



Meeting Date
2/18/2014

ADD-ON

AGENDA	
Section	Public Hearing
Item No.	<i>III.B.</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Public Hearing Re: Ordinance amending Section 62-2117(c)(8) of the Zoning Regulation to prohibit the parking of step vans in residential zoning classifications
DEPT/OFFICE:	Planning and Development Department

Requested Action:

Conduct public hearing of a proposed ordinance prohibiting the parking of step vans in residential zoning classifications.

Summary Explanation & Background:

On December 3, 2013, the Board of County Commissioners directed staff to prepare an ordinance that would amend Section 62-2117(c)(8) to prohibit the parking of step vans in residential zoning classifications.

Currently, step vans are permitted to be parked in residential classifications, while box trucks and other types of commercial vehicles are not. This amendment is intended to treat step vans in the same way as other types of similarly sized commercial vehicles in residential zones.

Smaller commercial pickup trucks, passenger vans and cargo vans will continue to be permitted to be parked in residential zones.

The Building Construction Advisory Committee recommended denial of this ordinance, suggesting that step vans and box trucks should both be permitted in residential zones.

The LPA also recommended denial of the ordinance, suggesting instead an amendment to paragraph (c)(9) to allow both box trucks and step vans to be permitted in residential zones in the same manner as tow trucks. This would require a re-advertisement.

This is the second of two public hearings. The first public hearing was held on February 6, 2014.

Clerk to the Board instruction:

Exhibits Attached: Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Howard Tipton	Deputy County Manager Stockton Whitten	Department Director / Extension Robin M. Sobrino, AICP
	Assistant County Manager Mel Scott	<i>Robin M. Sobrino</i>

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, SECTION 62-2117, TO PROHIBIT THE PARKING OF STEP VANS IN RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, the Board of County Commissioners, on December 3, 2013, directed preparation of an amendment to the Zoning Regulations as it relates to the parking of step vans in residential zoning classifications; and

WHEREAS, the Building Construction Advisory Committee, on January 8, 2014, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on January 27, 2014, reviewed the proposed ordinance and made recommendations; and

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

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

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

SECTION 1. Chapter 62, Article VI, Section 62-2117, Code of Ordinances of Brevard County, Florida, is hereby amended to read as follows:

Sec. 62-2117. - Parking, locating and storing of recreation vehicles and equipment, commercial vehicles and heavy equipment, and motor vehicles and recreational vehicles for sale.

(c) *Commercial motor vehicles; heavy equipment; commercial pickup trucks, passenger vans and cargo vans; and trailers.*

- (1) Commercial motor vehicles and heavy equipment shall not be permitted to be parked or stored on any zoning classification or the abutting right-of-way unless specifically permitted under this chapter. Commercial vehicles shall not be parked, stored or located at any location in a manner that blocks a street or sidewalk or causes a traffic sight obstruction.
- (2) Commercial motor vehicles or heavy equipment shall be permitted to be parked, stored or located on developed BU-2, GML, IU, IU-1, PBP and PIP zoned property.
- (3) Commercial motor vehicles may be parked, stored, or located in any zoning classification or abutting right-of-way, if it is being temporarily utilized on the site in conjunction with a lawful or permitted activity on that specific lot, parcel or tract

of land, or is in the process of expeditiously loading or unloading goods or merchandise but not in a manner that blocks the street or sidewalk or causes a traffic sight obstruction.

(4) Commercial motor vehicles may be parked, stored, or located on developed BU-1-A, BU-1, and IN(H) zoned property under the following conditions:

- If the BU-1-A, BU-1, or IN(H) zoned property abuts residential zoned properties, then all commercial vehicles or equipment in conjunction with that business operations must be parked, stored, or located to the rear of the main structure and be completely screened on all four sides by an opaque visual barrier.
- If the BU-1-A, BU-1, or IN(H) zoned property does not abut residential zoned properties, then all commercial vehicles or equipment in conjunction with that business operations must be parked, stored, or located to the rear of the main structure or at a designated loading dock specifically designed and site planned for loading and unloading cargo, or in an area designated on a site plan that complies with section 62-3206

(5) Commercial pickup trucks, passenger vans and cargo vans, and trailers.

- Pickup trucks, passenger vans, and cargo vans may be parked, stored or located on developed BU-1-A, BU-1 and IN(H) zoned properties if minimum conditions set forth in section 62-3206 have been satisfied.
- Pickup trucks, passenger vans, cargo vans and trailers may be parked, stored or located on developed IN(L) and any developed residential zoned property within the boundaries of the property lines.

(6) Commercial motor vehicles or heavy equipment of an agricultural nature which is accessory to a primary agricultural use shall be allowed to be parked, stored or located in the GU, AU, AGR, ARR, and PA zoning classifications. Equipment which is necessary to maintain privately maintained, unpaved roads or access easements and which is not otherwise used for offsite commercial purposes shall also be allowed to be parked or stored on lots within areas defined in section 62-1334.5. The lot on which such equipment is stored must be located on a privately maintained, unpaved road or access easement as described above, and if such road or easement is paved or becomes publicly maintained, the equipment must be removed from the lot within a six month period.

(7) Certain commercial motor vehicles may be parked in the TU-1 and TU-2 zoning classifications under the following conditions:

- Commercial buses may be parked at hotels, restaurants, and attractions so that passengers can temporarily utilize these facilities.
- Commercial motor vehicles may be parked at hotels and restaurants if passengers of the vehicles are customers of such establishments.
- Commercial vehicles shall not be parked within 50 feet of any property zoned for residential uses.
- Commercial vehicles with refrigeration units shall not be permitted under any circumstances.
- Commercial vehicles shall be expeditiously started for departure and their engines shall not be engaged except when entering and leaving the parking lot.

(8) Two-axle step-vans. Two-axle step-vans associated with the principal use of the property may be parked, stored or located on developed IN(L) and any developed residential zoned property within the boundaries of the property lines.

(9) Tow trucks. Tow trucks may be parked, stored or located on developed IN(L) and any developed residential zoned property if the tow truck is parked behind a six-foot high fence and behind the front building line.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

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

SECTION 5. Effective Date. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect 180 days from the date of adoption and filing as required by law.

SECTION 6. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 18th day of February, 2014.

Attest:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Scott Ellis, Clerk
(S E A L)

Mary Bolin Lewis, Chairman
(as approved by the Board on February 18, 2013)

Reviewed for legal form and content by: _____