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CHAPTER 176. STREETS, PARKING, AND LOADING

PART 1. STREETS AND SIDEWALKS

§ 176.001. PURPOSE.

The purpose of this part of Chapter 176 is to provide standards for the provision of roadways and access to the properties within the City.

§ 176.002. APPLICABILITY.

No street shall be closed or vacated, created, or improved without receiving approval by City Council in compliance with the provisions of this chapter.

('74 Code, § 20-2) (Ord. 83-23, passed 4-7-83; Am. Ord. 2007-94, passed 10-18-07; Am. Ord. 2016- 30, passed 5-19-16)

§ 176.003. STREET DESIGN.

New streets shall be logically aligned to establish connectivity (interconnected system) between land uses and with the existing road network. All streets shall be designed as complete streets (with pedestrian and bicycle facilities) according to FDOT's context classification and engineering standards with safety as a priority. The design of streets in the City shall be in accordance with FDOT's Florida Greenbook. See Chapter 177 for street design within subdivisions.

§ 176.004. RIGHT-OF-WAY AND EASEMENT USE

A. Exemptions.

1. It is not intended by this subchapter to repeal, abrogate, annul or in any way impede or interfere with existing provisions of other agreements and contracts, i.e., franchises. Where this subchapter imposes greater restrictions than is imposed or required by such existing provisions of the agreements and contracts, by ordinance, the provisions existing on the date they were entered into shall prevail.
2. Any person with an active franchise in full force shall be exempt from the right-of-way use permit fees.

('74 Code, § 20-93) (Ord. 93-03, passed 2-18-93)

B. Prohibited uses within rights-of-way and easements. In order to protect the health, safety and welfare of the citizens of the city, the city expressly reiterates and reinforces its authority to control and limit the use of the public rights-of-way and easements.

1. *Rights-of-Way*. Prohibited uses on any right-of-way within the city include, but are not limited to the following: mailboxes other than prescribed by the U.S. Postal Service and the FDOT Roadway and Traffic Design Standards; decorative walls, retaining walls; barriers/ obstructions of any kind; construction materials (except for those construction materials intended for permitted use within the right-of-way and that are stored for a period of time not to exceed the duration of the permit); soils and/or debris of any kind; trees and shrubs (except as defined and outlined in the FDOT

Highway Beautification and Landscape Management Rule, Chapter 14-40, F.A.C.) wells; recreational devices of any kind; sanitary facilities; benches; planters; unauthorized bus shelters; decorative statues; privately owned irrigation systems or irrigation systems not installed by a government entity, unless specifically approved by the Public Works Department; governmental or off-premises directional/guidance signs not permitted by law; any improvements for personal or private use, except in the case of approved private security lights, supplied and installed by a franchised electrical power company; the servicing or repairing of any vehicle except the rendering of emergency service and the storage of vehicles being serviced or repaired and the display of unauthorized advertising; except that any portion of a right-of-way may be used for an art festival, parade, fair or other lawful events if permitted by the city code of ordinances.

2. *Easements.* It is declared to be unlawful to install, place, locate or construct for personal or private use any improvement not intended for public use. Any improvement requiring a permanent foundation or which cannot be readily removed shall also be declared unlawful.

('74 Code, § 20-94) (Ord. 93-03, passed 2-18-93; Am. Ord. 2000-68, passed 12-21-00; Am. Ord. 2001-37, passed 6-21-01; Am. Ord. 2002-01, passed 1-17-02)

C. Permit required. A permit shall be obtained from the Public Works Department prior to installing, placing, constructing, or replacing as described in this subchapter, any improvement within any right-of-way or easement, including but not limited to the following: all jack and bores regardless of bore method used; all poles, regardless of design use; all aboveground improvements that create an obstruction. All security lights and street lights shall require a permit but shall be exempt from the right-of-way and easement use permit fee. A permit shall not be required for the following:

1. Driveways.
2. Franchisee. Only when the proposed improvement within the city right-of-way or easement meets all the following conditions:
 - a. Will not disturb any paved areas.
 - b. Will not disturb any other improvements in the area.
 - c. Will not disturb vehicular or pedestrian traffic to any degree.
 - d. Will not disturb an area larger than one hundred (100) square feet in any shape.
 - e. Will not exceed a depth below grade of forty-eight (48) inches, except utility poles.
 - f. Will be restored to a condition as good as or better than existed before the effort. The disturbed soil will be stabilized with like sod in front of developed areas or seed and mulch in front of undeveloped areas.
 - g. Underground service connection, when the trench width is twelve (12) inches or less.
 - h. Is not a jack-'n'-bore of any kind, regardless of intended method to be used.
3. Work. When the effort of the proposed work will be confined within utility easements and not within rights-of-way and easements as defined in Chapter 171.

('74 Code, § 20-95) (Ord. 93-03, passed 2-18-93)

D. Liability. This subchapter shall not be construed to create liability or hold the city responsible or liable for any damage to persons or property by reason of any inspection or reinspection. Neither the issuance of a permit nor the approval or disapproval of any installation authorized herein shall constitute any representation, guarantee, or warranty by the city of any kind: nor shall the issuance of a permit or approval or inspection of any improvement create liability upon the city or any official, agent, representative or employee thereof. Additionally, the permittee shall be required to maintain improvements regardless of who installed, constructed, replaced, maintained, or altered such improvements until such time as the improvement may be accepted by a governmental agency. By applying for a permit, the permittees acknowledge that they, and their subcontractors will hold the city harmless from any liability arising from failing to install, construct, replace, maintain, or alter or from improperly installing, constructing, replacing, maintaining or altering the improvement until such time as the city may accept full maintenance responsibility for the improvement.

('74 Code, § 20-96) (Ord. 93-03, passed 2-18-93)

§ 176.005. RESTORATION OF DAMAGED AREAS.

Any person(s), firm, business entity, or corporation that damages property located on, under, across or along a right-of-way or easement or any city road or other city improvement shall be required to either restore the damaged property to its condition prior to the damage or shall pay to the city the sum of money determined by the Public Works Department to be necessary to restore the damaged area to its condition prior to the damage. Any such restoration shall meet all construction and engineering standards of the city. Additionally, any permittee who has previously failed to restore the damage(s) as required by this subchapter shall not be issued further permits from the city until such damage is either restored and accepted by the Public Works Department, or the entire cost of restoration incurred by the city to make such restorations has been paid in full by the applicant. In the event discrepancies arise as to the responsibility for damage, the burden of proof shall be on the person or permittee to establish that the person or permittee is not responsible.

(Ord. 2000-70, passed 12-21-00)

§ 176.006. STREET NAMES.

No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Land Development Division and submitted to the County E-911 office.

§ 176.007. VISION CLEARANCE AT CORNERS, CURB CUTS AND RAILROAD CROSSINGS.

No structure, vehicle, tree, planting, vegetation, sign, or fence or any type of obstacle or any portion thereof shall be placed or retained in such manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

('74 Code, § 25-216) (Ord. 89-08, passed 4-27-89; Am. Ord. 2010-76, passed 11-4-10)

Unobstructed cross-visibility shall be maintained at a level between two (2) and six (6) feet within the triangular areas described as follows:

- A. The areas of property on both sides of an aisle, driveway or other access way formed by the intersection of each side of the aisle, driveway or access way and the public right-of-way pavement line

with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being in line connecting the ends of the two (2) other sides.

- B. The area of property located at a corner formed by the intersection of two (2) or more public streets with two (2) sides of the triangular area being measured thirty (30) feet in length along the right-of-way line (or in the case of an arc, the extensions of the right-of-way lines) from their point of intersection, and the third being a line connecting the ends of the other two (2) lines.

§ 176.008. CULVERTS AND CURBING.

- A. Within all districts, required culverts shall be constructed to city specifications and approved prior to the issuance of a certificate of occupancy.
- B. Except for single-family and two-family lots, curbing will be required on all curb breaks or driveways. Curbing shall be placed from the property line to the edge of the street pavement and shall conform to the city's "Standard Detail for Curbing" and all specifications contained therein.

('74 Code, § 25-223) (Ord. 89-08, passed 4-27-89)

§ 176.009. ACCESS TO COMMERCIAL AND INDUSTRIAL LAND.

No public or private street, road, easement or driveway within a residential area or on which residentially zoned land abuts shall be used as vehicular access or as a through road to any commercially or industrially zoned land, uses or businesses and no lot shall be created, building permit issued nor curb cut or driveway permitted or approved that will allow or create access to any commercially or industrially zoned land or uses through a residential area except:

- A. Access onto collector arterial roads.
- B. Access to corner lots at intersections of any street with a collector or arterial road.
- C. For emergency ingress or egress where access is physically controlled and used only for emergency evacuation or access.
- D. Access to existing commercially or industrially zoned land or uses in existence at the time of adoption of this section that have no alternative means of ingress or egress to an existing public or private street.

§ 176.010. TRAFFIC-CONTROL DEVICES.

Following written approval from the City Engineer to commence construction or improvement of any public or private street, and prior to acceptance of any street by the city or the opening of any street to automobile traffic, any person or firm improving or constructing the street(s) shall furnish and install all signs and pavement markings in accordance with the Florida Department of Transportation manual entitled, Uniform Traffic Control Devices for Streets and Highways. The location and placement of signs and pavement markings shall be approved by the Police Department. Such signs and pavement markings shall be maintained in good repair by the installer, unless or until the streets are accepted for maintenance by the city.

('74 Code, § 20-30) (Ord. 83-23, passed 4-7-83)

§ 176.011. SIDEWALKS AND BIKEWAYS.

- A. Sidewalks and bikeways shall be required on both sides of all (public and private) streets. Sidewalks and bikeways shall:
 - 1. Provide for the continuation of existing or proposed sidewalks and bikeways;
 - 2. Provide for primary or secondary access to existing or proposed educational facilities;
 - 3. Provide connections to the nearest local road, transit stops, area destinations, employment centers, and parks; and
 - 4. Conform to an adopted sidewalk or bikeway master plan.
- B. Sidewalks or walkways shall be provided within residential and non-residential sites to connect the public sidewalk to all principal buildings, site amenities, and parking areas within the site.
- C. Sidewalks shall be constructed of concrete, a minimum of five (5) feet in width, and four (4) inches thick (six (6) inches thick within driveways).
- D. For developments proposed along a 10-foot-wide multiuse trail, sidewalks may be provided on only one (1) side of the street and shall be constructed with a raised curb separating the sidewalk from on-street parking.
- E. Bikeway construction, design and signing shall meet the requirements of the current Florida Department of Transportation Bicycle/Pedestrian Design Standards, unless otherwise approved by City Engineer.
 - 1. For new roadways, bikeways shall be designed to be separated from travel lanes (e.g., cycle tracks, protected bike lanes, etc.)
 - 2. Unprotected bike lanes shall be of a distinct color or material different than the travel lane.
 - 3. Sharrows may be utilized on two-lane low speed local roads as determined by the City Manager or designee. Sharrow pavement markings shall be placed on the street indicating that drivers and cyclists share the travel lane.

('74 Code, § 20-32) (Ord. 83-23, passed 4-7-83; Am. Ord. 2016-30, passed 5-19-16)

§ 176.012. RESERVED

§ 176.013. RESERVED

§ 176.014. RESERVED

PART 2. DRIVEWAYS

§ 176.015. PERMIT REQUIRED.

No person, firm, corporation, or governmental agency shall construct, remove, alter, reconstruct, access the right-of-way temporarily or permanently, repair, or relocate any curb, culvert, sidewalk, driveway, gutter, pavement, or other improvement in any city road or easement without obtaining a driveway permit from the

Public Works Department. When a driveway or other existing improvement has relocated, changed, or abandoned, making any portion or the entire driveway or other improvement unnecessary, the owner of the abutting property shall obtain a permit and shall remove the driveway or other improvement and shall, at his own expense, install or replace all necessary curbs, gutters, culverts, and sidewalks.

('74 Code, §20-76) (Ord. 85-11, passed 3-21-85; Am. Ord. 2000-70, passed 12-21-00)

A. Permit procedure.

1. Application procedure. Application for a driveway permit shall be made to the City Manager or designee on forms provided. Each applicant shall provide the information and drawings specified on the permit application for the particular type of improvement. Additionally, each applicant shall be required to agree to maintain the constructed improvements and to hold the Council harmless for any liability arising from failing to maintain or from improperly maintaining the improvement.
2. Issuance of permit. Upon receipt of the application and drawings, the City Manager or designee shall review the application and determine compliance with the location, drainage, construction, and traffic engineering requirements established by the Council and whether it is consistent with future development of the area and any plans for future expansion of the existing road. If the application meets the applicable requirements, the City Manager or designee shall issue a permit to the applicant. The City Manager or designee may impose such conditions on permits as he/she deems necessary to ensure that the above-described requirements are met using good engineering practices and in conformance with the Driveway Permit Guidelines. By acceptance of the permit, the applicant agrees to abide by all terms and conditions contained in the permit, in this subchapter, and in any other applicable regulations of the city. Permits shall expire at the end of ninety (90) days unless extended.
3. Construction procedure. Upon issuance of the permit to the applicant, the Public Works Department will furnish the applicant the pipe and grade specifications. Swale locations referenced to the property line shall be constructed as specified in the permit. Any deviations must be approved in writing by the City Manager or designee. Based on the stormwater management regulations set forth in Chapter 179, the area fronting a proposed building site extending from the edge of the pavement to the property line shall be addressed as provided for in the Driveway Permit Guidelines.

B. Fees.

1. The fees for issuance of a driveway permit in compliance with the driveway code shall be as established by resolution.
2. Expirations in excess of ninety (90) days require a new application.
3. The fees as set forth in this section shall be increased by four percent (4%) (rounded to the nearest dollar) each fiscal year. Should any decrease in such fees be warranted in any given year, they shall also be decreased annually by that percentage that accurately reflects the reduction of permits requested and the specific and ascertainable resulting reduction in funds needed to pay the city costs to manage all services and time needed to issue and monitor the permits required by this section.

- C. Bond.** A performance bond, or other financial security approved by the City Attorney, may be required in the case where the specified work is incomplete and certificate of occupancy has been requested, or when damages to the right-of-way or any public property has been done and not repaired in accordance with good engineering practices or the Driveway Permit Guidelines, or when the work is nonconforming as determined by the Public Works Department. In addition to paying the fees established by the Council, a performance bond or other security approved by the City Attorney in the amount of one hundred dollars (\$100.00) nonrefundable processing fee, plus two thousand dollars (\$2,000.00) retainer refundable upon completion of specified work within thirty (30) days. If the work in question exceeds a value of two thousand dollars (\$2,000.00), the bond amount shall be increased by the difference plus ten percent (10%). If said work is incomplete after thirty (30) days the bond will be forfeited. All such bonds or other security arrangements shall be on forms approved by the City Attorney. Such forms shall prescribe the manner in which noncompliance with the provisions of a permit, or this subchapter, shall be remedied and shall provide the necessary financial assurances to remedy any non-compliance.

('74 Code, § 20-77) (Ord. 85-11, passed 3-21-85; Am. Res. 85-25, passed 3-21-85; Am. Ord. 2000-70, passed 12-21-00; Am. Ord. 2006-07, passed 2-2-06)

§ 176.016. RESIDENTIAL DRIVEWAYS.

An owner of property who desires to construct a single-family residence accompanying driveway on his or her property may apply for a driveway permit simultaneously with the application for the residential building permit. If a driveway is necessary to provide access to the property, no certificate of occupancy can be obtained until the owner:

- A. Obtains a permit for the construction of the driveway pursuant to this subchapter and final approval thereof by the Public Works Department; and
- B. Agrees to complete construction of the driveway within ninety (90) days from the date the permit is issued. Failure to complete construction within such period shall constitute noncompliance and void the permit.

('74 Code, §20-78) (Ord. 85-11, passed 3-21-85; Am. Ord. 2000-70, passed 12-21-00)

§ 176.017. NON-RESIDENTIAL DRIVEWAYS.

- A. Non-residential driveways shall meet the following minimum and maximum widths, measured at the right-of-way line:

	Minimum	Maximum
One-way traffic lane	15 feet	24 feet
Two-way traffic lanes	24 feet	30 feet
Three-way traffic lanes	36 feet	48 feet
Four-way traffic lanes	48 feet	60 feet

- B. One (1) driveway per parcel shall be permitted for properties with up to one hundred and fifty (150) feet of street frontage. An additional driveway may be permitted for each additional one hundred and fifty (150) feet of street frontage.
- C. Driveways shall be at least fifty (50) feet apart measured from the closest driveway edge at the right-of-way line.
- D. Driveways along a minor side street shall not be located closer than one hundred twenty (120) feet to the nearest major street intersection.
- E. Driveways having three (3) traffic lanes or more shall provide a raised median between entrance and exit lanes at the right-of-way line.
- F. In no case shall a driveway or curb cut be permitted on the radii of any intersection.
- G. All driveways that connect to a public road right-of-way shall be paved from the property line to the edge of pavement of the abutting roadway.

§ 176.018. DESIGN AND CONSTRUCTION REQUIREMENTS.

- A. **Compliance with law.** All driveway improvements, as provided in this Part, shall comply with the applicable sections of the subdivision, zoning and building regulations of the city. Within all zoning districts, the improvements shall be constructed to city standards and specifications and approved prior to the issuance of a certificate of occupancy.
- B. **Design standards.** The Driveway Permit Guidelines and the specifications provided upon issuance of a permit will provide the technical specification providing for construction. Any deviations shall be approved in writing by the City Manager or designee. Approval shall not be unreasonably withheld providing such deviations conform to good engineering practices.

('74 Code, §20-79) (Ord. 85-11, passed 3-21-85; Am. Ord. 2000-70, passed 12-21-00)

§ 176.019. RESERVED

§ 176.020. RESERVED

§ 176.021. RESERVED

§ 176.022. RESERVED

§ 176.023. RESERVED

§ 176.024. RESERVED

PART 3. TRANSIT FACILITIES.

§ 176.025. TRANSIT FACILITIES.

Any development generating 200 or more daily trips along a fixed bus route shall provide transit facilities sufficient to accommodate the ridership demand. These improvements must be coordinated with Space Coast Area Transit.

§ 176.026. RESERVED

§ 176.027. RESERVED

§ 176.028. RESERVED

§ 176.029. RESERVED

PART 4. OFF-STREET PARKING REQUIREMENTS

§ 176.030. PURPOSE AND INTENT.

The purpose and intent of this section is to set forth parking requirements in proportion to the parking demand for each use to ensure functionally adequate, efficient, aesthetically pleasing, and secure off-street parking facilities, and to provide for on-street parking in certain circumstances. The regulations and design standards of this section are intended to ensure the usefulness of parking facilities, protect the public safety, and mitigate potential adverse land use impacts.

§ 176.031. APPLICABILITY.

Every development, as defined in this Land Development Code, established after the effective date of this section shall comply with the requirements of this Chapter.

- A. Any principal structure built or enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area after the effective date of this section shall provide off-street parking in accordance with the provisions of this section.
- B. It shall be unlawful for an owner or operator of any structure or use affected by this chapter to discontinue or change the required parking areas, other than through a corresponding reduction in size of the structure or change in use, without meeting the requirements of this section.

§ 176.032. EXEMPTIONS.

- A. **Redevelopment.** Building permits and certificates of occupancy may be issued for remodeling or structural alterations in existing developments without requiring compliance with this section provided such redevelopment does not result in an increase in the number of required parking spaces.
- B. **Change of use.** The number of parking spaces required by this section may be reduced when the use of a building is changed or reduced to a use or floor area for which fewer parking spaces are required. When the use is changed to a use for which more parking spaces are required, the number of spaces shall be increased to comply with the off-street parking schedule and design standards. Off-street parking requirements may be met with shared or satellite parking areas as described elsewhere in this Chapter.

§ 176.033. GENERAL REQUIREMENTS.

- A. **Parking in driveways.** Driveways may be used to satisfy the parking requirements for single-family dwellings, duplexes, and mobile homes provided that sufficient space is available exclusive of right-of-way or road easements.

- B. Commercial vehicle parking or storage.** No required parking space shall be used to park a commercial vehicle or other uses which may interfere with normal off-street parking needs. A commercial vehicle is any truck, bus, trailer, portable equipment, machinery or similar vehicle or combination thereof, used or intended to be used for any commercial enterprise or business purpose, or which has over six (6) wheels, more than two (2) axles, a height greater than eight (8) feet and has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight.
- C. Emergency vehicles.** Parking which blocks emergency vehicles on either public or private roads shall not be permitted.

§ 176.034. DESIGN REQUIREMENTS.

- A. All parking spaces, and access drives shall be improved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.
- B. Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking space contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the space thereby shortened to a minimum of sixteen (16) feet.
1. Accessible spaces shall follow the current editions of the ADA, the FDOT Manual on Uniform Traffic Control Devices (MUTCD), the Florida Accessibility Code for Building Construction (FACBC), and F.S. Chapter 553.
 2. Wheel stops may be used to prevent a vehicle from encroaching on adjacent sidewalks or property. The wheel stop shall be set back a distance that provides an unobstructed sidewalk width of four (4) feet to meet the Americans with Disabilities Act and the Florida Accessibility Code for Construction.
- C. All off-street parking areas shall be designed to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. Back-out parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses.
- D. Interior aisle widths shall conform to the minimum requirements below:

Parking Angle	Aisle Width	
	One-Way	Two-Way
30°	12 feet	22 feet
45°	14 feet	22 feet
60°	18 feet	22 feet
90°	24 feet	24 feet
Parallel	12 feet	22 feet

- E. All parking lots shall include pedestrian circulation along the perimeter of the parking area adjacent to the buildings and through the parking area from the sidewalk along the street providing access to the

site and to the entrance of the primary building. Pedestrian pathways shall be a minimum of five (5) feet wide.

- F. Where off-street parking is required, such required parking areas shall be used for vehicular parking only. No sales (unless a special event permit has been approved), dead storage, repair work, dismantling or servicing of any kind shall be conducted, and the required areas in the various zoning districts shall be in addition to the loading and service spaces normally required for the business or office served.
- G. Where off-street parking is required, such parking shall be provided on the same lot or premises as the business or office which is being served. In the event the use of the lot or premises expands or changes and would require additional parking that cannot be accommodated on-site, the parking requirement may be satisfied off-site by following the provisions of Section 176.025 (Satellite Parking).
- H. Where artificial lighting is provided, it shall be designed and arranged so that no source of such lighting will be a visible nuisance to adjoining property used or zoned for a residential purpose. In addition, such lighting shall be designed and arranged to shield public streets and highways and all adjacent properties from direct glare or hazardous interference of any kind. All lighting shall meet the standards provided for in Chapter 177, Part 3.
- I. When units or measurements determining the number of off-street parking spaces result in requirement of a fractional space, any such fractional space equal to or greater than one-half ($\frac{1}{2}$) shall require a full off-street parking space.
- J. All required off-street parking areas shall be provided in compliance with the landscaping provisions of Chapter 175.
- K. Parking lots permitted prior to adoption of the Americans with Disabilities Act (ADA) may be re-painted atop the existing parking space striping and will be considered maintenance. However, parking areas that are modified from this original layout shall be redesigned meeting the ADA requirements, inclusive of parking space striping, signage, markings, and handicapped ramps (where applicable). The site must still meet the minimum number of parking spaces as provided for in this section.
- L. All parking spaces, loading spaces and drives shall meet the setbacks established for principal structures. No side parking area setbacks are required for shared parking lots provided all of the following provisions are met:
 - 1. Buildings on adjacent parcels are joined by parking areas and aisles ;
 - 2. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of two hundred (200) feet in the Highway Commercial district, one hundred (100) feet in the General Commercial district and one hundred and fifty (150) feet in all other districts is maintained; or access is provided by an approved frontage road;
 - 3. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

4. For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by the number of spaces determined in Section 176.022.

§ 176.035. SHARED PARKING.

- A. The standards and peak parking analysis contained in the most current edition of "Parking Generation" by the Institute of Transportation Engineers (ITE), are hereby adopted and shall be referenced in any calculation of shared parking.
- B. The City Manager or designee may permit the required parking spaces for one use to be shared with required parking spaces for one or more uses upon a finding that:
 1. The shared parking spaces are in close proximity and readily accessible to the uses served; and
 2. The uses served have different peak parking demands and operating hours; and
 3. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation, and public safety meets the requirements of this code.
- C. It shall be the responsibility of an applicant for shared parking approval to provide a description of the uses, site plan(s), trip generation report, parking study and other information necessary to permit a finding by the City Manager or designee regarding the request for shared parking.
- D. In granting approval to meet the parking requirement with shared parking, the City Manager or designee may require an agreement for shared parking be made between or among the appropriate parties in the form of a shared parking agreement with easement(s) in recordable form acceptable to the City Attorney's office. Such document shall be recorded in the public records of Brevard County, Florida.

§ 176.036. PARKING COMPUTATIONS.

- A. **Acceptable thresholds.** As part of an approval of new construction, a change in use, substantial renovation, or expansion of an existing shopping center, the applicant shall calculate the required number of spaces as listed in division (G). The number of handicapped parking spaces shall be as required by applicable Florida Statutes.
- B. **Unlisted uses.** Upon receiving a development application for a use not listed in Section 176.037 (Amount of Off-Street Parking Required), the City Manager or designee shall apply the parking and loading requirements for the listed use most similar in parking needs to the use for which development approval is requested.
- C. **Multiple uses.** Lots containing more than one (1) use shall provide parking in an amount equal to the total of the requirements for all uses unless a shared parking arrangement is approved pursuant to Section 176.035 (Shared Parking).
- D. **Fractions.** When calculations of the number of required spaces result in fractions, any fraction up to one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next highest full number.

- E. Bench seating.** Where seating consists of benches or pews, each twenty (20) linear inches shall be considered one seat.
- F. Floor area.** For the purpose of computing parking requirements which are based on the amount of square footage in buildings, calculations shall be on a gross floor area basis, unless otherwise indicated.
- G. Employees.** For the purpose of computing parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift, including owners and managers.
- H. On-street parking.** On-street parking spaces along the front property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts within the MUC and MU zoning districts.
- I. Maximum Parking.** The total number of parking spaces provided shall not exceed 1.15 times the required number of spaces as determined by Section 176.037.

§ 176.037. AMOUNT OF OFF-STREET PARKING REQUIRED.

Off-street parking shall be provided based on the following minimum requirements:

- A. Animal hospital or veterinarian clinic: One (1) space for each five hundred (500) square feet of gross floor area, plus one (1) space for each doctor and/or employee.
- B. Auto repair: One (1) space for each two hundred (200) square feet of gross floor area, plus credit of one (1) space per bay.
- C. Care home or convalescent home: One (1) space for each patient bed.
- D. Church or other place of worship: One (1) space for each three (3) seats in auditorium or chapel area, or one (1) space for each one hundred and twenty (120) square feet of floor area of the main assembly hall, whichever is greater, plus one (1) space per classroom.
- E. Country club, health clubs, racquet clubs, or recreational facility: One (1) space for each one hundred and twenty (120) square feet of assembly hall/auditorium or one (1) space for each two hundred (200) square feet of gross floor area, whichever requirement may be greater, plus two (2) spaces per court and four (4) spaces per golf hole.
- F. Day care centers: One (1) space per state required staff person plus one (1) space per ten (10) children, based on state license maximum.
- G. Residential uses.
 - 1. Single-family dwelling unit:
 - a. Minimum two (2) car enclosed garage for dwellings in the RE, RS-1 and SRE zoning districts.
 - b. Minimum one (1) car enclosed garage for dwellings in the RS-3 and zoning districts.
 - c. Minimum two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served.
 - 2. Multiple-family dwellings:

- d. Minimum of two (2) parking spaces per a two (2) or more bedroom dwelling unit;
 - e. One and one-half (1½) parking spaces per one (1) bedroom dwelling unit; and
 - f. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom multi-family development. A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.
- H. Financial institution: One (1) space for each two hundred (200) square feet of gross floor area.
- I. Food store: One (1) space for each two hundred (200) square feet of gross floor area.
- J. Furniture carpet or appliance store: One (1) space for each four hundred (400) square feet of retail floor space.
- K. Hospital: One (1) space for each two (2) beds, plus one (1) space for each employee at maximum employment on a single shift.
- L. Hotel or motel: One (1) space for each guest room or rental unit, plus one (1) space for each employee.
- M. Manufacturing and industrial activities: One (1) space for every employee on the largest working shift, or one (1) space for each one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle operating from the premises.
- N. Marina: One (1) parking space for every two (2) wet boatslips and one (1) parking space for every four (4) dry boatslips.
- O. Medical and dental offices and clinics: One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per each employee.
- P. Mobile home: Two (2) spaces per mobile home.
- Q. Office (administrative, business or professional): One (1) space for each three hundred (300) square feet of gross floor area.
- R. Place of public assembly, including an assembly hall, exhibition hall, convention hall, entertainment center, community center, library or museum One (1) space for each three (3) seats, or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.
- S. Restaurants and drinking establishments: One (1) space for each three (3) seats, plus one (1) space for every employee.
- T. Drive-thru restaurants without indoor seating: one (1) space for each seventy-five (75) square feet of gross floor area plus one (1) space for every employee.
- U. Retail stores and shops, personal service establishments, household repair or equipment shops: One (1) space for each two hundred (200) square feet of gross floor area.
- V. School, elementary (public, private or parochial): One (1) space for each classroom or office room, plus one (1) space for each one hundred and fifty (150) square feet of seating area, including aisles, in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
- W. School, junior and senior high schools and colleges (public, private or parochial), K-8 and K-12 educational facilities: Four (4) spaces for each classroom or office room, plus one (1) space for each

one hundred and fifty (150) square feet of seating area, including aisles, in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.

X. Shopping centers.

1. For commercially zoned developments with twenty-five thousand (25,000) gross square feet or greater, minimum off-street parking shall be provided according to the following schedule:

Gross Floor Area	Parking/Square Feet
25,000 to 50,000 sq. ft.	1 space per 250 sq. ft.
50,000 sq. ft. and over	1 space per 400 sq. ft.

2. There shall be no other parking space reductions in shopping centers than provided above.
3. When tenants of a shopping center include theaters, the shopping center shall provide the amount of parking as required in (a) above, plus the number of spaces required for theaters in Z below.

Y. Theaters and other places of assembly having fixed seating: One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.

Z. Warehousing and wholesaling: One (1) space for each one thousand (1,000) square feet of gross floor area for buildings up to ten thousand (10,000) square feet of gross floor area. For buildings in excess of ten thousand (10,000) square feet, one (1) space shall be provided for each two thousand (2,000) square feet, plus one (1) space for each company vehicle operating from the premises.

AA. Multi-tenant warehouse buildings (typically used for contractors and other service establishments): One (1) space for each five hundred (500) square feet of gross floor area, plus one (1) space for each company vehicle operating from the premises.

BB. Indoor Recreation: For those indoor recreation categories not specifically provided for herein, there shall be a minimum of one (1) space for each three hundred (300) square feet of gross floor area or one (1) space for each two (2) machines, whichever is greater.

CC. Self-storage facilities:

1. Internally-accessed self-storage facilities (indoor, climate-controlled): One (1) space for each 25 units, plus three (3) spaces for the facility's lease office.
2. Externally-accessed facilities (drive-up storage units): At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five (35) feet wide for two-way traffic and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading, as well as through and/or emergency traffic.

§ 176.038. SATELLITE PARKING.

All satellite parking applications shall be considered individually by the City Manager or designee and shall be subject to the requirements of this section and the City Land Development Code for site plan approval.

- A. Conformance standards. All satellite parking lots must be located no further than five hundred feet (500') from the outermost boundaries to the parent parcel that must contain a minimum of one (1)

principal structure. No satellite parking area shall be permitted where the subject property is separated from the parent property by an arterial or collector roadway.

- B. The applicant must submit a survey showing any exceptional specimen trees on site and submit a parking plan with details for surface material, traffic and safety devices, along with storm water treatment, for administrative site plan review.
- C. Any exceptional specimen trees to be preserved in-place shall be effectively fenced or separated so that no damage shall occur to these trees while the site is being used for parking of vehicles or storage of materials on site.
- D. Parking lots shall meet the parking development standards of this section and meet the landscape requirements of Chapter 175.
- E. The proposed satellite parking must post the identity of the business(es) that has control of the site, the hours of operation for the lot, as well as emergency contact information that is clearly visible from the street. This information shall remain posted for as long as the site is in use.
- F. Any lot or parcel of land leased for satellite parking shall cease use at the same time the lease agreement is terminated.
- G. A unity of title shall be required for satellite parking lots where they are utilized to meet the minimum parking requirements of the parent parcel.

§ 176.039. PARKING RATE ADJUSTMENT.

- A. Any deviation in parking from the acceptable thresholds set forth in this section shall require approval by the City Manager or designee. This approval shall rely on written request for a parking rate adjustment filed with the City Manager or designee. At a minimum the application shall include:
 - 1. All data, materials, and information required for site plan approval of the subject site,
 - 2. A map of the surrounding area reflecting existing zoning,
 - 3. A parking study that identifies the relevant facts upon which the request is based, and describes in detail the basis for the proposed rate adjustment, and
 - 4. Documents demonstrating that the applicant controls and will continue to control the properties affected by the application.
- B. The parking study required in section may include, but is not limited to:
 - 1. Local parking studies of the same land use,
 - 2. Shared parking by mixed uses,
 - 3. On-site trip capture from secondary trip opportunities, and/or
 - 4. Utilization of off-site parking, employer-based or other activities and/or provisions that will result in alternative travel modes that are not dependent on on-site parking,
- C. In granting a parking rate adjustment, the City Manager or designee shall determine that the proposed rate adjustment would not result in undesirable overflow parking, nor otherwise adversely impact the character and integrity of the surrounding area.

§ 176.040. PAVING STANDARDS.

All parking spaces, access drives, and loading zones shall be paved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.

§ 176.041. VEHICULAR AND PEDESTRIAN INTERCONNECTIONS.

For commercial development, vehicular and pedestrian interconnections are required unless there are circumstances that prevent such connections to occur as determined by the City Manager or designee.

('74 Code, § 25-191) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-37, passed 7-7-94; Am. Ord. 2008-70, passed 12-18-08; Am. Ord. 2010-89, passed 1-6-11; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2017-14, passed 2-16-17; Am. Ord. 2018-33, passed 9-6-18; Am. Ord. 2018-68, passed 1-3-19; Am. Ord. 2020-12, passed 2-20-20)

§ 176.042. CONVERSION OF GARAGES TO LIVING AREA.

Existing garage(s) may be converted to living area provided the following criteria are met:

- A. The garage(s) are attached to the principal structure.
- B. The living area created must be directly accessible from the living area in the principal home.
- C. Required parking spaces are provided on the residential lot in lieu of the garage.
- D. All building codes, fire codes and other provisions of the code of ordinances must be met.

(Ord. 2001-81, passed 10-18-01; Am. Ord. 2007-102, passed 11-15-07; Am. Ord. 2014-18, passed 6-17-14; Am. Ord. 2016-17, passed 4-21-16)

§ 176.043. RESERVED.

§ 176.044. RESERVED.

§ 176.045. RESERVED.

§ 176.046. RESERVED.

§ 176.047. RESERVED.

§ 176.048. RESERVED.

§ 176.049. RESERVED.

PART 5. OFF-STREET LOADING AND SERVICE FACILITIES.

§ 176.050. PURPOSE.

The purpose of this part of the Land Development Code is to provide standards for loading and service facilities.

§ 176.051. OFF-STREET LOADING STANDARDS.

Off-street loading and service facilities shall be provided in accordance with the following standards and specifications:

- A. On the same lot with every structure or use, hereinafter erected or created there shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping so that vehicles for the service may use this space without encroaching on or interfering with the public use of sidewalks, streets, parking areas, aisles, driveways and alleys by pedestrians and vehicles.
- B. Where any structure is enlarged or any use is extended so that the size of the resultant occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space under this section, the full amount of off-street loading space shall be supplied and maintained to comply with this section.
- C. For the purposes of this section, an off-street loading space shall be an area at the grade level at least fourteen (14) feet wide, forty-five (45) feet long, and having fourteen (14) feet of vertical clearance. Each off-street loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combinations. No off-street loading space or necessary access way thereto shall be designated or utilized as off-street parking space. Each off-street loading space shall be accessible from the interior of any building it is intended to serve.
- D. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
 - 1. For buildings or structures containing retail, food store, restaurant, laundry, dry cleaning or similar retail or service uses which have an aggregate gross floor area of:
 - a. Over five thousand (5,000) square feet, but not over twenty-five thousand (25,000) square feet — one (1) space;
 - b. Over twenty-five thousand (25,000) square feet, but not over fifty thousand (50,000) square feet — two (2) spaces;
 - c. One (1) additional loading space shall be provided for each additional fifty thousand (50,000) square feet, or fractional part thereof, for buildings larger than fifty thousand (50,000) square feet.
 - 2. For each auditorium, exhibition hall, museum, hotel, or motel, office building, or similar use, which has an aggregate gross floor area of over ten thousand (10,000) square feet, but not over fifty thousand (50,000) square feet, one (1) space. One (1) additional loading space shall be provided for each additional fifty thousand (50,000) square feet, or fractional part thereof, for buildings larger than fifty thousand (50,000) square feet.
 - 3. For any light manufacturing, warehouse, research and development, assembly or similar industrial use which has aggregate gross floor area of over ten thousand (10,000) square feet, but not over fifty thousand (50,000) square feet, one (1) space. One (1) additional loading space shall be provided for each additional fifty thousand (50,000) square feet, or fractional part thereof, for buildings larger than fifty thousand (50,000) square feet.
 - 4. For any use not specifically mentioned in this section, the requirements for off-street loading for a use which is mentioned and to which the unmentioned use is similar shall apply. Where there is

any question as to the off-street loading needs of any other use, the number shall be determined and fixed by the City Manager or designee.

- E. Off-street loading facilities to meet the needs of one (1) use shall not be considered as meeting the off-street loading needs of any other use.
- F. No area supplied to meet the required off-street parking areas for a use shall be utilized for or be deemed to meet the requirements of this section for off-street loading facilities.
- G. Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses; provided, that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
- H. Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearance and access of such required off-street loading facilities.

('74 Code, § 25-192) (Ord. 89- 08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)