

ORDINANCE NO. 2008- \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES; AMENDING SECTION 62-2117, PARKING, LOCATING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL EQUIPMENT, COMMERCIAL VEHICLES AND HEAVY EQUIPMENT, AND CARGO TRAILERS, UTILITY TRAILERS, AND OPEN FLATBED TRAILERS, SPECIFICALLY AMENDING SECTION 62-2117(a) DEFINITIONS TO PROVIDE CLARIFYING DEFINITIONS AND TO AMEND SECTION 62-2117 (b), RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT TO SET FORTH PARKING, STORAGE AND LOCATION REQUIREMENTS IN RESIDENTIAL AREAS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Brevard County Code permits the parking and storage of recreational vehicles and boats on single family residential lots within certain limits as provided in Section 62-2117; and

**WHEREAS**, the Board of County Commissioners finds it desirable for the public welfare and aesthetic reasons to further regulate the location of recreational vehicles and boats on single family residential lots; and

**WHEREAS**, on December 4, 2007 the Board of County Commissioners directed preparation of an amendment to the Zoning Regulations relating to Section 62-2117; and

**WHEREAS**, the Board of County Commissioners finds it necessary to make revisions and/or clarify ambiguous language within the Code of Ordinances; and

**WHEREAS**, the Local Planning Agency reviewed the proposed ordinance on May 19, 2008 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 hearings on July 29, 2008 and September 16, 2008.

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

**SECTION 1.** Section 62-2117 is hereby amended as follows: Sec. 62-2117(b). Parking, locating and storing of recreational vehicles and recreational equipment.

- (a) *Definitions.* For purposes of this section:
- (1) *Cargo van* means any van under 24 feet where the area behind the driver is designed for transporting cargo or operated for general commercial use but has the same body shape as a passenger van.
  - (2) *Commercial vehicles and heavy equipment* means commercial, industrial or agricultural vehicles, equipment or machinery, whether or not the vehicle, equipment or machinery is licensed or otherwise authorized to travel upon the roads of the state, specifically including but not limited to: semi-trailers; tractors for semi-trailers; trucks; step-vans; box trucks; construction equipment; cement mixers; compressors; forklifts; buses; tow trucks; dump trucks; trucks with roll-back beds; trailers; any other similar vehicles, equipment and machinery classified as commercial by the manufacturer; and pickup trucks, passenger vans, and cargo vans used for commercial purposes.
  - (3) *Developed property* means that there is a structure or other improvement on the property that meets the requirements of the zoning classification.
  - (4) *Driveway area* means that area of a lot between the garage or motor vehicle parking area and the abutting right-of-way that is stabilized or paved and utilized for the purpose of giving access for moving motor vehicles from the motor vehicle parking area to the abutting right-of-way. As part of this definition, driveway access means a path for a vehicle giving access from abutting property to a road.
  - (5) *Front yard area* means that portion of the lot area extending along the full width of a front property line between side property lines and from the front lot line to the front building line of the residential building.
  - (6) *Opaque barrier* means complete visual screening accomplished by way of vegetation, wall or fencing, a minimum of 6 feet in height, but not exceeding the height standards set forth under Section 62-2109 for walls and fences.
- ~~(4)~~ (7) *Passenger van* means any van under 24 feet where the area behind the driver is designed for carrying passengers.

~~(5)~~ (8) *Pickup truck* means any truck under 24 feet where the cab is designed for carrying passengers and the open bed is designed primarily for carrying property.

(9) *Rear yard* shall mean that portion of the lot extending from the back building line of the principal structure between the side property lines and the back lot line.

~~(6)~~ (10) *Recreational equipment* means any vehicle, vessel or equipment designed for outdoor recreational use that is not otherwise defined as a recreational vehicle. Such equipment may include, but is not limited to, boats (including airboats and jet-boats), personal watercraft (jet-skies and the like), all-terrain vehicles (ATVs), dirt bikes, go-karts, golf carts, low-speed vehicles as defined by F.S. § 320.01 (such as neighborhood vehicles), and any other similar vehicle, vessel or equipment, but does not include trailers designed to haul such equipment (such as boat trailers).

~~(7)~~ (11) *Recreational vehicle* means any vehicle, as defined by F.S. § 320.01(1)(b), which is designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. Such vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions and fifth-wheel trailers, but does not include park trailers, which are designed for permanent location and connected to utilities in a RV park.

(12) *Side yard* means that portion behind the front yard area of the primary structure between the side lot lines and the back yard area.

(13) *Stabilized area* means an area constructed of aggregates, concrete, asphalt, gravel, masonry, road base, or other similar type materials utilized to support the storage of recreational vehicles and equipment. For purposes of this section, the term stabilized shall not include a grassed area or an area that is only cleared of vegetation or mulched.

~~(8)~~ (14) *Trailer* means any vehicle, with or without full or partial walls or roof, which is designed to haul any type of cargo while being towed behind a motor vehicle on public roads. This does not include trailers for semi-trucks.

(b) *Recreational vehicles and recreational equipment.* Recreational vehicles and recreational equipment may be parked, located or stored at developed single-family or multiple-family residential properties (not on vacant properties) ~~within the boundaries of the property lines~~ under the following conditions:

- ~~(1) Recreational vehicles shall not be used for residential or commercial purposes.~~
- ~~(2) May be used to accommodate occupants for no more than fourteen consecutive days in any thirty-day time period.~~
- ~~(3) A boat that must be transported by trailer shall be stored on a trailer.~~
- ~~(4) May be temporarily parked in the right-of-way only when expeditiously packing or unloading for up to 24 hours, but not in a manner that blocks the street or sidewalk or creates a traffic sight obstruction.~~
- ~~(5) Boats that are stored in the water or on a dock at waterfront lots are exempt from the limitations of this subsection.~~

(1) Use. The recreational vehicle or recreational equipment shall:

- a. be owned or used by the property owner, occupant or guest.
- b. be for the personal off-site recreational use of the owner, occupant, or guest.
- c. not be used for residential or commercial purposes.
- d. not be connected to utilities to accommodate residential use.

(2) Number and location. The maximum number and location of recreational vehicles and recreational equipment is as follows:

- a. Where the property is greater than ½ acre in size, there is no limitation upon the number of recreational vehicles and/or recreational equipment permitted on the property.
- b. Where the property is ½ acre or less, the following requirements shall apply:
  - 1. Not more than one recreational vehicle or recreational equipment shall be permitted in the front yard area. The recreational vehicle or recreational equipment shall be parked in a driveway area, shall observe the side/side street setback requirement of the applicable zoning classification, but not less than 5', and shall be parked perpendicular to the street upon which the driveway is accessed. The interior edge of the driveway may be expanded to accommodate the parking and storage where the required side setback cannot otherwise be met without widening the driveway area.

2. The side yard areas may be used for the parking and storage of the recreational vehicle or recreational equipment, provided that said vehicle or equipment is parked/stored behind the front building line of the primary structure. In the event that the recreational vehicle cannot be entered or exited by the owner when parked behind the front building line, the recreational vehicle may extend forward of the front building line only to the extent to permit entry into/exit from the vehicle.
  3. The rear yard area may be used for the parking and storage of recreational vehicle or equipment.
  4. A maximum of two recreational vehicles or recreational equipment may be parked or stored on a property of ½ acre or less, in accordance with this subsection, without opaque screening. In the event that more than two recreational vehicles or recreational equipment are parked and stored on a property of ½ acre or less, said additional vehicles/equipment must be screened on all four sides by an opaque barrier.
    - c. There is no limit imposed for recreational vehicles or recreational equipment that are parked or stored in a garage or other completely enclosed structure.
    - d. Recreational vehicles or equipment may be temporarily parked in the right-of-way or front or side street yard (subject to local traffic regulations) only when expeditiously packing or unloading for up to 24 hours, but not in a manner that blocks the street or sidewalk.
    - e. Boats that are stored in the water or on a dock at waterfront lots are exempt from the limitations of this subsection.
    - f. A boat that must be transported by trailer shall be stored on a trailer.
    - g. Empty boat trailers and jet-ski trailers may be parked or stored in the five foot front-side property line setback.
- (3) In any single family or multiple-family residential development, the common storage of trailers, recreational vehicles and boats may be permitted if a portion of the project is specifically designed and designated on the plat or site plan for the storage of such vehicles. An enclosure providing a visual barrier for such areas shall be required as a condition of subdivision plat or site plan approval. All multiple-family developments of

30 dwelling units or more shall provide, at a minimum, one such space for each 15 dwelling units.

**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 regulations, the more restrictive shall apply.

**SECTION 3. SEVERABILITY.** If any section, subsection, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, provided the remaining portions effectuate purpose and intent of this ordinance.

**SECTION 4. AREA ENCOMPASSED.** This ordinance shall take effect within the unincorporated area of Brevard County, Florida.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective upon filing as provided by law. 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.

**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 14 day of October, 2008.

Attest:

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

\_\_\_\_\_  
Scott Ellis, Clerk  
(S E A L)

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Truman Scarborough, Chairman  
As approved by the Board on October 14, 2008

Approved as to Form and Legal Content \_\_\_\_\_