

ORDINANCE No. 11-

**AN ORDINANCE OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE VIII, SITE PLANS, OF THE LAND DEVELOPMENT CODE OF BREVARD COUNTY, FLORIDA, FOR THE PURPOSE OF REVISING RELATED CODE LANGUAGE, SPECIFICALLY AMENDING; SECTION 62-3206(d)(2)t AMENDING TRAFFIC PARKING AND LOADING REQUIREMENTS FOR MARINAS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, the Brevard County Marine Advisory Council made recommendation to the Board of County Commissioners that the parking requirements for marinas are currently overly restrictive in that they do not reflect the industry's experience for marina parking demand; and

WHEREAS, the Brevard County Code of Ordinances currently sets forth a requirement for marinas to provide one parking space for every two boat slips; and

WHEREAS, the Board of County Commissioners finds that marina parking requirements contained within Chapter 62, Article VIII, Section 62-3206(d)(2)t require updating to reflect the Brevard County Marine Advisory Council recommendations for marina parking; and

WHEREAS, the Board of County Commissioners on February 3, 2011 approved legislative intent and granted permission to advertise changes to the parking requirements; and

WHEREAS, it is the intent of this ordinance to revise the marina parking requirements within the Land Development Regulations for the purpose of calculating marina parking; and

WHEREAS, the Building Construction and Advisory Committee on March 9, 2011, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on March 21, 2011 reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Building Construction Advisory Committee and 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 serve the public health, safety, and welfare of the citizens of Brevard County.

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

Underline indicates additions.

Strike through indicates deletions.

**SECTION 1.** Chapter 62, Article XIII, Section 62-3206(d)(2)t, Code of Ordinances of Brevard County, Florida, is hereby amended to change the marina parking requirements:

**Section 62-3206(d)(2)t**

Marinas and Boat Ramps: One space per two slips in wet storage and one space per two boat spaces in dry storage, one space for each 300 square feet devoted to sales and service, and 25 spaces per boat ramp or hoist available to the general public.

1. Wet Slips: one parking space per two wet storage slips for the first thirty wet storage boat slips plus one parking space per three wet storage slips for the wet storage slips in excess of the first thirty wet boat slips.
2. Dry Slips and Moorings: one parking space per four dry storage slips for facilities up to fifty dry storage boat slips, or one parking space per five dry storage slips for marinas with over fifty dry storage boat slips.
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.

**SECTION 2.** Confliction Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other 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 persons or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision of application, and to this end the provisions of this ordinance are declared severable.

**SECTION 4.** Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

**SECTION 5.** Inclusion In Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or other such appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

Attest:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
M.A. Needelman, Clerk

\_\_\_\_\_  
Robin L. Fischer, Chairman  
(as approved by the Board on \_\_\_\_\_)

Reviewed for legal form and sufficiency \_\_\_\_\_