



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**24Z00037**

**Tyler Gardner & Shelby Hines**

**GU (General Use) to RRMH-1 (Rural Residential Mobile Home)**

Tax Account Number: 2406117  
Parcel I.D.: 24-35-17-01-19-27  
Location: East side of Satellite Blvd, approximately 155 feet north of Dyson Ave (District 1)  
Acreage: 1 acre  
  
Planning & Zoning Board: 09/16/2024  
Board of County Commissioners: 10/03/2024

**Consistency with Land Use Regulations**

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

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	RRMH-1
<b>Potential*</b>	1 Single family	1 Single family
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1	YES RES 1

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

**Background and Purpose of Request**

The subject parcel is currently undeveloped land that is located to the East of Satellite Blvd, a County maintained roadway. The applicant is requesting to rezone the property from GU (General Use) to RRMH-1 (Rural Residential Mobile Home) on a one-acre parcel to have the zoning classification consistent with the parcels' lot size. GU zoning requires a minimum lot width and lot depth of 300 feet and five acres in size. The parcel is 150 feet wide and one acre in size. The proposed RRMH-1 zoning requires an area of not less than one acre, having a lot width of not less than 125 feet, and a lot depth of not less than 125 feet. The current lot

configuration does not meet the zoning classification lot size requirement. The rezoning would correct the non-conformity.

The GU zoning is the original zoning for the parcels.

The subject property was recorded as Canaveral Groves Subdivision in survey book 2, page 63 in September 1960. The survey showed the parcel as a one-acre lot which was consistent at the time for GU zoning.

The GU zoning lot size requirements were revised on May 20, 1975, to an area of not less than five acres is required, having a minimum width of 300 feet and a minimum depth of 300 feet.

Staff analysis has determined the subject property is pursuant to Sec. 62-510- West Canaveral Groves Area. The subject parcel is located in the area under subsection A, which defines the West Canaveral Groves area as all land lying within Sections 8,17,20,29, Township 24, Range 35, south of SR 528 and north of SR 520.

Subject property has no active code violations as of 09/05/2024.

**Surrounding Area**

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	GU	RES 1
South	Undeveloped land	GU	RES 1
East	Undeveloped land	GU	RES 1
West	Single-family residence across Satellite Blvd.	RRMH-1	RES 1

To the North is 1 parcel: 1.0 acre, developed with a single-family residence with GU zoning.

To the South is 1 parcel: 1.0 acre, undeveloped, vacant land with GU zoning.

To the East is 1 parcel: 4.62 acres, undeveloped, vacant land with GU zoning.

To the West is 1 parcel: Across Satellite Blvd. is 2.2 acres and is developed with one mobile home with RRMH-1 zoning.

The current GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The proposed RRMH-1 classification permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns, and horticulture as accessory uses. The minimum house size is 600 square feet.

## **Future Land Use**

The subject property is currently designated as Residential 1 (RES 1) FLUM designation. The current GU zoning and the proposed RRMH-1 zoning are consistent with the existing RES 1 FLUM designation.

**FLUE Policy 1.9** –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered consistent with the proposed Future Land Use. 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:

**The applicant intends to build one single-family residence on the subject parcel. The request is not anticipated to diminish the enjoyment, safety or quality of life in existing residential area.**

- B. 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.**

- C. 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 historical land use patterns of the surrounding development can be characterized as undeveloped land or single-family residences on properties 1 acre to 4.6 acres in size.**

**There are multiple zoning classifications within a 0.5-mile radius of the subject. They include RRMH-1 single family mobile home classifications, GU single-family residential zone, and ARR agricultural rural residential. To the north and south of the subject the property is zoned GU and ARR with RES 1 FLUM. To the east is GU with RES 1 FLUM. West across Satellite Blvd is ARR and RRMH-1 with RES 1 FLUM.**

**The closest parcel with RRMH-1 zoning is directly West of the subject property and across Satellite Blvd.**

**Within the search radius, there is approximately an additional eight parcels with the RRMH-1 zoning classification.**

**There is one FLU designation (RES 1) within a 0.5 mile radius of the subject property. RES 1 is the prominent FLU in this area.**

**Zoning actions within one-half mile within the past three years:**

- **The RRMH-1 parcel directly to the west was rezoned from GU to RRMH-1 on 7/31/1995 per zoning action Z-9557 and is developed with a single-family mobile home.**
- **Directly south of the abutting south property and across Dyson Ave is RRHM-1 parcel that was rezoned from GU to RRHM-1 on 07/09/2020 per zoning action 20PZ00035 and is developed with a single-family mobile home.**

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

**There has been one development of a single-family residence within 0.5 miles.**

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

**There has been no development approved within the past three years.**

- D. 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.

**Staff analysis has determined the area can be categorized as single-family residential which features 1 acre or larger lots. The subject property is located within an established residential neighborhood or area. The proposed development increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 34.55% of capacity daily. The proposed development is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.**

**The request is not anticipated to impact the surrounding established residential neighborhood materially or adversely.**

**RRMH-1 has been an established zoning classification in the surrounding area.**

- 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.  
  
**The property is located within an existing residential neighborhood or area. 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 request is not for commercial use. It is located within an existing single-family residential neighborhood.**
  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 single-family residential with no commercial zoning nearby.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is State Road 520 located between Orange County and State Road 524, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 34.52% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 34.55% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel is not within any public potable water or sewer lines. The proposed single-family homes will use well for water and septic for sewer.

Pursuant to Sec.62-510 (f), the subject parcel located within the West Canaveral Groves area will be a new development after December 12, 1995, which shall meet all current procedures, policies and regulations in force at the time of application for a building permit and onsite sewage disposal permit. No building permit or onsite sewage disposal system permit shall be issued by the County, unless the road rights-of-way adjacent to the property has been donated to the County.

### **Environmental Constraints**

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

- Wetlands and Hydric Soils
- Land Clearing and Landscape Requirements
- 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.

### **For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 24Z00037**

**Applicant:** Tyler Gardener

**Zoning Request:** GU to RRMH-1

**Note:** to build a manufactured home

**Zoning Hearing:** 09/16/2024; **BCC Hearing:** 10/03/2024

**Tax ID Nos.:** 2406117

- 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.**

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**Land Use Comments:**

**Wetlands and Hydric Soils**

A portion of the subject parcel contains mapped hydric soils (Malabar sand, 0 to 2 percent slopes); an indicator that wetlands may be present on the property. Additionally, Mixed Wetland Hardwoods are mapped on the entire property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**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.**

#### **Land Clearing and Landscape Requirements**

Protected ( $\geq 10$  inches in diameter) and Specimen Trees ( $\geq 24$  inches in diameter) likely exist on the parcel. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

#### **Protected Species**

Federally and/or state protected species may be present on properties with wetlands. Additionally, gopher tortoises have been observed in this area in sandier soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing.