

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE TOWN OF PALM SHORES, BREVARD COUNTY, FLORIDA, AMENDING THE LAND USAGE CODE OF THE TOWN; AMENDING SECTION 157.285 (B)(13) RELATING TO MINI-STORAGE FACILITIES; AMENDING SECTION 157.285 (B)(14) RELATING TO FACILITIES FOR ON-SITE STORAGE OF WATERCRAFT, TRAILERS, RECREATIONAL VEHICLES, AND RECREATIONAL EQUIPMENT; AMENDING SECTION 157.285 (E) , PROHIBITING MINI-STORAGE FACILITIES AND FACILITIES FOR ON-SITE STORAGE OF WATERCRAFT, TRAILERS, RECREATIONAL VEHICLES, AND RECREATIONAL EQUIPMENT ; PROVIDING FOR CONFLICTS, SEVERABILITY, AREA ENCOMPASSED, CODIFICATION AND AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Shores, Brevard County, Florida, that

SECTION 1. Section 157.285 (B)(13) is amended as follows:

“(13) Subject to the provisions of 157.285 (E), existing facilities with a current business tax receipt for mini-storage facilities subject to the following:

- (a) Maximum size unit - 500 square feet.
- (b) Units to be used strictly for self-storage and not for any assembly, manufacturing, retail sales and service, distribution, any type of automotive/vehicular work, or any other business activity whatsoever from any individual unit or units.
- (c) Minimum 20 foot landscaped green area adjacent to residential zoning.
- (d) On-site management is required.
- (e) No outside storage.
- (f) Buildings shall be one story.
- (g) Lighting must be directed away from residential areas.
- (h) Maximum size of area of site used for storage shall not exceed five acres. Retention and landscaped buffers shall not be included in the five acre size calculation.
- (i) A solid fence made of wood, masonry or other decorative material may be used to secure the facility, and landscaping material shall be used along the outside perimeter of the fence in order to provide an aesthetic appearance. Applicable provisions of § 157.507 shall be complied with.

(j) Mini-storage facilities shall not be permitted in the town within 3,000 feet of each other measured by the most direct road route from the nearest property line upon which an existing facility is located and/or to be located to the nearest property line of the other existing and/or proposed facility.

(k) A waiver to the size of the parcel of up to an additional three acres and to the distance between mini-storage facilities of up to an additional 500 feet may be granted by the Town

Council, upon recommendation of the Planning and Zoning Board, when it is beneficial to protect the public health, safety, welfare and general community appearance.”

SECTION 2. Section 157.285 (B)(14) is amended as follows:

“(14) Subject to the provisions of 157.285 (E), existing facilities with a current business tax receipt for on-site storage of watercraft, trailers, recreational vehicles, and recreational equipment, meeting the following performance standards and general conditions:

- (a) The lands used for storage shall be a minimum of three acres.
- (b) The storage area shall be secured and locked during non-business hours.
- (c) All such items stored shall have a current vehicle license and registration as required and issued by the State of Florida and maintained in an aesthetic fashion and non-derelict.
- (d) There shall be no habitation in any motor vehicle, trailer, watercraft recreational vehicle or recreational equipment stored on site.
- (e) There shall be no utility services available to individual storage sites, and there shall be no sewer clean-out stations.
- (f) The site shall be paved or stabilized and pervious pursuant to SJRWMD regulations.
- (g) A watercraft that must be transported by trailer shall be stored on a trailer.
- (h) A distance of 2,000 feet shall separate these uses from other legally designated on-site storage facilities.
- (i) Waivers for no more than two of these items may be granted by the Town Council upon recommendation of the Planning and Zoning Board, during consideration of the site plan, when it is beneficial to protect the public health, safety, welfare and general community character and environment of the town. However, the distance requirements as prescribed in division (B)(14)(h) shall not be part of the waiver option.
- (j) There shall be no storage of construction vehicles or equipment, regardless if they meet any of the definitions of the property items allowed to be stored herein.
- (k) Outside exterior lighting shall be directional and not spill over onto adjacent property.
- (l) There shall be no major or minor service or repair work done on this site.
- (m) There shall be no access from a local or residential street.
- (n) A six foot solid fence or decorative wall shall surround the perimeter of the storage area. The wall or fence shall be finished on both sides and erected at least one foot inside the property line.
- (o) There shall be a minimum ten foot landscaped area adjacent to the wall or fence with one tree planted for every 50 feet of length of the wall or fence. Additional landscape material and ground cover shall be planted within the ten foot strip. On the frontage, the landscape material must be in front of the wall or fence. Existing vegetation may be used if approved by the town. An irrigation system is required.
- (p) Interior access aisle ways shall be a minimum of 24 feet wide with turnaround area if needed.
- (q) The revving of engines such as cleaning water out of boats and airboats or similar activities which are noise producing is strictly prohibited.
- (r) Existing facilities with a current business tax receipt for on-site storage facilities of watercraft, trailers, recreational vehicles, and recreational equipment located in a C-2 Zoning District may expand up to four additional acres as long as the above criteria are met, and no part of the expansion will result in additional frontage along U.S. 1 and a site plan is approved by the

Town Council. The existing site shall meet the above conditions prior to any permitted expansion.

(s) For purposes of this section, ***CURRENT BUSINESS TAX RECEIPT*** shall mean a business tax receipt issued as of October 1, 2017.

SECTION 3. Section 157.285 (E) is amended by adding a new subsection (5) to read as follows:

“(5) Mini-storage facilities and facilities for on-site storage of watercraft, trailers, recreational vehicles, and recreational equipment are specifically prohibited unless such business has continuously held a business tax receipt as of October 1, 2017 **or where the Town has approved a site plan for such facilities prior to January 1, 2020.**”

SECTION 4. 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 5. 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 6. Area Encompassed. This ordinance shall take effect only in the incorporated area of the Town of Palm Shores.

SECTION 7. Inclusion in Code. It is the intention of the Town Council of Palm Shores that the provisions of this ordinance shall become and be made a part of the Town Code, 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 such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Effective Date. This ordinance shall take effect upon adoption.

SECTION 9. This ordinance was passed on the first reading at a regular meeting of the Town Council on the 27th day of January, 2020 and adopted on second/final reading at a regular meeting of the Town Council on the 24th day of March, 2020.

ATTEST:



Patricia J. Burke, MPA, MMC
Town Clerk



Carol M. McCormack,
Mayor