

RESOLUTION

WHEREAS, Chapter 163.3167(2) Florida Statutes required that the Brevard County Board of County Commissioners adopted a Comprehensive Plan; and

WHEREAS, such Plan was adopted by the Board of County Commissioners on June 29, 1981 and centers around a growth management approach to controlling future development; and

WHEREAS, the Comprehensive Plan consists of numerous elements concerning land use; housing; traffic circulation; conservation and coastal protection; sanitary sewer, solid waste, drainage and potable water, etc; and

WHEREAS, each element of the Comprehensive Plan states certain goals, objectives and policies for the development of the County; and

WHEREAS, the South-South Beaches area was specifically noted as being unique in the Land Use Element of the Comprehensive Plan and recommended for special evaluation due to the fact that land values are high yet public services are few; and

WHEREAS, the Planning and Zoning Department has prepared numerous development scenarios for the South-South Beaches area to address the current availability and future provision of public services and infrastructure; and

WHEREAS, these studies have revealed several inconsistencies with the objectives and policies contained within the Comprehensive Plan if the South-South Beaches area continues to develop at densities which current zoning would permit; and

WHEREAS, the Local Government Comprehensive Planning Act in Chapter 163.3161(2) Florida Statutes specifically states that its purpose is to strengthen local governments in implementing comprehensive planning programs to guide and control future development.

Now, therefore, be it resolved that the South-South Beaches

Growth Management Implementation Directives are hereby determined by the Board of County Commissioners of Brevard County, Florida not to constitute an amendment to the existing Comprehensive Plan but rather an action to implement the objectives and policies contained within the Comprehensive Plan in a manner consistent with good growth management practices.

Further, be it resolved that the South-South Beaches Growth Management Implementation Directives for the Comprehensive Plan, as attached hereto as Exhibit A, are hereby adopted and the staff is directed to take such actions as necessary to implement and accomplish same.

DONE, ORDERED, AND ADOPTED in regular session this 25th day of October, 1984.

ATTEST:

R. C. Winstead, Jr.
R. C. Winstead, Jr., Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: *Val M. Steele*
Val M. Steele, Chairman

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that the foregoing is a
true & correct copy of A
Res. 84-00 witness my hand
and official seal this 20th day of
October 1984
R. C. WINSTEAD, JR.
Clerk Circuit Court
BY *[Signature]*

OCT 25 1984

EXHIBIT A

RECOMMENDED COMPREHENSIVE PLAN IMPLEMENTATION DIRECTIVES
FOR
SOUTH-SOUTH BEACHES GROWTH MANAGEMENT

The following land use, public services, land development growth components are recommended specific growth management directives for the barrier island lands south of the Town of Melbourne Beach.

1. A-1-A Improvements.

- (a) Continue to reserve lands for right-of-way purposes with the 80' and 100' setbacks from the A-1-A centerline. Require the amount of land necessary to accommodate the programmed A-1-A improvements to be dedicated as a part of the site plan or subdivision plat approval process. Utilizing Chapter 63-1144, Sections 28 and 29, F.S., all land within the 80'/100' reserved area will be required to remain unencumbered by site improvements, unless proposed improvements are consistent with an A-1-A access control plan. These properties may be used to calculate density.
- (b) Points of access will be controlled to preserve the integrity of A-1-A's primary purpose, the movement of traffic; this is extremely critical in the South-South Beaches as A-1-A serves as the only north-south corridor for traffic circulation. Access to State Road A-1-A shall be limited to approximately 250 foot intervals pursuant to a State Road A-1-A Access Plan to be prepared by the Brevard County Planning and Zoning Department. A site development plan prepared pursuant to Exhibit N shall be submitted and approved prior to the issuance of building permits for all properties within the South-South Beaches. Building permits may be issued to all those properties for access points other than the 250 foot required interval, but said access shall be permitted temporary to said State Road A-1-A pending the installation of a marginal access road or limited driveway facility. See Attachment G for recommended ordinance provision.
- (c) The capital improvement program shall schedule and provide for, as a minimum, four (4) lanes for the entire length of

A-1-A except for a two mile stretch of six (6) lane roadway extending one mile north and south of the Malabar Bridge point of intersection with A-1-A. The new road facilities will have landscaped medians and shoulders for a boulevard effect.

2. Bridges. The capital improvement program shall schedule and provide for:
 - (a) The Malabar Bridge beginning at Malabar Road on the mainland and terminating in the Coconut Point vicinity (north).
 - (b) The Valkaria Bridge beginning at Valkaria Road on the mainland and terminating in the Washburn Cove vicinity (near boundary of Sections 11 and 15 TS 29).
 - (c) Both bridges to be a minimum of four lanes constructed in a manner so as to permit proper circulation in the Indian River system.
3. Density.

Recommendations

STAFF	LOCAL PLANNING AGENCY
(a) West of A-1-A and north of Crystal Lakes to be limited to 8 du/ac, except approved TDR proposals for properties.	West of A-1-A and north of Coconut Point to be limited to 6 du/ac, except approved TDR proposals.
(b) West of A-1-A and south of Crystal Lakes to be limited to 4 du/ac, except approved TDR proposals for properties.	West of A-1-A and south of Coconut Point to be limited to 4 du/ac, except approved TDR proposals.
(c) East of A-1-A and north of Crystal Lakes to be limited to 6 du/ac; TDR to west of A-1-A only.	East of A-1-A and north of Coconut Point to be limited to 4 du/ac; TDR to west of A-1-A only.
(d) East of A-1-A and south of Crystal Lakes to be limited to 4 du/ac; TDR to west of A-1-A only.	East of A-1-A and south of Coconut Point to be limited to 4 du/ac; TDR to west of A-1-A only.
(e) Transfer of Development Rights (TDR) from east of A-1-A to west will be calculated using a transfer value of 1.75 for each unit transferred, and no more than 50% of the existing development rights may be retained oceanside.	Transfer of Development Rights (TDR) from east of A-1-A to west will be calculated at 6 du/ac.
(f) TDR from wetlands, lower water's edge, and islands will be calculated on 1 du/5 ac. For an overriding public benefit designation and a transfer value of 1 du/ac, lands shall be deeded in their natural state, to an appropriate public agency for	

preservation and protection; Receiving properties on the South Beaches shall be considered on case-by-case basis relative to either a proven public benefit or an overriding public benefit.

(g) TDR from Productive Agriculture should be 1 du/ac with agricultural rights remaining intact for property owner.

4. Lot Coverage, Common Open Space and Breezeway Requirements.

(a) Commercial properties to be required to limit impervious area to no more than 70%.

(b) All oceanfront properties be required to provide 30% breezeway.

(c) All properties, excluding single family and tourist be required to provide 35% common open space on site.

(d) All tourist development be required to provide 25% common open space.

5. Building Heights.

(a) Possible height limitation techniques fall into two basic categories: those that place an absolute limit on structural heights as measured in feet or number of stories, and those that regulate height indirectly by linking it to lot size or some other spatial requirements.

1. Uniform Height Limit: This method would establish a certain number of feet or stories which could not be exceeded. A single standard could be enacted for all areas, or differentiated standards could be applied to pre-established zones in the manner of the proposed density standards.

2. Proportional Setbacks: Under the proportional setback technique, no limit is placed on the actual height of the building, but for each story the structure must be a certain distance from the road, coastal construction control setback, property boundaries on the east side of A-1-A.

(b) The building height policy recommended for the South-South Beaches is a Variable Height Limitation alternative that

incorporates to a large degree both the uniform height limit and the proportional setback techniques.

Under the Variable Height Limitation (VHL) the maximum allowable height in any given location would be established by the relationship of a site to the existing or proposed structures located on contiguous properties. Data on heights of existing and approved buildings have been compiled to produce a "skyline" or building height profile for the South Beaches study area. "High", "low" and "transitional" zones have been designated based on this information, and the permitted height of a given structure depends upon its location and how it fits into the described pattern. See Illustration A for a description of how the VHL is used. The VHL values for building heights are designated by the Building Height Profile Plan through a building height regulation line (BHRL) reference Figure A.

The BHRL contains (See Attachment H):

1. A Uniform Height Limit base of 35 feet or 3 stories;
 2. Variable Height Limits above 35 feet that fix maximum heights for properties contiguous to existing and proposed high rise structures; and
 3. Proportional Setbacks Height standards to be applied unrestricted in an area to either side of the Malabar Bridge terminus, and to all other properties relative to the BHRL.
- The standards for proportional setbacks are:

a. PARCELS EAST OF A-1-A

		<u>BUILDING HEIGHT</u>
	Requirements from 0 to 35 feet	Additional Requirements Per Foot Above 35 Feet
Breezeway	30%	1/2%
Setback from A-1-A	80 feet	1/2 foot
Setback from CCCL	0 feet	1 foot

b. PARCELS WEST OF A-1-A

There shall be one-half (1/2) foot additional side and

rear setback required for each one (1) foot of height over thirty-five (35) feet.

- c. For all structures over 35 feet in height, a minimum of 50% of all required parking shall be within the principle structure(s).

6. Zoning.

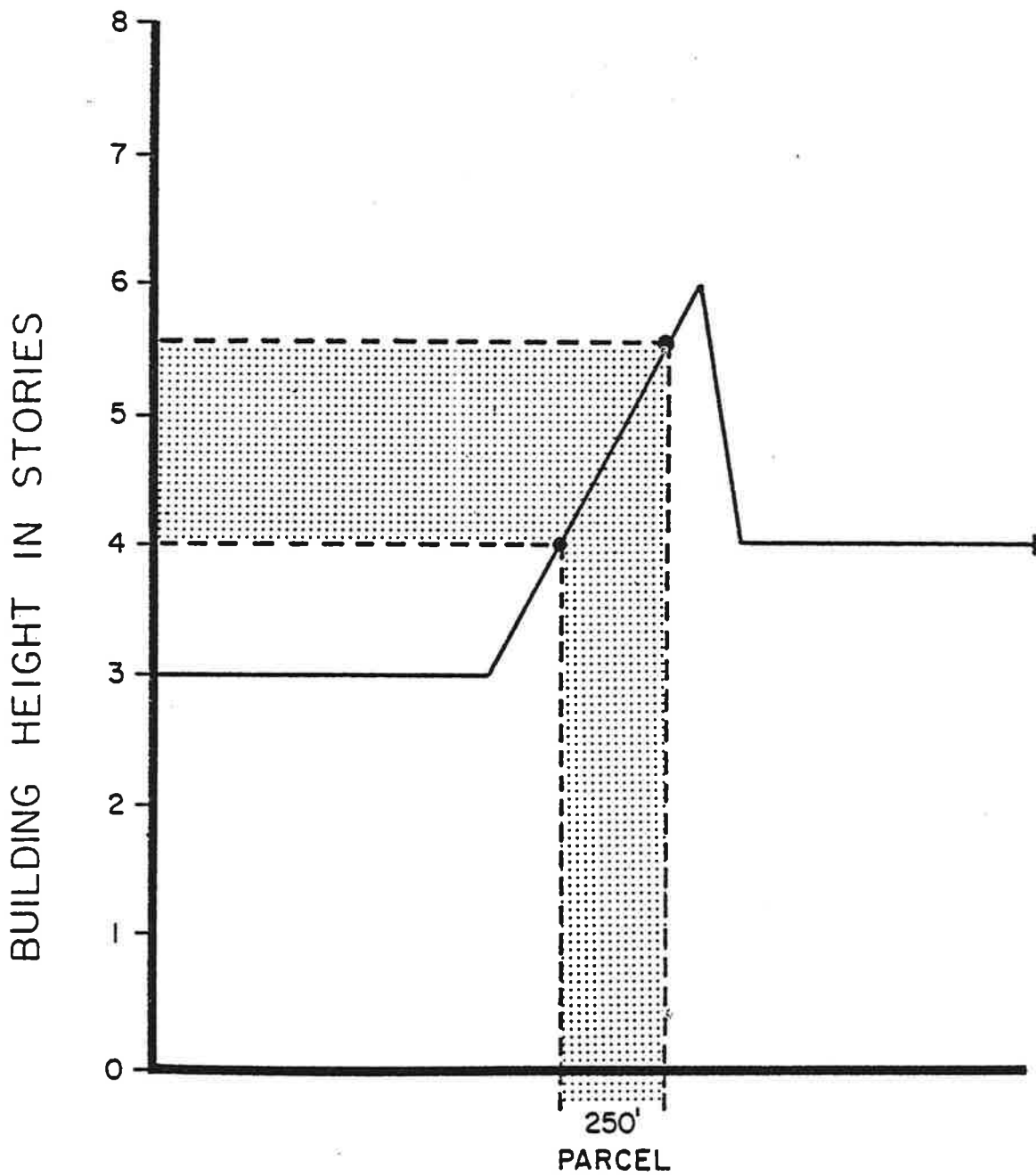
The necessary amendments to the Zoning Ordinance were considered by the Board on October 11, 1984 and the County Attorney directed to place them into ordinance form for public hearing. Amendments included:

- a. Three (3) additional RU-2 classifications to permit densities of 4, 6, and 8 dwelling units per acre; see Attachment A.
- b. Three (3) additional RA-2 classifications to permit densities of 4, 6, and 8 dwelling units per acre; see Attachment B.
- c. A new Environmental Areas (EA) classification to regulate development on environmentally sensitive lands such as wetlands, aquifer recharge, etc., at 1 dwelling unit per 10 acres; see Attachment C and Attachment F.
- d. A new Productive Agriculture (PA) classification to afford productive agricultural lands a level of protection and corresponding benefit to the property owner at 1 dwelling unit per 5 acres; see Attachment D.
- e. An additional Conditional Use Permit (CUP) option to permit the receipt and transfer of development rights; see Attachment E and Attachment F.

7. Capital Improvement Program.

A coordinated Capital Improvement Program along with development orders policies must be prepared and adopted to time the delivery of minimum sewer water A-1-A and bridge improvements, and fire protection consistent with the projected and proper growth rate. However, the delivery must be coordinated with the availability of public revenues to fund these service infrastructural requirements and the extent of growth this expanding services infrastructural system can support at any given time.

ILLUSTRATION A



VALUES OF PARCEL'S HEIGHT RESTRICTIONS:
4 to 5 1/2 stories 1 story = \approx 12 feet

ATTACHMENT A

REPRESENTATIVE OF PROPOSED RU-2-4, RU-2-6, AND RU-2-8 ZONE CLASSIFICATIONS

EXHIBIT LL - LOW DENSITY MULTI-FAMILY RESIDENTIAL ZONE (RU-2-8)

This zone classification encompasses lands devoted to low density multi-family residential purposes, together with such public buildings, schools, churches, public recreation facilities & accessory uses as may be necessary or are normally compatible with residential surroundings.

A. Permitted Uses

Multi-family dwellings.

Duplexes.

One single family dwelling per minimum lot or parcel of land. Additional multiple-family dwellings are permitted on the parcel if all units comply with the density limits. "3"

Public recreation buildings, playgrounds, parks, golf courses.

Sewer lift stations.

Home Occupations.

Boarding Houses.

Foster care facilities.

B. Accessory Uses

Customary uses including private garage, private boat pier or slip for use of occupants of principal residential structures of the abutting lot. Detached accessory structures shall not exceed six hundred (600) square feet unless such structure is for multiple use as a part of a multi-family development. A detached accessory building or structure accessory to a single family residence located in this land use classification on a lot one (1) acre or more may be administratively authorized to allow a floor size of up to but not exceeding one thousand (1,000) square feet, provided specifically, however, that the floor area of the detached accessory building or structure shall never exceed the actual floor area of the principal residential building. One (1) single-family garage apartment.

C. Conditional Uses: (See Section 25 subsection (b) of this Regulation for specific conditions).

Group care facility.

Schools, churches.

Power substations, telephone exchanges and transmission facilities.

Sewer facilities.

Guest houses or servants quarters, without kitchen facilities.

Public buildings; private clubs.

Recreational facilities.

Off street parking separated by a public road right-of-way. "9"

Additional height in low-density multiple-family residential land use classification (RU-2-8), subject to certain restrictions listed in Sec. 25(b)(73) of this appendix. "9"

Convalescent homes.

Adult congregate living facility.

Height restrictions. "6"

Skate Board Ramps. "3"

Temporary trailer during construction of residence.

Towers and antennae.

Development Rights Receipt or Transfer

D. Lot Requirements

Minimum lot size: An area not less than seventy-five hundred (7,500) square feet and having a width of not less than seventy-five (75) feet and having a depth of not less than seventy-five (75) feet.

Maximum density: Eight (8) units per gross acre. For the purpose of computing density allowed, property divided by public road shall be considered separate parcels.. "6"

Maximum lot coverage: Forty (40%) percent.

Townhouses: There shall be a maximum of eight (8) units per structure and a minimum floor area per unit of seven hundred (700) square feet.

E. Setbacks

Accessory buildings shall be located at the rear of the front building line of the principal building or structure and shall be setback not less than seven and one-half (7 1/2) feet (ten (10) feet on the ocean) from the side and rear lot lines, but in no case within the setbacks from a side street with a minimum spacing of fifteen (15) feet between exterior walls of all buildings on the same site. Such spacing shall not be covered nor connected to the principal structure. "9"

There shall be a minimum side setback of seven and one-half (7 1/2) feet from one side lot line and ten (10) feet from the other side lot line for all single-family residences. In determining side setbacks, areas which include a wingwall or any type of permanently constructed wall may not be included in the required minimum setback.

The setback from side lot lines may be seven and one-half (7 1/2) feet from each side lot line if the property is located within a subdivision which has provided a lane or alleyway affording access to the rear of the property. Said alleyway must be constructed in compliance with the County Subdivision Regulations, and the Public Works Division of the county must approve the access and the seven and one-half (7 1/2) foot setbacks.

Swimming pools and screened enclosures thereof shall be setback not less than seven and one-half (7 1/2) feet from the side and rear lot lines where drainage or utility easements are located on said lot lines. Otherwise, swimming pools and screened enclosures thereof shall be setback not less than five (5) feet from side and rear lot lines. "9"

OCEANFRONT PROPERTY: Additional setbacks for property abutting the ocean:

1. Front setback: Not less than thirty (30) feet from the front lot line.
2. Rear setback: Twenty (20) feet from the rear lot line.
3. Side setback: Thirty (30%) percent of ocean frontage shall be kept clear as a breezeway from the ocean. In no case shall any side setback be less than ten (10) feet from the side lot line. Side setbacks on corner lots shall be at least fifteen (15) feet from the side lot line. If a corner lot is contiguous to a key lot, setback shall be not less than twenty-five (25) feet.
4. Ocean setback: Setbacks from the ocean on oceanfront property shall be subject to the Coastal Construction Control Line (CCCL) established by the Department of Natural Resources of the State of Florida. (See Section 23). "5"
Variances granted by the Department of Natural Resources from this setback requirement shall be recognized by the County. "5"

SPECIAL BARRIER ISLAND AREAS: Reference Section _____ for supplemental setback requirements.

ALL OTHER PROPERTY:

1. Front setback: Not less than twenty-five (25) feet from the front lot line.
2. Rear setback: Not less than twenty-five (25) feet from the rear lot line.

3. Side setback: Interior lot - Not less than ten (10) feet from the side lot line. Corner lot - Not less than fifteen (15) feet from the side lot line. If a corner lot is contiguous to a key lot, setback shall be not less than twenty-five (25) feet.

USABLE COMMON OPEN SPACE REQUIREMENT:

If the lot, plot, tract or parcel is two (2) acres or more or regardless of the size, if the property has or will have more than fifteen (15) total dwelling units, then, thirty-five (35%) percent of the total land area shall be utilized as usable common space as defined in Section 7 of this Appendix. At the time of site plan submission, the method of perpetual maintenance of common facilities shall be provided as required in Section 17(E)(1) of this Appendix.

F. Minimum Floor Area

Single-family dwelling unit: Eleven hundred (1,100) square feet.
Duplexes: One thousand one hundred fifty (1,150) square feet and five hundred seventy-five (575) square feet per unit. "3"

Apartments:

One (1) Bedroom: Five hundred (500) square feet.

Two (2) Bedrooms: Seven hundred fifty (750) square feet plus one hundred (100) square feet for each additional bedroom.

Efficiencies: Four hundred (400) square feet.

G. Maximum Height of Structures

Oceanfront: No Height Restrictions.

Special Barrier Island Areas: Reference Section _____

All other: Thirty-five (35) feet.

H. Off-street parking: (See Section 70 and Section ___ as applicable)

Parking areas shall not be separated from the principal structures by any public road.

I. Signs

A sign shall be permitted on the premises, displaying advertising matter related to the permitted use of those premises. "For Sale" or "For Rent" signs shall be permitted not to exceed thirty-two (32) square feet in size. Signs shall be set back not less than fifteen (15) square feet in size.

J. Streets and Roads

All two-way streets within the property shall have a twenty-two (22) feet minimum paved width. Minimum public rights-of-way shall be in accordance with the subdivision regulations of Brevard County. No parking area shall be designed so as to result in motor vehicles having to back into the street or private driveway.

ATTACHMENT B

EXHIBIT 00 - SINGLE FAMILY ATTACHED RESIDENTIAL LAND USE
CLASSIFICATION (RA-2-8) "9"

This land use classification provides a transitional use district between single-family residential detached land use classifications and multi-family residential land use classifications permitting fee simple ownership of individual attached units. The intent is to provide flexibility for a variety of architectural styles which share a party wall and are constructed in accordance with the Standard Building Code for townhouses.

A. Permitted Uses

Single family attached residential units (as defined in Section 7)
Home Occupations
Sewer lift stations
Single family detached dwellings units
Public recreation buildings, playgrounds, parks and golf courses.

B. Accessory Uses in Common Areas

Separate structure for common enclosed parking facilities.
Private garage, private boat pier, dock, or slip for use by occupants of the primary residential structure.
Swimming pools and screened enclosures.
Detached accessory structure shall not exceed six hundred (600) square feet except, when it is accessory to a single family residence located in this land use classification on a lot one (1) acre or more, it may be administratively authorized to allow a floor area size of up to, but not exceeding, one thousand (1,000) square feet; provided specifically however, that the floor area of the detached accessory building or structure shall never exceed the actual floor area of the principal residential building.

C. Conditional Uses (See Section 25 Subsection (b) of this Regulation for specific conditions).

Churches
Power substations, telephone exchanges, transmission facilities
Sewer facilities
Water plant facilities
Private clubs
Temporary trailer during construction of a residence
Garage apartments (must stay within density limitations)
Efficiencies (not to exceed 25% of the total units on site, and within a minimum floor area of 280 square feet)
Development Rights Receipt

D. Development Standards and Criteria

- (a) Maximum Density: Density shall not exceed eight (8) dwelling units per gross acre and shall be consistent with application of the development standards and criteria set forth in these provisions.
- (b) Minimum Development Requirements:
1. Minimum site area: 8,700 square feet, except a two dwelling unit or single-family detached unit may be constructed on a lot not less than 7,500 square feet in area.
 2. Minimum site width: 75 feet.
 3. Minimum site depth: 100 feet.
 4. Maximum site coverage (building or structures): forty (40%) percent.
 5. Minimum lot size and lot width within a site: 1,800 square feet and 15 feet, respectively.
 6. Minimum Designated Yard: A designated yard shall be provided and consist of an area not less than 1560 square feet contiguous to and having direct access to the unit being served. Designated yards for two or less units shall be that area excluding all setbacks and structures.

7. Primary building and structure limitations:
- (a) The number of individual units shall not exceed ten (10) units per primary building or structure.
 - (b) Minimum floor area:
 - 1. Single family dwelling unit: 1,000 square feet.
 - 2. Single family attached residential unit: 575 square feet per unit plus 140 square feet for each additional bedroom.
 - (c) Maximum height: for primary buildings or structures or any unit therein, the height shall not exceed thirty-five (35) feet.
 - (d) Maximum length: for primary buildings or structures, length shall not exceed two hundred and five (205) feet.
 - (e) Each unit shall have a separate external unit access not common to any other unit within a multiple unit structure.

E. Setbacks

- (a) Oceanfront property: The front setback shall be thirty (30) feet from the public road right-of-way or other front property line. In no case shall any side setback be less than ten (10) feet from side lot lines. Side setbacks on corner lots shall be at least fifteen (15) feet from side lot line. If a corner lot is contiguous to a key lot, setback shall not be less than twenty-five (25) feet. The rear (ocean) setback shall be the coastal construction control line (CCCL). Variances granted by the State of Florida Department of Natural Resources from these setback requirements shall be recognized by the County. Breeze/visual corridors shall be complied with as established in Section 82 of this Appendix.
- (b) Perimeter setback: The setback shall be twenty-five (25) feet from all property lines, where said property abuts property located in any single family residential land use classification.
- (c) Street/Roadway Setback: No structure shall be located within twenty (20) feet of a public right-of-way or the pavement edge of a private street or roadway.
- (d) General Site and Lot Setbacks (including interior lots): Front setback shall be twenty (20) feet from property line; rear setback shall be twenty (20) feet; side setbacks shall be a minimum of ten (10) feet, except when a common wall is permitted. Side setback in corner lots shall be at least fifteen (15) feet from side lot line. If a corner lot is contiguous to a key lot, setbacks shall not be less than twenty-five (25) feet.
- (e) Swimming pools are exempt from all setback provisions where located within a designated yard.
- (f) Spacing between primary buildings or structures:
 - 1. Two (2) stories or less: 15 feet.
 - 2. Three (3) stories: 25 feet.
- (g) For the special barrier island areas, reference Section regarding certain supplemental setback requirements.

F. Fencing (for single family attached structures):

Fencing in excess of four (4) feet in height shall be located in minimum of fifteen (15) feet from the front property line or side lot line of a corner lot. Other restrictions are outlined in Section 37 of this Appendix.

G. Streets and parking:

- (a) Private streets may be utilized in lieu of public streets.

ATTACHMENT C

EXHIBIT II - ENVIRONMENTAL AREAS ZONE (EA)

This zone classification recognizes the natural resource components as defined and provided for by the Environmental Area I and the Resources of Particular Concern provisions of the Comprehensive Plan. The purpose is to conserve natural resource functions and features by retaining lands and waters in their pristine character and condition, but permitting uses which are compatible to, or which shall enhance or restore the functions and features of said natural resources.

A. Permitted Uses:

Single family dwelling unit
Passive recreation

B. Accessory Uses:

None

C. Conditional Uses:

Development Rights Transfer

D. Minimum Lot Size:

An area not less than ten (10) acres and a width of not less than 440 feet and a depth of not less than 660 feet.

E. Setbacks:

Structures shall be setback not less than thirty-five (35) feet from the front, side and rear lot lines.

F. Maximum Floor (Living) Area:

Nine hundred (900) square feet.

G. Maximum Lot Coverage:

The total lot coverage by structures shall not exceed four thousand (4,000) feet.

H. Impervious Surfaces:

Impervious surfaces are prohibited.

I. Fill:

The placement of fill on the lot shall be limited to the lot minimum required for vehicular access ways and septic systems and shall not cover over 4,000 square feet of the lot. Where fill is utilized for vehicular access ways, culverts must be installed at acceptable intervals to provide for adequate surface water flow circulation.

J. Off-Street Parking:

Reference Section 70

K. Signs:

Real Estate signs "For Sale" or "For Rent" shall not exceed six (6) square feet. Temporary signs for construction shall be permitted during construction only and shall not exceed sixteen (16) square feet. Setbacks shall be not less than fifteen (15).

- (b) Parking shall be provided in accordance with the provisions of Section 70 and Section _____ of this Appendix, as applicable. "10"

H. Development Standards: The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of the county subdivision regulations. Design requirements with respect to streets, sidewalks and drainage may be waived upon joint agreement between the Planning and Zoning Department and County Engineer.

I. Site Plan Requirements

- (a) Application for this zone classification shall be accompanied by a binding concept plan in accordance with the requirements of Section 77.
- (b) A detailed site plan in accordance with Exhibit N of this Appendix shall be submitted.
- (c) Platting is required in this classification. A preliminary plat shall be submitted and considered for approval simultaneously with the Exhibit "N" site plan. All platting procedures pursuant to the Brevard County Subdivision Regulations shall be complied with. Common areas shall be identified on the plat along with the methods for their access, ownership, and maintenance.

J. Driveway Standards. (Access to streets and roads):

- (a) For purposes of this subsection, a driveway shall be deemed a single access point servicing a single family attached residential structure. The maximum number of driveway accesses shall be determined in accordance with the following criteria, based upon functional street classification:
 1. Highway; major arterial; minor arterial; and collector: One (1) driveway per frontage structure.
 2. Minor street: One (1) driveway per 37 linear feet of frontage.
 3. Marginal access or cul-de-sac: One (1) driveway per 25 linear feet of frontage.
 4. Said driveway standards for any submitted design and construction specifications shall be subject to modification by the Brevard County Traffic Engineer.
- (b) Reference Section 47, 49, 50, 66 and 85 regarding special setback and access limitations for certain major roadways.

ATTACHMENT D

EXHIBIT HH - PRODUCTIVE AGRICULTURE LANDS (PA)

The purpose of this zone classification is to recognize those areas in the County that are agriculturally productive. Their function is of great physical and economic value to the County and therefore, should be afforded a high level of protection. This zone classification will have its principal application in the citrus grove and cattle ranch areas of the County; however, any area in the County meeting the requirements of the Code can be considered for this zone. Emphasis will be placed on areas that are agriculturally intensive, and development in these areas will be kept to a minimum.

A. Permitted Uses

1. One (1) single family dwelling unit.
2. Tenant dwellings - Where there is forty (40) or more acres under the same ownership, one (1) tenant dwelling unit is permitted for each five (5) acres, not to exceed ten (10) tenant dwelling units in total. Tenant dwelling units shall be setback two-hundred (200) feet from all property under different ownership.
3. All agricultural pursuits and the sale of agricultural products produced on the property. Such sales may be from a temporary roadside stand.
4. Raising and grazing of farm animals, fowl raising, and beekeeping.
5. Churches
6. Home occupations
7. Nurseries, horticultural pursuits

B. Accessory Uses

1. Uses secondary and incidental to permitted uses (i.e., silos, storage areas, stables, barns).
2. A child care center as an accessory to a church.

C. Conditional Uses

1. Veterinary hospital, clinic, and related offices
2. Schools
3. Guesthouse or servant quarters with kitchen facilities
4. Towers and antennae
5. Farmers market
6. Citrus packing houses and processing plants
7. Farmers supply stores
8. Mobile home residence [minimum of twenty (20) acres per unit]; setbacks shall be three-hundred (300) feet from all property lines
9. Mobile home tenant dwellings [one (1) per 40 acres]
10. Tenant dwellings exceeding ten (10) in number
11. Dude ranches

D. Minimum Lot Size

Areas of not less than five (5) acres, having a minimum width of three-hundred (300) feet and a minimum depth of three-hundred (300) feet.

E. Setbacks

Structures shall be setback not less than one-hundred (100) feet from front lot line, not less than fifty (50) feet from side lot lines, and not less than fifty (50) feet from rear lot line. Accessory buildings shall be setback not less than fifty (50) feet from all property lot lines. A structure for housing animals, fowl, or bees shall be located fifty (50) feet from property of different ownership, a minimum of two-hundred (200) feet from a residence under different ownership, and a minimum of three-hundred (300) feet from any single family residential zone classification.

F. Minimum Floor Area

Six hundred (600) square feet of living area.

G. Maximum Height of Structures

Thirty-five (35) feet for residential structures. No height limitation shall apply to accessory structures.

H. Off-Street Parking

See Section 70

I. Signs

Signs or billboards shall be setback not less than twenty-five (25) feet from all property lines.

Section 86. Development Rights Receipt and Transfer

- A. A property for which receipt of development rights is proposed shall be evaluated pursuant to the following conditions. Such a proposal shall be submitted with sufficient information and data to permit a thorough and comprehensive review of the proposal in relation to these conditions:
1. The property shall be located within a TDR receiving district as delineated in the Official Zoning Map. Reference paragraph C of this Section for a schedule that designates and matches receiving districts and transfer districts.
 2. A binding concept plan pursuant to Section 77 shall be submitted. The proposed development along with the TDR shall be designed in such a manner as to be compatible with existing adjacent land uses. For example, transitional residential densities and architectural styles would be considered necessary between an existing adjacent single family residential land use and a medium to high density development proposal.
 3. The amount of development rights proposed for receipt shall not exceed twenty percent (20%) of the density permitted by the existing zone classification. In determination of this amount the Planning and Zoning Board shall strongly consider the compatibility of the proposed development with the existing character of the general area and the existing land uses of the adjacent properties.
 4. Development rights from properties within a receiving district may be transferred to other properties within the same receiving district.
 5. The community services and facilities necessary to support residential development shall be evaluated relative to the impacts associated with the proposed TDR enhanced development. The degree to which these impacts exceed the capabilities of the existing community services and facilities shall be identified and/or quantified as applicable. These extra impacts shall be considered and a determination made as to whether such extra impacts are acceptable to the community relative to the public benefit being gained by the TDR.
 6. The public benefit shall be quantified including a full description of that benefit to be derived should such a TDR receipt be accepted and approved.
 7. If the TDR receipt is deemed acceptable and approved, such approval shall be subject to the submitted binding concept plan and all conditions and requirements contained thereon and in any document or text submitted in conjunction with the binding concept plan. Section 77 providing for binding concept plans shall apply and be in force.
- B. A property from which a development rights transfer is being proposed shall be evaluated pursuant to the following conditions. Such a proposal shall be submitted with sufficient information and data to permit a thorough and comprehensive review of the proposal in relation to these conditions.
1. The property shall be a oceanfront property or property designated or proposed for designation as Productive Agriculture or Environmental Areas by the Official Zoning Map. Reference paragraph C of this section for a schedule that designates and matches receiving districts and transfer districts.
 2. The area of the property, or parts thereof, from which transfer of development rights are proposed shall be

accurately presented by a sealed legal survey prepared by a registered land surveyor or licensed professional engineer.

3. Calculation of development rights for transferral:

- (a) PA (Productive Agriculture): one (1) d.u. per acre.
- (b) EA (Environmental Area): one (1) d.u. per five (5) acres, except where an overriding public benefit has been determined to be a result of a proposed transfer, the transfer development right value may be calculated up to but no more than one (1) d.u. per acre.
- (c) Other properties:
 - (1) All of the development rights as calculated on the existing density permitted by the zone classification within which the property lies, may be considered for transferral to property(ies) located in an acceptable receiving district as enumerated in paragraph C.
 - (2) For oceanfront properties, an existing development right may have a transfer value up to but not to exceed 1.75.

4. Calculation of development rights to be retained:

- (a) PA (Productive Agriculture): Development rights up to but not to exceed 3 dwelling units per acre.
- (b) EA (Environmental Area): No development rights shall be retained.
- (c) Other properties:
 - (1) Development rights to be retained shall be the difference between the existing total development rights and the number being transferred.
 - (2) For oceanfront properties, no more than 50% of the existing development rights shall be retained.

C. The following schedule designates TDR districts within Brevard County that have been approved as either receiving or transfer development rights district. These districts are matched to identify the area(s) of transfer from which development rights may be received by properties in a designated receipt district.

<u>Receipt Districts</u>	<u>Transfer Districts</u>
RD-1	TD-1 and TD-2
RD-2	TD-1, TD-2 and TD-3
RD-3	TD-1, TD-2, TD-3 and TD-4

The preceding districts are delineated by the Official Zoning Map. The boundaries of TD-2 and TD-3 shall be more precisely defined by soil classifications indicative of wetlands and shall be legally described by survey and submitted by the applicant with prior verification by the U.S. Soil Conservation Service. Said classifications are:

- Canova Peat (Cd)
- Chobee sandy loam (Ct)
- Eau Gallie, Winder soils ponded (Ew)
- Felda & Winder Soils ponded (Fg)
- Floridana, Chobee & Felda soils, Flooded (Fo)
- Holopaw sand (Ho)
- Malabar, Holopaw & Pineda soils (Mb)
- Myakka sand, ponded (Mp)
- St. John's Soils, ponded (Sc)
- Tomoka muck (Tw)
- Swamp (Sw)

Terra Ceia (Tc)
Tidal marsh (Tm)
Tidal Swamp (Ts)
Micco Peat (Mc)
Montverde peat (Me)

The Soils Atlas for Brevard County prepared by the U.S. Soil Conservation Service, as amended from time to time, shall be used to identify and delineate these soil classifications for the purpose of defining the boundaries of TD-2 and TD-3.

- D. The transfer and receipt of development rights by its nature involves at least two different parcels of real property, therefore, any TDR proposal submitted shall be a joint application by the respective property owners. Reference Section 31 for application requirements and procedures.

ATTACHMENT F

DEFINITIONS

Transfer of Development Rights: The term "Transfer of Development Rights (TDR)" is used to describe the severing of development rights from a specific parcel of real property and transferring said development rights to another separate and specific parcel of real property.

Development Rights: Development rights are, for the purposes herein, defined as the number of residential dwelling units that a specific parcel of real property can generate or yield given its area and the application of the governing zone classification's gross density provision.

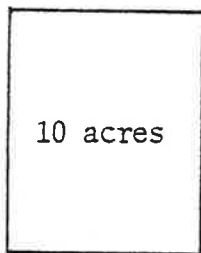
Over-riding Public Benefit: The result of a development action by a private property owner that substantially preserves, restores and/or enhances those natural functions which define and make-up the Conservation/Environmental Area I classification provided for by the Conservation and Coastal Zone Protection Elements of the Brevard County Comprehensive Plan. An over-riding public benefit shall include, but not be limited to proposals which preserve, restore and/or enhance the floodplain, wetland and/or prime aquifer recharge functions and provides for dedication of associated lands to Brevard County or other acceptable public entity or agency.

Public Benefit: The result of a development action by a private property owner that preserves, restores and/or enhances the floodplain, wetland and/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.

Passive Recreation: Recreation Uses are considered passive where very minimum alteration of vegetation, topography or other native feature 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, non-motorized boating, shelling, swimming, picnicking, archaeological or historic preservation, and hunting or fishing as provided for by the Florida 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, paths and trails for walking/hiking.

TRANSFER OF DEVELOPMENT RIGHTS EXAMPLES

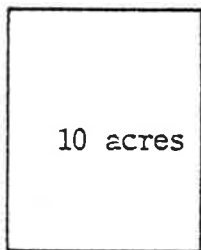
Productive Agriculture
Transfer District Parcel



TRANSFER VALUE

Existing: $10 \times 1 \text{ du}/5 \text{ ac} = 2 \text{ units}$
Value Calculation:
 $10 \times 1 \text{ du}/\text{ac} = 10 \text{ units}$

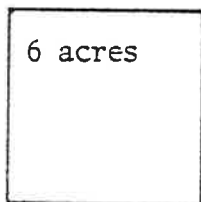
Environmental Area
Transfer District Parcel



TRANSFER VALUE

Existing: $10 \times 1 \text{ du}/10 \text{ ac} = 1 \text{ unit}$
Value Calculation:
 $10 \times 1 \text{ du}/\text{ac} = 10 \text{ units}$

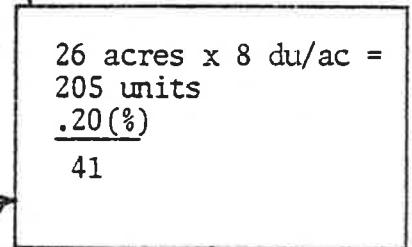
Oceanfront
Transfer District Parcel



TRANSFER VALUE

Existing: $6 \times 4 \text{ du}/\text{ac} = 24 \text{ units}$
Value Calculation:
• Retain 12 du oceanside
• Transfer: $12 \times 1.75 = 21 \text{ units}$

RECEIVING DISTRICT
PARCEL



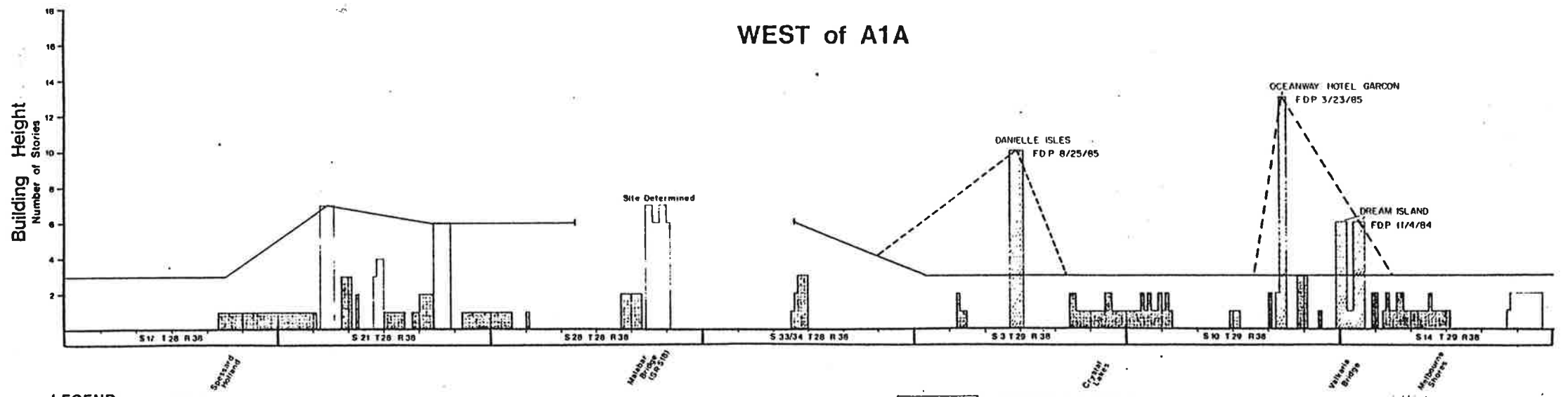
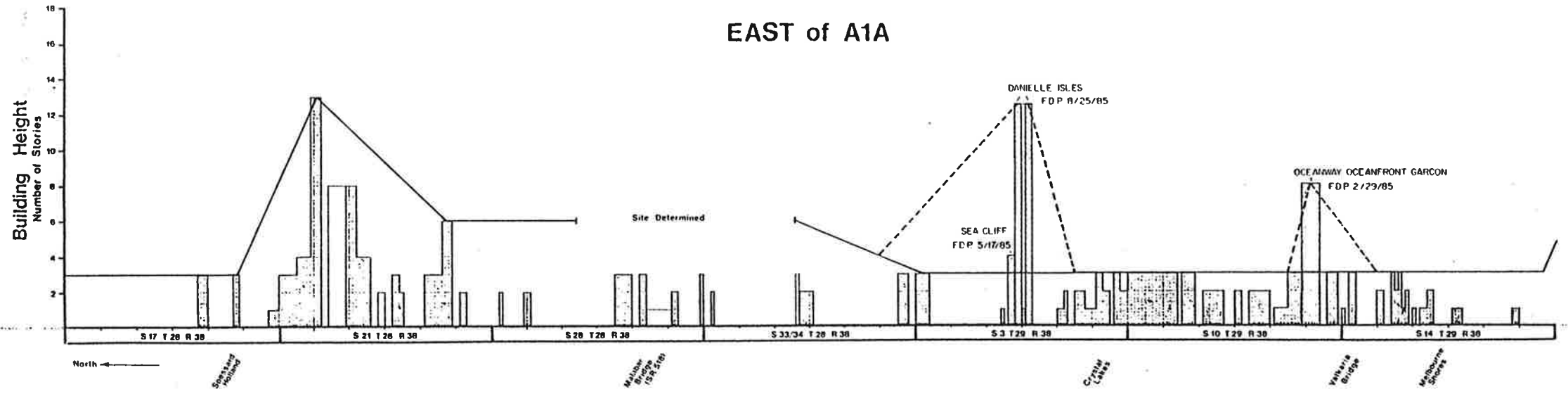
ATTACHMENT G

Section 50. Setback Restrictions and Access Interval
Requirements for State Road A-1-A

- (1) A building line setback and access interval standard are established for all properties abutting State Road A-1-A lying in Sections 8, 17, 20, 21, 28, 33 and 34, Township 28 South, Range 38 East; Sections 3, 10, 11, 14, 23, 224, 25 and 36, Township 29 South, Range 38 East; and Section 31, Township 30 South, Range 39 East, said properties abutting State Road A-1-A and lying south of the city limits of Melbourne Beach and extending south to the County line at Sebastian Inlet.
- (2) Building Line Setback. All properties south of U.S. 192 abutting State Road A-1-A on the west side shall maintain a building line setback of one hundred thirty (130) feet for commercially zoned property and one hundred (100) feet for all other properties. Properties on the east side shall maintain a building line setback no less than eighty (80) feet from the existing enter line of State Road A-1-A.
- (3) Access Interval Standard. Driveway and proposed public rights-of-way accesses to State Road A-1-A shall be limited to a minimum of two hundred fifty (250) foot intervals relative to existing public rights-of-way intersecting State Road A-1-A.
 - (a) A site development plan pursuant to Exhibit N, a subdivision plat pursuant to the Brevard County Subdivision regulations, or a plot plan for single family, as applicable, shall be submitted and approved by the Planning and Zoning Department prior to the issuance of building permits for all properties as identified herein.
 - (b) Building permits may be issued to all properties as identified herein for temporary access points other than the two hundred fifty (250) foot required interval. Said temporary access to State Road A-1-A shall be pending the installation of a marginal access road or limited driveway facility.
 - (c) The Board of County Commissioners may partially waive the required two hundred fifty (250) foot access standard provided access points are not established at intervals less than two hundred (200) feet.
 - (d) The Board of County Commissioners may establish from time to time a State Road A-1-A access plan to more specifically implement this access interval standard.

Figure A BUILDING HEIGHTS PROFILE PLAN (B.H.P.P.)

NORTH



LEGEND

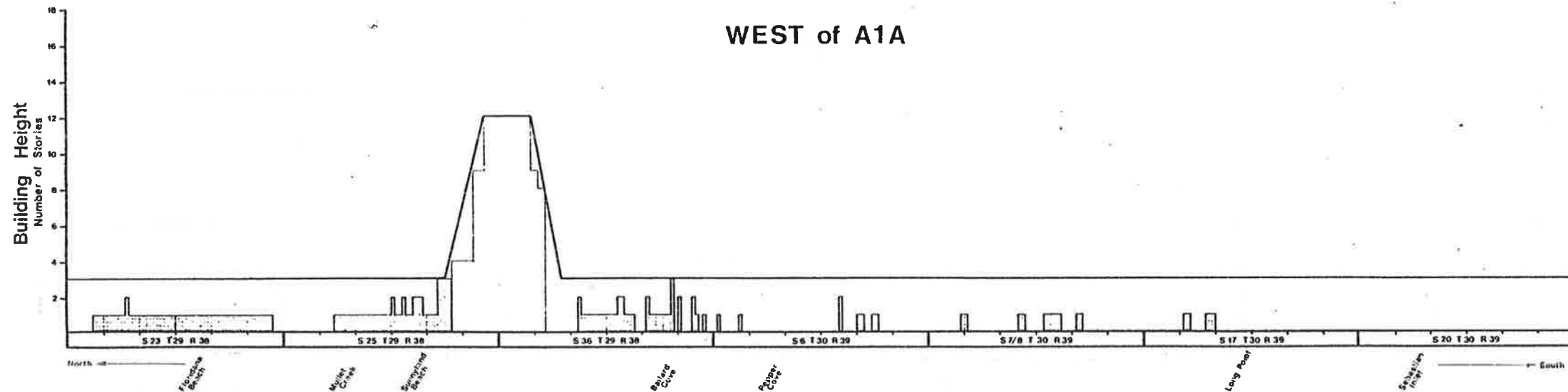
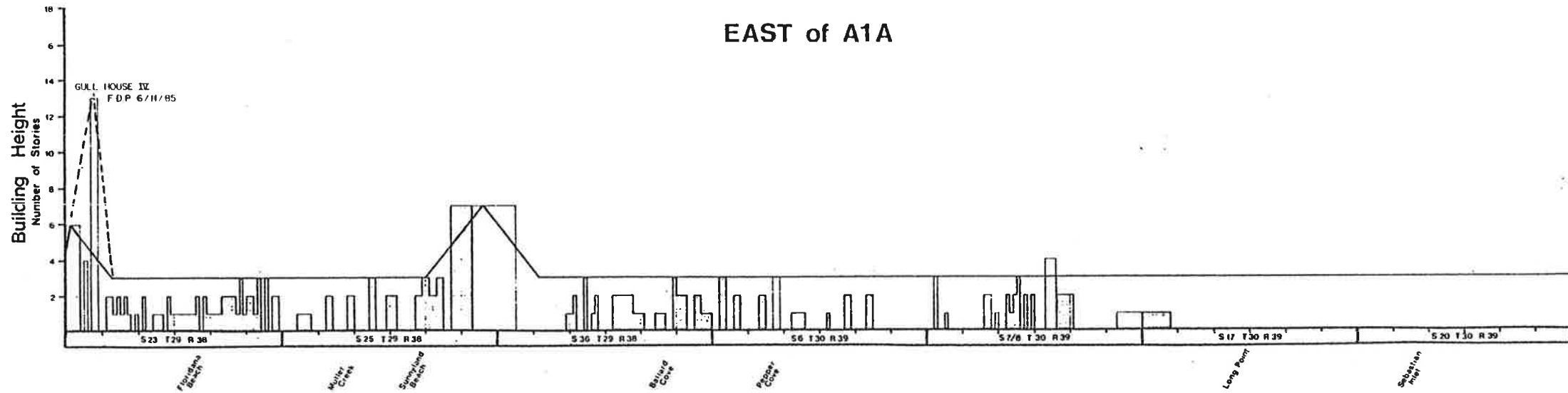
- EXISTING BUILDINGS AS OF OCTOBER 25, 1984
- SITE DEVELOPMENT PLAN APPROVED BUILDING
- SITE DEVELOPMENT APPROVED BUILDING TO BE REMOVED FROM THIS B.H.P.P. IF NOT UNDER CONSTRUCTION BY SAID SITE DEVELOPMENT EXPIRATION DATE*

BUILDING HEIGHT RESTRICTION LINE
 BUILDING HEIGHT RESTRICTION LINE PROVIDED APPROVED SITE DEVELOPMENT PLAN BUILDING IS UNDER CONSTRUCTION BY SAID S.D. PLAN'S EXPIRATION DATE.
 SITE DETERMINED
 Reference Section _____ of Appendix C—Zoning, Brevard County Code

[Signature]
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Figure A BUILDING HEIGHTS PROFILE PLAN (B.H.P.P.)

SOUTH



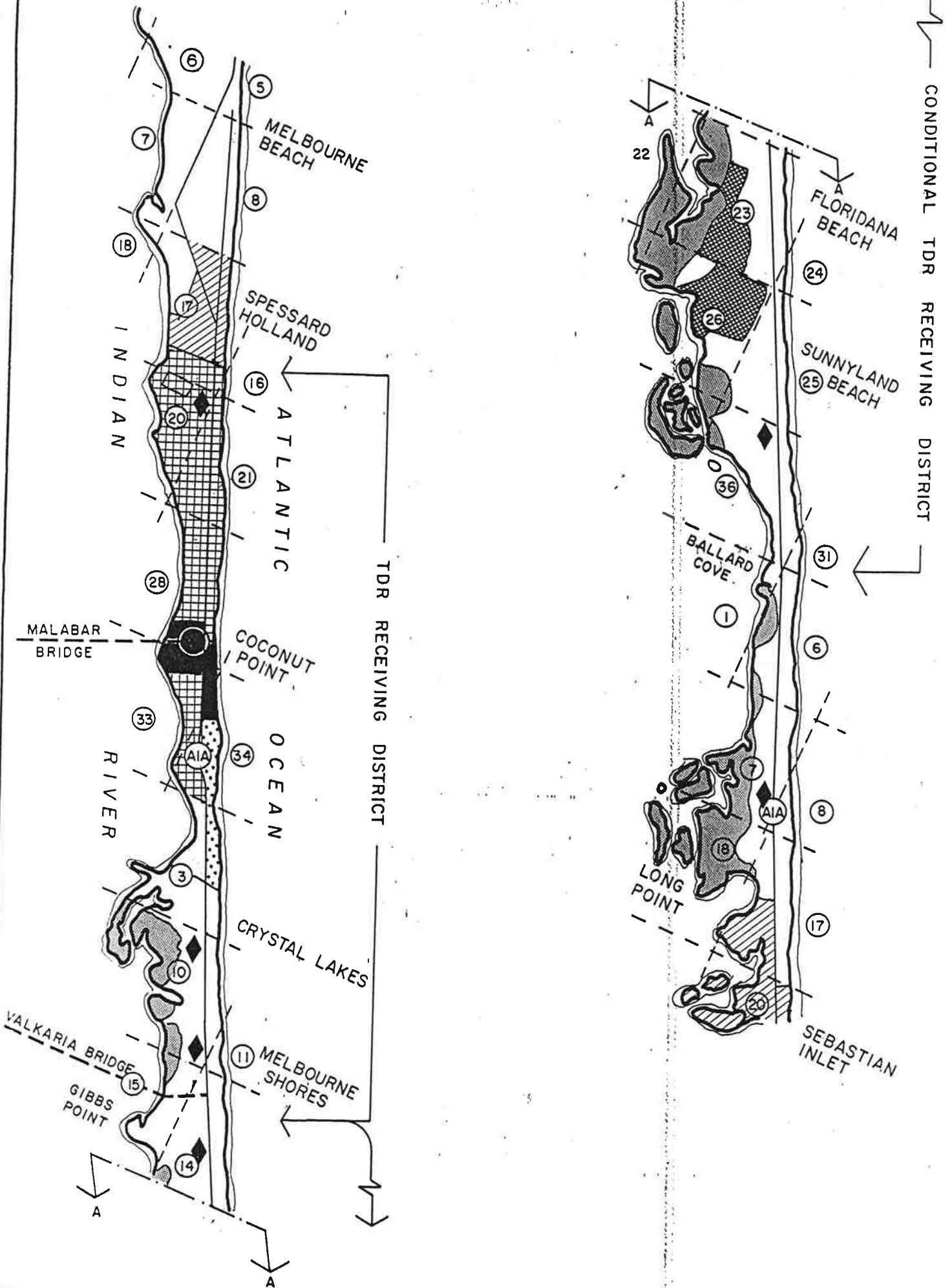
LEGEND







- EXISTING BUILDINGS AS OF OCTOBER 25, 1984
- SITE DEVELOPMENT PLAN APPROVED BUILDING
- SITE DEVELOPMENT APPROVED BUILDING TO BE REMOVED FROM THIS B.H.P.P. IF NOT UNDER CONSTRUCTION BY SAID SITE DEVELOPMENT EXPIRATION DATE




- BUILDING HEIGHT RESTRICTION LINE
- BUILDING HEIGHT RESTRICTION LINE PROVIDED APPROVED SITE DEVELOPMENT PLAN
- BUILDING IS UNDER CONSTRUCTION BY SAID S.D. PLAN'S EXPIRATION DATE
- SITE DETERMINED: Reference Section _____ of Appendix C - Zoning, Brevard County Code.

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RECOMMENDED SOUTH-SOUTH BEACHES GROWTH MANAGEMENT DIRECTIVES



-  PRODUCTIVE AGRICULTURE
-  ENVIRONMENTAL AREAS
-  8 d.u. / ac. AREA
-  6 d.u. / ac. AREA
-  4 d.u. / ac. AREA
-  TOURIST COMMERCIAL

-  PUBLIC RECREATIONAL AREA
-  NEIGHBORHOOD COMMERCIAL
-  COMMUNITY COMMERCIAL

