



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
 24Z00066**

**Jay Sriambe LLC**

**BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-2-30 (High-Density Multiple-Family residential)**

Tax Account Number: 2426536  
 Parcel I.D.: 24-36-35-00-10  
 Location: North side of E. Merritt Island Cswy.(State Road 520) 1,700 feet east of N. Courtenay Pkwy.(District 2)  
 Acreage: 6.93 acres

Planning & Zoning Board: 03/17/2025  
 Board of County Commissioners: 04/03/2025

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1 & BU-2	RU-2-30
<b>Potential*</b>	1.0 FAR 207 multifamily units**	207 Multi-Family units **
<b>Can be Considered under the Future Land Use Map</b>	YES CC	YES (requires RES 30) RES 30 **

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

\*\* Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act)

\*\*A companion request **24SS00015** proposes to amend the Future Land Use designation from Community Commercial (CC) to Residential 30 (RES 30).

**Background and Purpose of Request**

The applicant is requesting to change the zoning of a 6.93 acre property from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to RU-2-30

(High-Density Multiple-Family Residential) to redevelop the subject site as multi-family. The proposal is for 190 multi-family residential units. The parcel is located within the Merritt Island Redevelopment Agency (MIRA).

The subject parcel is currently zoned BU-1 and BU-2 and was developed as a Limited-service hotel built in 1973. The site has frontage on E. Merritt Island Causeway (State Road 520).

Ancillary commercial uses are permitted in the RU-2-30 zoning classification under Sec. 62-1373(1) which include restaurants, and those commercial uses permitted in the BU-1-A (restricted neighborhood commercial) zoning classification. Sec. 62-1373(1)(a) also provides that such commercial uses must *in conjunction with multiple-family residential developments having a minimum of 90 residential units*. Sec. 62-1373(1) further provides *such permitted uses are limited to ten percent of the total floor area and are intended to serve residents of the building in which the use is located or other buildings on the same parcel of property. Such permitted restaurant and commercial uses are permitted on the first or ground floor only.*

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to **Florida Statute 125.01055**, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development. In unincorporated Brevard County, the Live Local Act effectively allows for development of up to 30 dwelling units per acre. The subject property, encompassing 6.93 acres zoned BU-1 and BU-2, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 207 multi-family units as stipulated by the Live Local Act.

The requested RU-2-30 high-density multiple-family residential zoning classification encompasses lands devoted to multiple-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, permits high density multi-family residential development of up to 30 unit per acre. Multiple-family residential structures may be constructed on a minimum lot size of 10,000 square feet, with at least 100' of lot width and 100' of lot depth. Single-family residences are also permitted on minimum lot sizes of 7,500 square feet with at least 75' of lot width and 75' of lot depth.

In the BU-1 and BU-2 zoning classifications, pursuant to Section 62-1482 to 62-1483 height restrictions include:

- Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
- Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

- Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
- Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

In the proposed RU-2-30, pursuant to Sec. 62-137, height restrictions are as follow:

- Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
- Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1, or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
- Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

Previous zoning actions associated with the subject parcel include the following:

The BU-1 and BU-2 zonings are the original zonings of the subject parcel.

On February 04, 1972, Zoning action **Z-2916** was denied changing the zoning classification from BU-2 to BU-1 on all property zoned BU-2 along Highway 520, Merritt Island, in Sections 35 and 36.

On May 10, 1973, Zoning action **Z-3246** approved a Special Use Permit (SUP) for consumption on premises of liquor, beer and wine on the subject parcel.

On August 16, 2000, Zoning action V-2918 approved a variance of 194 sq. ft. over the 150 sq. ft. size limitation for a freestanding sign.

On February 27, 2025, Merritt Island Redevelopment Agency (MIRA) reviewed the subject rezoning application **24Z00066** and the MIRA Board voted unanimously to recommend approval of the rezoning from BU-1 and BU-2 to RU-2-30 for the redevelopment of the property at 260 East Merritt Island Causeway, which will result in 190 multi-family dwelling units.

The proposed subject rezoning is scheduled to go before the MIRA review board for a second time due to a modification of the plan. The plan is modified to add ten (10) three-bedroom townhomes instead of adding units on the second story of the clubhouse. The original 190 multi-family units remains unchanged.

## Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Multi-family, northwest Single-family, northeast	RU-2-15 RU-1-11	NC
<b>South</b>	Commercial Bank, Office	BU-2	CC
<b>East</b>	Commercial Office	BU-1-A	NC
<b>West</b>	Vacant multi-family	RU-2-15	NC

To the northwest, on the southerly side of Palmetto Ave., is a 4-acre parcel with RU-2-15 zoning developed as multi-family residential (condominiums). To the northeast, is residential subdivision with RU-1-11 zoning.

To the south are four properties with BU-2 zoning that include a 0.89 acre parcel developed as a bank; a 0.80-acre parcel developed as a professional office plaza; and a 0.4 acre and 0.37 acre parcels developed as a bank.

To the west is a 2.67 acre vacant parcel RU-2-15 zoning.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The RU-2-15 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-15 permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet

is required with minimum width and depth of 75 feet. Conditional uses such as childcare centers and private clubs are also permitted in this classification.

### **Future Land Use**

The subject property is currently designated as Community Commercial (CC) by the Future Land Use Map (FLUM) . The existing BU-1 & BU-2 zoning is consistent to the FLUM . A companion application, **24SS00015**, if approved, would amend the Future Land Use designation from Community Commercial (CC) to Residential 30 (RES 30).

RU-2-30 zoning may be considered consistent with the proposed Residential 30 (RES 30) FLU designation, as provided in Sec. 62-1255.

### **FLUE Policy 1.2 - Public Facilities and Services Requirements**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.

**This Future Land Use Amendment request to change from CC to RES 30 will require a connection to a centralized potable water service.**

**The parcel is within the City of Cocoa utilities service area for public water and within Brevard County’s service area for centralized sewer.**

- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

**This Future Land Use Amendment request to change from CC to RES 30 will require a connection to a centralized sewer service. The parcel is within the City of Cocoa utilities service area for public water and within Brevard County’s service area for centralized sewer.**

### **Residential 30 Directive (maximum of 30 dwelling units per acre)**

#### **FLUE Policy 1.3**

The Residential 30 Directive Future Land Use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within the Future Land Use Element. Parameters for this future land use designation include:

#### **Criteria:**

A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

1. Areas located east of Interstate-95; and  
**The subject site is located 6.1 miles east of Interstate-95 (I-95).**
2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or  
**The subject site is not located adjacent to an incorporated area.**
3. Areas adjacent to existing Residential 30 land use designation; and  
**The subject site is not adjacent to an existing RES 30 land use designation. This request can be considered an introduction of RES 30 into the area.**

**The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail.**

4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.  
**The subject site has direct access to an Urban Principal Arterial roadway (SR 520).**

B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:

1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or  
**The subject site is within the Merritt Island Redevelopment Agency (MIRA). The subject site is not part of an approved redevelopment plan.**

**On January 29, 2025, Merritt Island Redevelopment Agency (MIRA) review the subject rezoning application 24Z00066 and the MIRA Board voted unanimously to recommend approval of the rezoning from BU-1 and BU-2 to RU-2-30 for the redevelopment of the property at 260 East Merritt Island Causeway, which will result in 190 multi-family dwelling units.**

2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

**A Binding Development Plan (BDP) is not requested. The proposal is not for a mixture of residential and commercial uses.**

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The subject site is not located within the Coastal High Hazard Area (CHHA) and the applicant has not proposed a Planned Unit Development.**

**FLUE Policy 11.2** - Redevelopment Districts may be established consistent with criteria set forth in Chapter 163, Part III, F.S. Such districts may receive special attention and flexibility, in accordance with current or new land development regulation which may be adopted by the Board of County Commissioners in accordance with Criterion C, in order to assure the elimination of factors contributing to economic debilitation. To that end, Redevelopment Districts shall be developed according to the following minimum criteria:

**Criteria:**

- A. A Redevelopment District shall be developed in accordance with its adopted Redevelopment Plan.
- B. Redevelopment Districts shall be permitted in any land use designation.
- C. Redevelopment agencies shall promulgate land development regulations, design standards, rehabilitation and maintenance standards, and other regulatory or planning programs to establish performance standards, guide growth, or implement the adopted Redevelopment Plan, as may be amended and adopted by the Brevard County Board of County Commissioners.
- D. Allowable non-residential development activities shall reflect the character and nature of the District. If a Redevelopment District has the potential to become an urban central business district, then adequate opportunities should be provided for pedestrian movement, activity centers, urban spaces and other characteristics of urban core areas.
- E. Residential development activities shall be encouraged to complement the types, styles and ranges of residential development standards assigned through the respective Redevelopment Agency's Land Development Regulations.
- F. A density bonus program that provides developer incentives for the rehabilitation and reconstruction of housing should be implemented in appropriate Redevelopment Districts, as follows:

<u>Land Use Designation</u>	<u>Maximum Number of Units Permitted</u>
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Residential 30 Directive	37.5 du/ac.
Residential 15	18.75 du/ac.
Residential 10	12.5 du/ac.
Residential 6	7.5 du/ac.
Residential 4	5 du/ac.
Residential 2	2.5 du/ac.
Residential 1	1.25 du/ac.

Density bonuses in the CHHA shall be approved by the Board of County Commissioners and shall be subject to environmental constraints, availability of public facilities, land use compatibility, and level of service requirements set forth in this Plan. Residential densities, of up to 37.5 dwelling units per acre, may be considered in the Merritt Island Redevelopment Area and shall be incorporated if approved by the Board of County Commissioners as part of a redevelopment plan.

- G. Appropriate areas shall be set aside within each Redevelopment District for conservation, open space, recreation, or public facility usage.

**The subject site is within the Merritt Island Redevelopment Agency (MIRA); however, the proposal is not part of a redevelopment plan approved by Board of County Commissioners. The proposed rezoning to RU-2-30 would allow for a density of 207 multi-family units. The applicant is proposing a density of 190 multifamily units.**

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:**

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use:
- B. Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage should the zoning action and Future Land Use change be approved. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.**
- C. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.



**Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.**

D. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns:

**The subject site fronts E. Merritt Island Causeway (State Road 520), an urban principal arterial roadway and the primary commercial corridor for this area. The predominant FLU designation along this section of State Road 520 is Community Commercial (CC). There is one additional FLU designation within 500 feet of the subject site: Neighborhood Commercial (NC). The closest RES 30 Directive is 3,950 feet (0.74 miles) to the southwest of the subject site located on the west side of S. Tropical Trail. This request can be considered an introduction of RES 30 Directive into the area.**

**The most recent FLU amendment (2013-2.2) in this area was adopted December 5, 2013, by Ordinance 13-43 as an administrative action to change the FLU designation from RES 15 to CC and NC on 1.88 acres adjacent to the west of the subject property.**

2. actual development over the immediately preceding three years; and

**There has not been any actual development within this area in the preceding three (3) years.**

3. development approved within the past three years but not yet constructed.

**There has been no development approved within the past three years that has not been constructed within a 0.5 mile of the subject property.**

E. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**No material violation of relevant policies has been identified.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to

volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**The developed character of the surrounding area is commercial, multi-family residential and single-family residential. Commercial uses are primarily located along E. Merritt Island Causeway (SR 520). Single-family residential uses are located abutting the subject property to the northeast with multi-family condominiums located abutting the subject property to the northwest.**

**There have been no approved zoning actions or pending zoning actions within a half-mile radius of the subject property within the last three years.**

**The current BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.**

**The current BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.**

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**Staff analysis has determined while it is not an established residential neighborhood, there are clearly established roads and residential lot boundaries.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**The proposed use is not a commercial use.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**The area is primarily a sparse residential area with vacant land and no commercial zoning nearby.**

## **Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

**Potential land development constraints include, but are not limited to, structural height standards (Sec. 62-1373 (7)a), breezeway/visual corridor requirements (Sec. 62-2105), and parking requirements (Sec. 62-3206).**

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is State Road 520, from Goodwin Dr. to Plumosa St., which has a Maximum Acceptable Volume (MAV) of 62,900 trips per day, a Level of Service (LOS) of D, and currently operates at 48.56% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 1.27%. The corridor is anticipated to operate at 49.83% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

The Brevard County School Board concurrency impact analysis indicates at this time, MILA Elementary School, Jefferson Middle School and Merritt Island High School are projected to have enough capacity for the total of projected and potential students from the SR 520 Hotel Conversion development.

The parcel is within the City of Cocoa utilities service area for public water and within Brevard County's service area for centralized sewer.

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Indian River Lagoon Nitrogen Reduction Septic Overlay

## **For Board Consideration**

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

The Board may wish to consider whether the introduction of RES 30 into this area is compatible with adjacent densities.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 24Z00066**

**Applicant:** Bruce Moia (Owner: Jay Scriambe LLC)

**Zoning Request:** BU-1 & BU-2 to RU-2-30

**Note:** for the development of 190 Multi Family Residential Units

**Zoning Hearing:** 03/17/2025; **BCC Hearing:** 04/03/2025

**Tax ID No.:** 2426536

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Indian River Lagoon Nitrogen Reduction Septic Overlay

**Land Use Comments:**

**Indian River Lagoon Nitrogen Reduction Septic Overlay**

This property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 24Z00053**

**Applicant:** Lisa Manion (Owners: Christopher and Lisa Manion)

**Zoning Request:** GU to AU

**Note:** Combining lots and requesting AU zoning. Lots don't meet size/dimension requirements for GU.

**Zoning Hearing:** 02/17/2025; **BCC Hearing:** 03/13/2025

**Tax ID Nos.:** 2000768

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Hydric Soils**

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62 3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida

Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

**Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321 633-2016 prior to any plan or permit submittal.**

### **Aquifer Recharge Soils**

This property contains Basinger sand that may also function as aquifer recharge soils. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Floodplain Protection**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Protected and Specimen Trees**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is mapped within a large area of Florida Scrub Jay habitat / occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any

plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.