and exit ways and drives at least eighteen (18) feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entry and exit ways and drives shall be at least nine (9) feet in width. In the event a one-way traffic system is utilized, appropriate traffic direction markers shall be installed. The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space, and shall be arranged so that no vehicle need back onto a public right-of-way. No occupied parking or loading space shall interfere with access to any other parking or loading space, or with any pedestrian walkway. The design of parking facilities shall also comply with landscape requirements of Article XIII [Article XIV].

C. *Restricted Use of Off-Street Parking Areas.* All parking areas shall be used for automobile parking only, with no sales, dead storage, non-emergency repair work, dismantling or servicing of any kind. Where lighting is provided, it shall be arranged to reflect away from residential areas and public ways.

D. *Off-Street Loading Regulations.* The following spaces shall be provided for the uses indicated:

1. Every hospital, institution, hotel, commercial or industrial building or similar use having a floor area in excess of five thousand (5,000) square feet or fraction thereof requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one permanently maintained off-street loading space for each five thousand (5,000) square feet of gross floor area or fraction thereof.

2. Retail operations, wholesale operations and industrial operations with a gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley.
3. Each space shall have a direct access to a public right-of-way and shall have the following minimum dimensions:
  - (a) Length: Twenty-five (25) feet; a larger length upward to thirty-five (35) feet may be required upon recommendation by the City Engineer and approval of the Planning and Zoning Commission.
  - (b) Width: Twelve (12) feet.
  - (c) Height: Fourteen (14) feet.

All subject to site plan approval.

E. *Surfacing Requirements for Parking and Loading Spaces.* In all zoning districts, surfacing of all off-street parking areas and drives, except within the RR-65 zoning district having single family uses exclusively, shall be as follows:

- *Nonporous Surfaces.* All parking areas and approaches thereto shall require a minimum surfacing material of four (4) inches reinforced concrete, or six (6) inches of lime rock, after compaction or a comparable material with one (1) inch minimum asphaltic topping except as other [otherwise] provided herein.

F. *Modifications.* The Town Council may approve modifications to the specifications of Section 1-9.5 upon demonstrated need by the applicant and based on recommendations of the Town Staff and the Planning and Zoning Board. In considering modifications to the specifications required by this Section, the Town Council shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper, or an equivalent commonly accepted source of standards.

G. *Parking Areas Not to be Reduced in Area.* Area designated for off-street parking or loading in accordance with the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted use which it served is discontinued or modified, except where equivalent parking or loading space is provided and approved pursuant to Article III [Article VII] "Site Plan Review."

PORTION OF  
REQUIRED  
IMPROVEMENTS  
AND DESIGN  
STANDARDS

ARTICLE XVII

K. *Bicycle/Pedestrian Paths.* Bicycle/pedestrian paths shall be eight (8) feet wide and shall be constructed in accordance with the current FDOT Bicycle Facilities Planning and Design Manual.



L. *Off-Street Parking Areas.* Off-street parking areas shall be provided in accordance with Section 1-8.1 [1-9.1] of this Code and shall contain provisions for ingress, egress, vehicular and pedestrian traffic, and orderly temporary storage of motor vehicles. Parking areas including vehicular storage spaces, driveways and access aisles shall be laid out and striped in accordance with the minimum parking standards of Article VIII [Article IX] of this Code. Parking areas including spaces, driveways, and access aisles shall be constructed in accordance with the following standards:

1. Parking areas for all residential lots and for commercial lots having an area of 15,000 square feet or less shall have a wearing surface of one (1) inch of Type SI or Type II asphalt concrete laid over a subbase not less than six (6) inches thick, free of muck and organic materials, stabilized to a minimum 50 p.s.i. F.V.B.
2. Non-residential parking areas for lots with areas greater than 15,000 square feet shall be paved in the same manner as a local street.
3. Adequate drainage shall be provided for a one-in-ten-year storm in all off-street parking areas.

Catch basins and underground drainage piping or storm sewers shall discharge into retention areas or pits equipped with natural filtration facilities before discharging into drainage ditches, canals, natural lakes, streams or water courses.

M. *Utilities.* Utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to street lights and gas shall be installed underground.

1. *Coordination of Easements.* Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this ordinance for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.
2. *Waivers.* The Town Engineer may waive the requirement for underground installation if the service to the adjacent area is overhead and it does not appear that further development in adjacent areas with underground utilities is possible. Any new service which is allowed by the waiver herein to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.
3. *Applicant Responsibility for Underground Installations.* The applicant shall make necessary cost and other arrangements for such underground installations with each of the persons, firms or corporations furnishing utility service involved.
4. *Construction within Easements.* Utilities shall be constructed in easements as prescribed by this ordinance.

N. *Utility Installation.* After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded and before any road or street construction

# BREVARD COUNTY CODE FOR TRAFFIC PARKING

**Sec. 62-3206. Traffic parking and loading requirements.**

- (a) In the interest of the health, safety and welfare of the general public in the promotion and preservation of traffic safety, all buildings, structures or activities shall be provided with adequate offstreet parking and offstreet loading facilities in accordance with the parking and loading requirements of this section.
- (b) The applicant may apply for a reduction in parking requirements by providing for alternative modes of transportation, including transit, bicycle and pedestrian facilities. The application, which shall include a justification and calculations supporting the request, will be reviewed and considered by the traffic engineering section and the land development section.
- (c) Offstreet parking and offstreet loading areas shall be maintained and continued as part of the primary use of the site, and shall be expanded in accordance with (d)(1) and (2) of this section if the activities on the site are expanded, enlarged or changed in any manner that would create a need for additional offstreet parking and loading facilities. In all zoning classifications, offstreet parking and offstreet loading shall be provided on the site on which is located the use to which the parking or loading facilities pertain and shall not be separated from that use by public road right-of-way having a minor arterial classification or higher, or any street or roadway currently having average daily traffic (ADT) of 5,000 or more, or any street or road projected to have such classification or average daily traffic under the county comprehensive plan, as determined by the county development engineer, except as may be provided otherwise by article VI of this chapter, the county zoning regulations. In computing the number of required parking spaces, the floor area of a building or structure shall be the sum of the gross horizontal area of every floor of the building, using exterior wall dimensions. Where fractions occur in the computation of required parking spaces, the next highest whole number shall apply where the fraction is 0.5 or more, and where the fraction is less than 0.5, the next lowest whole number shall apply.
- (d) Required parking area: Sufficient land area for parking shall be provided on the site at the time of construction or expansion of any building or structure, or change of business use of a structure.
- (1) *Minimum number of parking spaces:* The minimum number of required paved parking spaces for a site shall be determined by the use(s) or activities applicable to the site in accordance with the classification schedule established under subsections (d) and (e) of this section. However, a reduction of 15 percent in paved parking spaces may be permitted for the preservation of native vegetation.
- (2) *Paved parking requirements:* The following standards shall be used, along with the design standards in subsection (e) of this section, to determine the paved parking requirements for the following permitted uses, regardless of the zoning classification in which they are located:
- Amusement game parlors, pool halls and other similar recreational buildings:  
One space per 200 square feet of floor area.
  - Automotive, boat and trailer sales: One space per 200 square feet of floor area, plus one space per 2,500 square feet of outside display area.
  - Automobile rental agency: One parking space per 300 square feet of floor area.
  - Barbershops and beauty shops: Two spaces per barber or beauty chair.
  - Carwash: One parking space per 200 square feet of office space.
  -

Churches, and places of worship: One space per three seats or seating places. (Sunday school additions do not require additional parking.) See subsection 62-3206(e)(10).

- g. Colleges, universities, technical or vocational schools, and public and private schools:
  1. Generally:
    - i. Gymnasiums, auditoriums, theaters, etc.: One space per four seats of seating capacity.
    - ii. Stadiums: one space per two seats, minus available campus parking within 750 feet of the stadium proper.
    - iii. Dormitories: One space per two sleeping spaces.
  2. Classrooms:
    - i. Colleges, universities, technical or vocational schools: One space per three seats of seating capacity.
    - ii. High schools: Six spaces per classroom, plus one space per teaching, administrative or staff position.
    - iii. Elementary through junior high or middle schools: One space per classroom and one space for each administrative or staff position.
    - iv. Day care centers: One and one-half spaces for each employee.
- h. Condominiums and apartment complexes: Two spaces per residential unit plus one space per five units for guest parking. If parking is provided under the building and the parking spaces are not enclosed with separate garage doors, at least one handicap parking space must be provided in the under the building parking area. In lieu of providing a handicap parking space under the building, this space may be provided outside of the building and it must be covered. (This space will be provided in addition to the required number of outside handicap parking space(s). This parking must be consistent with the current fair housing act and all accessibility regulations. If outside parking is provided, at least one handicap parking space must be provided. Two handicap parking spaces may share the 5 foot wide access aisle way.
- i. Convenience store: One space per 125 square feet of floor area. Gas pump aisles may be counted as parking spaces—One pump with two sides, two spaces; one pump with one side, one space.
- j. Drive thru businesses only: One space per employee at the largest shift.
- k. Duplexes: Two parking spaces are required per residential unit; a garage space may count as one parking space. The location of parking spaces for each duplex site or lot shall be so designated as to minimize or eliminate the necessity to back into any street. One driveway access, not exceeding 24 feet in width, is limited to each duplex site or lot abutting a minor arterial or higher street classification, as determined by the county development engineer, shall be limited to one driveway access, not exceeding 24 feet in width.
- l. Flea markets and farmers' markets: One space per 50 square feet of sales area, including outdoor areas.
- m. Furniture and major appliance stores: One space per 500 square feet of floor area.
- n.

Furniture and major appliance stores: One space per 500 square feet of floor area devoted to storage for the first 4,000 square feet and one space per 750 square feet of the remaining floor area, plus one space per 200 square feet of display area.

- o. Hospitals and other similar health care facilities: One space shall be reserved for doctors for each ten patient beds, plus one space per four patient beds, plus one space per one and one-half employees, exclusive of doctor parking spaces.
- p. Libraries, museums, art galleries: One space per 300 square feet of floor area.
- q. Lumber yards and building supply firms: Same as manufacturing and warehouses, plus, if applicable, the parking required in subsection (d)(2)hh. of this section.
- r. Manufacturing and warehouses: One and one-tenth spaces per employee at the largest shift or one space per each 500 square feet of floor space, whichever is applicable to the particular needs of the given industry as determined by the county development engineer. This determination would include, but not be limited to, possible expansion and type of use in terms of intensity of employment. For building units having a minimum of 50 square feet and not exceeding 200 square feet, whose primary purpose is to provide an address for an business tax receipt, parking shall be 1 space per unit. Dedicated parking spaces are to be adjacent to but not more than 200 linear feet from the furthest access door.
- s. Mini warehouses: A mini warehouse as defined in the county zoning code shall have a minimum and a maximum of five parking spaces, including one handicap parking space, regardless of size. A minimum 24-foot driveway aisle shall be provided contiguously along any side of the mini-warehouse containing the access points or doors to the individual storage areas. Parking spaces shall not be designed and located where blockage or access points or doors or the driveway aisle would occur.
- t. Marinas and boat ramps:
  - 1. Wet slips: One parking space per three wet slips.
  - 2. Dry slips and moorings: One parking space per four dry slips or moorings for facilities up to fifty dry slips or moorings, or one parking space per five dry slips or moorings for facilities with over fifty dry slips or moorings.
  - 3. Live-aboard: One parking space per boat slip.
  - 4. Boat ramps: Twenty-five parking spaces per boat ramp or hoist available to the general public.

In addition to the aforementioned requirements, one parking space per each 300 square feet devoted to sales and service shall be provided. The County Manager or designee may require that the applicant submit a parking study, signed and sealed by a professional engineer, to determine the number of additional parking spaces necessary to support ancillary uses, including but not limited to, charter boats, ecotourism vessels, boat-yards and party-boats.

- u. Medical and dental clinics and veterinary clinic/hospital: One space per 175 square feet of floor area.
- v. Mortuaries, funeral homes and crematoriums: One space per three seats, or seating spaces within chapel, plus one and one-half spaces per employee.

- w. Motels and hotels: One and three-tenths spaces per unit or room, plus 30 percent of the parking space requirements associated with other uses permitted in addition to overnight lodging accommodations; provided, however, that in order for a motel or hotel to qualify for a 70 percent reduction in parking space requirements for other uses permitted in addition to overnight lodging, such motel or hotel must have a minimum of 100 units for overnight lodging.
- x. Offices and professional buildings: One space per 250 square feet of floor area.
- y. Outdoor attractions, with grandstands or without: One space per three fixed seats and one space per 20 square feet of seating or spectator area where no fixed seats are provided. Parking area shall be stabilized or hard surfaced.
- z. Parks and recreation areas: Parking spaces should be considered on the specific parks development plan and should be determined by its active or passive facilities. A parking study must be reviewed and approved by the county traffic section.
- aa. Private clubs and clubhouses: One space per 200 square feet of floor area.
- bb. Restaurants, cocktail lounges and other eating and drinking establishments. One space per three seats of the maximum seating capacity including indoor and outdoor seating of such establishment plus one space for every four employees.  
Fast Food and sit down restaurants that are part of a strip center or an outparcel with shared parking: one space per three seats of the maximum seating capacity including indoor and outdoor seating of such establishment, plus one space for every four employees on the largest shift.
- cc. Single-family residence: Two spaces per unit.
- dd. Service stations, automobile repair and garages: One space per 200 square feet.
- ee. Theaters, auditoriums, convention halls and other similar public assemblage places: One space per three seats.
- ff. Townhouse subdivisions: Two spaces per dwelling unit plus one space per five units for guest parking.
- gg. Recreational vehicle site: One space per lot plus one space per 20 lots for guest parking.
- hh. General retail: One space per 200 square feet of floor area.
- ii. Specific retail: If the use(s) is an established multi-location business and the county is provided with a certified traffic study or historic data from other similar sites operated by the parent company, The information will be used for a final determination on parking space requirements by the county development engineer or designee.
- jj. Business complex: General businesses consisting of a group of "flex-type" or "incubator" one or two story buildings served by a common roadway system. The tenant space is flexible and lends itself to a variety of uses, the building may be served by a garage door. Tenants may be start-up companies or small mature companies that require a variety of spaces. The spaces may include office; retail or wholesale stores; restaurants; recreational areas; and warehousing; manufacturing, light industrial, or scientific research functions. One space per 325 square foot total.

- kk. Commercial complexes: Parking requirements for commercial complexes of four or more retail units will be calculated based on the general commercial classification grouping of one space per 200 square feet of floor area; provided, however, that where restaurants, cocktail lounges and other similar establishments are planned as part of the overall complex, the floor area shall be computed separately to arrive at the total required parking.
  - ll. Disabled parking spaces: Disabled parking spaces shall be reserved and posted in all tourist and commercial zoning classifications, as required per current ADA standards and the Florida Accessibility Code (FAC). Disabled parking space shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the disabled parking spaces.
  - mm. Sales display and storage parking for commercial and industrial land uses: Commercial and industrial land uses whose permitted business characteristics require significant outside sales display or storage parking shall not cause the developed site to exceed 60 percent impervious area. Additional display and storage parking areas exceeding 60 percent shall not be paved and shall not front on a public right-of-way. This additional sales display and storage parking area shall be designated as a stabilized and sodded area. The method of stabilization shall be subject to approval by the county development engineer's office.
  - nn. Uses not otherwise specified: One space for each 200 square feet of floor area or as approved by the county development engineer.
- (3) *Reduction of required spaces for commercial development:* A 15 percent reduction in the total required parking spaces shall be allowed in the general commercial zoning classification if:
- a. The buildings or structures contain a total gross floor area of 25,000 square feet or more and,
  - b. The site is under common ownership or where separate ownership exists, all applicable parties must execute common access easement agreements, which are then provided at the time of site plan application.
- This determination will be reviewed, approved or denied by the county development engineer or his designee.
- Developments required by this section to provide 400 or more parking spaces may set aside up to 15 percent of that requirement as stabilized overflow parking. This parking does not have to be paved.
- Residential development:* In a planned unit development (PUD), or the RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15 and RU-2-30 zoning classifications, a 25 percent reduction in the number of required paved parking spaces may be permitted where 15 percent of the required parking is reserved and organized as a recreational vehicle parking area and is equal in area to ten percent of the required parking spaces. The surface of the reserved parking and recreational vehicle parking areas shall be stabilized and grassed, pursuant to the requirements of the county development engineer. Each parking space shall be identified and each recreational vehicle parking pad shall be 12 feet by 30 feet, and served by a driveway aisle having a width of not less than 24 feet. The recreational vehicle parking area may be utilized to satisfy up to two percent of the recreational open space requirement. All units shall be considered to have two spaces in this reduction formula. Therefore, the developer

shall not, under any circumstances, exclude any individual unit occupant from the use of two spaces; and no space shall be sold or rented by either the developer or the occupant.

(4) *Offsite parking options.*

- a. A site may utilize parking spaces of any adjoining site not separated by a public road right-of-way, provided that the adjoining site satisfies the following:
  1. The adjoining site has excess parking spaces as established under this section;
  2. The site being developed provides a minimum of 60 percent of its required parking spaces onsite;
  3. A common access and parking easement agreement is executed by all applicable parties, and is provided at the time of site plan application; and
  4. The easement agreement provides for perpetual access and use of the adjoining property's parking spaces and access drives or aisles.
- b. The area of a lot, parcel, of or tract, or the existing parking spaces of another developed site, which are separated from the site being developed by a public/private road right-of-way, may be utilized to meet the parking requirements of this section, provided that:
  1. The existing parking spaces of another developed site represent an excess of parking for that developed site under the provisions of this section; and
  2. The conditions of the article VI of this chapter relating to parking separated by a road right-of-way must be satisfied.
  3. Reduction in paved spaces for large commercial projects. Developments required by this section to provide 400 or more parking spaces shall set aside no less than 25 percent or no more than 35 percent of that requirements as stabilized overflow parking. This parking shall not be paved.
  4. Commercial complexes: Parking requirements for commercial complexes of four or more retail units will be calculated based on the general commercial classification grouping of one space per 200 square feet of floor area; provided, however, that where restaurants, cocktail lounges and other similar establishments are planned as part of the overall complex, the floor area shall be computed separately to arrive at the total required parking.
  5. Disabled parking spaces: Disabled parking spaces shall be reserved and posted in all tourist and commercial zoning classifications, as required in section 106.34. Disabled parking space shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the disabled parking spaces. The required number of disabled parking spaces shall be as required by the Standard Building Code Florida Board of Building Codes and Standards.
  6. Sales display and storage parking for commercial and industrial land uses: Commercial and industrial land uses whose permitted business characteristics require significant outside sales display or storage

parking shall not cause the developed site to exceed 60 percent impervious area. Additional display and storage parking areas exceeding 60 percent shall not be paved and shall not front on a public right-of-way. This additional sales display and storage parking area shall be designated as a stabilized and sodded area. The method of stabilization shall be subject to approval by the county development engineer's office.

- (e) Parking, loading and maneuvering space design control: The following design criteria shall be utilized for the design of parking lots and loading facilities and their associated maneuvering driveways and areas, and such requirements shall be applied in any zoning classification in keeping with the character of the onsite use(s) or activities, development and ingress to and egress from the site, both vehicular and pedestrian, so as to provide safe traffic control and flow on the site, as well as between the site and adjoining land, including public road right-of-way.
- (1) Exhibits 21 and 22 present options for the design of parking lots. Upon selection of one of these, it shall be utilized as the minimum design standard for parking spaces as they relate to angle parking concepts, required aisle widths and traffic control measures. Parking space dimensions shall be no less than nine feet by 20 feet, regardless of the degree of parking angles, except that parallel parking spaces shall be nine feet by 24 feet in size.
  - (2) The minimum driveway and loading area and maneuvering standards are presented in Exhibit 23. In the RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15 and RU-2-30 zoning classifications, where the development intent is for individual dwelling unit ownership, (condominium or other method of ownership transfer), access private drives that function as a minor street, minor arterial, collector street or higher functional classification, as determined by the county development review department director, shall be constructed in accordance with applicable sections of the article VII of this chapter.
  - (3) Parking lots or loading areas shall have no driveway aisle(s) which dead-ends without a turnaround area. The criteria in Exhibit 22 shall be utilized.
  - (4) No parking lot or loading area driveway aisle shall have an inner radius or any curved portion which is less than 15 feet. For operations, including special vehicles (trucks of various sizes) the criteria in Exhibit 23 and/or AASHTO design vehicle turning templates, shall be utilized to determine proper turning radii.
  - (5) Pavement and parking spaces shall not be permitted where a vegetative buffer is required by article XIII, landscaping regulations. All developments requiring 50 or more parking spaces shall be equipped with tire stops permanently affixed to the surface. Curbing may be substituted for tire stops provided that a two-foot permeable overhang area is provided.
  - (6) All points of ingress and egress for accessing parking lots from either a public street or road or a parking lot, internal collector driveway, shall be delineated with a six-inch concrete curb. Curbing plans and designs for facilities shall not interfere with a public street or road.
  - (7) Where disabled parking is required, each space so designated shall be designed as required per current ADA standards. For single handicap parking spaces, the applicant is encouraged to design the five-foot wide access aisle way on the passenger side of the vehicle or where more than one handicap parking space is

- required, the access aisle way should be placed between two spaces to allow usage from the driver and passenger side of the vehicles.
- (8) All parking access shall be designed so as to prevent the need to back directly onto a public road or right-of-way, except for single-family residential dwellings and duplexes that are located on local and/or subdivision streets.
  - (9) Access points to public or private streets shall be kept to a minimum, with widths not in excess of 24 feet; and the distance to any street intersection (from the right-of-way to access points nearest paved edge) shall be determined by the traffic engineering section. Access points to public or private streets shall be designed to minimize disruption to through traffic and optimize public safety. The traffic engineering section shall be authorized to develop and implement access management standards based on sound engineering judgment and preservation of capacity and public safety. Reference manuals, such as the Florida Department of Transportation Access Management Guide shall be used as guidelines in analyzing access requests. The applicant may appeal access restrictions to the board of county commissioners within 30 days from the decision of the traffic engineering section.
  - (10) Except for single-family residences and duplexes, all off-street parking, loading areas and maneuvering space and associated driveway aisles, as required in this section, shall be paved with asphalt or concrete. The county development engineer using the following conditions and determinants may reduce paving:
    - a. Whether total paving would have a detrimental effect upon existing unpaved roads or water quality.
    - b. Whether operations or activities (churches, equipment storage yards, etc.) are such that the use of certain portions of the parking areas would only be used on an intermittent basis. Driveway aisles and loading areas shall be paved.
    - c. Where paving has been reduced or waived, a stabilized surface acceptable to the county development engineer shall be provided for the entire required parking area.
    - d. In the areas of a parking lot where paving has been waived, such areas shall be organized for traffic control and parking by permanent fixation of tire stops per the approval of a site development plan.
  - (11) All required parking spaces, dumpster spaces, loading areas, delineation and other striping requirements shall be identified using the striping and visual contrast criteria of the current manual of uniform traffic control devices (Federal Highway Administration—FHWA).
  - (12) General. On the same premises with every building, or part thereof, erected and occupied for commercial, industrial, retail, manufacturing, storage, institutional, or similar use, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading service vehicles in order to avoid undue interferences with public use of the streets, alleys, or required access aisles and spaces for traffic parking areas. The following requirements for loading spaces or berths and truck parking areas shall apply to all commercial and industrial zones:
    - a. A minimum number of loading spaces or berths shall be provided and maintained as follows:

Size of Building or Structure (square feet)	Number of Spaces or Berths
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Over 5,000 but not over 25,000	1
Over 25,000 but not over 60,000	2
Over 60,000 but not over 120,000	3
Over 120,000 but not over 200,000	4
Over 200,000 but not over 290,000	5

- b. Loading spaces or berths shall have minimum dimensions of 14 by 30 feet, plus each space or berth shall have an additional 250 square feet of loading or maneuvering area immediately contiguous to the space or berth. Service alleys or driveways shall have a minimum width of 20 feet.
  - c. Loading facilities and truck parking are prohibited on street frontages in the commercial zoning categories and in a planned business park (PBP) or planned industrial park (PIP) classification. Loading facilities and truck parking shall be located to the side or at the rear of the most forward structures and shall be paved and have adequate drainage and shall be maintained in good condition. No shipping or receiving shall be permitted in commercial zones within 35 feet of residentially zoned property, or in industrial zones within 100 feet of residentially zoned property in accordance with the county zoning regulations.
  - d. The design of offstreet loading areas shall be in accordance with the criteria in Exhibit 23.
  - e. Loading facilities that make it necessary or possible to back directly into public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way. Such loading spaces shall be accessible by acceptable methods and shall not infringe or interfere with any required parking space or drive aisle.
  - f. Where retail use buildings are 5,000 square feet or less in a BU-1-A, BU-1, BU-2, TU-1, or TU-2 zoning designation and have an average annual daily trip (AADT) generation of over 100 trips per 1,000 square feet of gross floor area or over 100 trips per fueling position or similar unit per Institute of Traffic Engineering (ITE) Trip Generation, 6th edition or most current edition, loading space shall be required in accordance with this subsection.
- (13) Location of parking under building: For all properties located within a residential zoning classification where building height exceeds 45 feet, one level of parking shall be required to be located within the area defined by the exterior walls of the principal habitable structure.
- (14) Within the Merritt Island Redevelopment Area, new developments located within the Merritt Park Place subdivision will be required to locate on-site parking to the side or rear of the principal structure.

*(Ord. No. 95-30, § 2, 7-11-95; Ord. No. 97-14, §§ 9-11, 5-27-97; Ord. No. 97-47, §§ 3, 4, 12-2-97; Ord. No. 99-24 § 10, 4-8-99; Ord. No. 2000-29, § 1, 5-2-00; Ord. No. 01-35, § 6, 7-24-01; Ord. No. 2005-14, § 4, 4-12-05; Ord. No. 2007-003, § 23, 2-20-07; Ord. No. 09-17, § 3, 5-19-09; Ord. No. 11-13, § 1, 3-22-11)*