



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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Addendum #1 25Z00008 NDW Consultants LLC

The applicant is requesting to rezone the subject property from AU (Agricultural Use) to RR-1 (Rural Residential 1). This request was presented to the Planning and Zoning Board/Local Planning Agency on July 14, 2025. At that meeting, the Board voted to table the item until the August meeting to allow Staff time to prepare an addendum addressing questions raised during the discussion.

The applicant's representative stated that the proposed zoning aligns with properties around the subject property. As stated in the Staff Comments, "The requested RR-1 zoning would allow seventeen (17) single-family residences due to a minimum lot size of one (1) acre. Parcels surrounding the subject property to the north, east, and west are sparsely developed, varying in size from one to approximately 100 acres. South of Sunset Avenue does, however, include smaller lots, primarily approximately half-acre in size, with a couple of lots mixed in at approximately 0.25 acres."

The applicant's representative suggested that the subject property, originally platted in 1925, qualifies as nonconforming lots of record and that it could be developed according to that plat. According to Section 62-1188(1) of the zoning code, "nonconforming single-family and duplex lots must have a minimum width of 50 feet, a depth of 75 feet, and a minimum area of 5,000 square feet to be considered buildable." Only 8 of the 76 platted lots meet these criteria; the remaining 68 lots have widths of less than 50 feet.

In any case, the potential number of nonconforming lots of record is irrelevant as applied here, because the lots are under single ownership; under Brevard County Code, the lots are to be considered one parcel in these circumstances. Section 62-1188(4) states in pertinent part that "If two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter." That is precisely the case here. Therefore, any future subdivision of the parcel must result in lots that comply with the comprehensive plan and applicable zoning regulations. Subdivision into lots smaller than what is allowed under the existing FLU and zoning standards would not be permitted. **Therefore, as stated in the Staff Comments, the maximum density potential of the property under the existing land use and zoning is six units.** This is because AU requires 2.5 acre lots, and the parcel is 17.20 acres ($17.20 \div 2.5 = 6.88$).

It should be noted that the subject property lies within the Florida Department of Environmental Protection (FDEP) septic tank moratorium area.

Any proposed development on the site will be subject to applicable subdivision and platting requirements. While the property is currently platted into 76 lots, the proposed plan would modify the existing lot configuration and sizes.