

## ORDINANCE NO. 10-

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; CREATING SECTION 62-1921.3, ESTABLISHING A CONDITIONAL USE PERMIT FOR THE PARKING OF A COMMERCIAL VEHICLE AT A RESIDENCE; 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 January 12, 2010, directed preparation of an amendment to the Zoning Regulations as it relates to the parking of commercial vehicles at a residence; and

WHEREAS, the Local Planning Agency, on February 22, 2010, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency 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 62-1921.3**, Code of Ordinances of Brevard County, Florida, is hereby created to read as follows:

**Sec. 62-1921.3. Commercial vehicle parking at a residence.**

(a) Where not otherwise permitted by Section 62-2117, any residential property owner may request a conditional use permit to park one commercial motor vehicle on a residential lot. Such conditional use permit may be issued only under the following conditions:

- 1) The parcel must be a developed single-family residential lot of at least one-half acre in size.
- 2) The commercial motor vehicle must be operated by the occupant of the residence and must be essential to the occupant's principal means of employment.
- 3) The commercial motor vehicle is to be parked within a fully enclosed garage. However, the applicant may request, and the Board may consider, an alternative means of visually buffering the vehicle given the character of the neighborhood and the lot upon which it is to be parked. Such alternative buffering may include cold and drought resistant vegetation or fencing up to 8' in height (notwithstanding the provisions of Section 62-2109).
- 4) The commercial motor vehicle must be maintained in operating condition.
- 5) The commercial motor vehicle may be a tractor cab but shall not include a tractor trailer.

6) The commercial motor vehicle, or any equipment or machinery on the vehicle, may not for any reason be left running and unattended by the operator, except for the purpose of preparing the vehicle to be driven off site.

(b) The conditional use permit is valid for two years and is renewable by administrative extension for successive one-year periods. However, if the activity ceases to be compatible with the character of the neighborhood as evidenced by a code enforcement complaint, or if the occupancy of the residence changes, any administrative extension shall not be renewed and may be revoked. The property owner will be notified in writing if the administrative extension is not renewed or is revoked. Once an extension is not renewed administratively or is revoked administratively, the conditional use permit will be considered to be expired and may be reconsidered only by the Board of County Commissioners as a new conditional use permit pursuant to paragraph (a) above.

**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 days of enactment. This ordinance shall take effect upon 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 Brevard County Code, 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 \* day of \*, 2010.

Attest:

**BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA**

\_\_\_\_\_  
Scott Ellis, Clerk

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Mary Bolin, Chairman  
As approved by the Board on \*.

( S E A L )