



Planning and Zoning Board / Local Planning Agency
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Monday, February 22, 2021

Call To Order

Approval of Minutes - November 23, 2020

H. Public Hearings

- H.1.** Health First, Inc., requests Adoption of the 2020-1.1 Large Scale Comprehensive Plan Amendment to permit a countywide increase in Floor Area Ratio for Community Commercial designated sites from 1.00 to 1.75 within a PUD zoning classification. (20Z00069)
- H.2.** 5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) requests a change of classification from RU-1-11, TR-2, and BU-1, with a BDP, to TR-1 with a BDP limited to 200 units. (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)
- H.3.** Port St. John Small Area Study
- H.4.** Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

2/22/2021

Subject:

Health First, Inc., requests Adoption of the 2020-1.1 Large Scale Comprehensive Plan Amendment to permit a countywide increase in Floor Area Ratio for Community Commercial designated sites from 1.00 to 1.75 within a PUD zoning classification. (20Z00069)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to consider adoption of the 2020-1.1 Large Scale Comprehensive Plan Amendment initiated by Health First, Inc. to amend Part XI, Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a PUD (Planned Unit Development), Policy 2.8 E., to permit a countywide increase in FAR (Floor Area Ratio) for CC (Community Commercial) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8, Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Summary Explanation and Background:

Health First, Inc. requests to build a state-of-the-art Wellness Village, a new concept, intended to serve the needs of the local community in all aspects of health to include preventive care. The mixed-use development program includes a hospital with medical offices, and retail with associated parking facilities, centrally located to create a Wellness Village. This request will allow for increased flexibility to the urban form (compact design) within the PUD zoning classification. This Text Amendment to the Future Land Use Element of the Comprehensive Plan will allow 76,230 of GFA (Gross Floor Area) per one acre of land, for a total building area of 1,083,990 square feet. Health First, Inc. has submitted a PUD rezoning application requesting a total building area of 1,078,000 square feet. The applicant is in the process of revising this PUD application.

There are three proposed changes:

- Policy 2.8 D: to increase the allowable building square footage countywide within a PUD. Currently, there is a cap of 400,000 square feet for commercial clusters, greater than 10 acres and less than 40 acres. This proposal would eliminate the 400,000 square foot cap.
- Policy 2.8 E: allows for a FAR (Floor Area Ratio) of up to 1.00 in CC (Community Commercial) designated land uses. This proposal would increase the FAR from 1.00 to 1.75 in a CC land use provided it has a PUD zoning classification.
- Table 2.2: reiterates Policy 2.8 D and E; the cap of 400,000 square feet and the FAR of 1.0. This proposal

would make Table 2.2 consistent with Policy 2.8 D and E.

The Board of County Commissioners will hear the request on **Thursday, March 4, 2021**, beginning at **5:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

None

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2020-1.1
FUTURE LAND USE ELEMENT – TEXT AMENDMENT**

Request: A proposal initiated by Health First, Inc. to amend Part XI, the Future Land Use Element, to amend Policy 2.8 D., to increase the allowable building square footage countywide within a Planned Unit Development (PUD), Policy 2.8 E., to permit a countywide increase in Floor Area Ratio (FAR) for Community Commercial (CC) designated sites from 1.00 to 1.75 within a PUD zoning classification; and Policy 2.8 Table 2.2, to update the table to the FAR increase from 1.00 to 1.75 within a PUD zoning classification.

Owner / Applicant: Health First, Inc.

Location: Countywide

Acreage: N/A

Existing Land Use Designation: N/A

Proposed Land Use Designation: N/A

PROPOSED TEXT AMENDMENT

Background:

Health First, Inc. requests to build a state-of-the-art Wellness Village, a new concept, intended to serve the needs of the local community in all aspects of health to include preventive care. The mixed-use development program includes a hospital with medical offices, and retail with associated parking facilities, centrally located to create a Wellness Village. This request will allow for increased flexibility to the urban form (compact design) within the Planned Unit Development (PUD). This Text Amendment to the Future Land Use Element of the Brevard County Comprehensive Plan to allow 76,230 of Gross Floor Area (GFA) per one acre of land, for a total building area of 1,083,990 sq. ft. Health First Inc. has submitted a PUD rezoning application that is requesting a total building area of 1,078,000 sq. ft.

Description:

The proposed amendment will allow for an increased in flexibility to the urban form within the Planned Unit Development (PUD). By going vertical, this

flexibility allows for a more compact design by allowing for more area to be allocated to the required infrastructure including but not limited to parking, stormwater, open space etc. Increased intensities shall be directed to areas that have the appropriate central infrastructure and support services or the ability to provide it in conjunction to the proposed development.

Floor Area Ratio (FAR) is the ratio of a building's total floor area to the size of the piece of land upon which it is built on. A FAR of 1.0 on a one-acre piece of land equals a building of 43,560 sq. ft. in size.

There are three proposed changes:

Policy 2.8 D: to increase the allowable building square footage countywide within a PUD (Planned Unit Development). Currently, there is a cap of 400,000 square feet for commercial clusters, greater than 10 acres and less than 40 acres. This proposal would eliminate the 400,000 sq.ft. cap.

Policy 2.8 E: allows for a Floor Area Ratio (FAR) of up to 1.00 in Community Commercial (CC) designated land uses. This proposal would increase in Floor Area Ratio (FAR) from 1.00 to 1.75 in a Community Commercial (CC) land use provided it has Planned Unit Development (PUD) zoning classification.

Table 2.2: reiterates Policy 2.8 D and E; the cap of 400,000 sq. ft and the FAR of 1.0. This proposal would make Table 2.2 consistent with Policy 2.8 D and E.

Proposed Text Amendment

Additions to the Objectives are shown as underlined and deletions are shown as ~~struck-through~~. The Policy 2.8, shown below for ease of reference, would remain unchanged.

Locational and Development Criteria for Community Commercial Uses **Policy 2.8**

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/ arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at

an intersection.

- C. Community Commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150, 000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but not less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

In summary, Table 2.2 reiterates the specific development parameters and issues for consideration, as discussed in Policies 2.1 and 2.8, when evaluation requests for CC land use designations. The table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

TABLE 2.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW COMMUNITY COMMERCIAL (CC) FUTURE LAND USES		
FIRST LEVEL OF REVIEW	SECOND LEVEL OF REVIEW	THIRD LEVEL OF REVIEW
CONSISTENCY WITH COMPREHENSIVE PLAN ¹	CONSISTENCY WITH ZONING REGULATIONS ²	CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS ³
Issues for Evaluation	Issues for Evaluation	Issues for Evaluation
Overall accessibility to the proposed CC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)
Compatibility and inter-connectivity of proposed CC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A.)
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Adequacy of buffering provided. (Policy 2.3.B)
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)
Availability of public facilities to accommodate proposed CC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, flood plains, and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)
Minimum Spacing from Nearest CC Land Use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policies 2.1.F and 2.8.C)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)
Size of proposed CC designation compared with current need. (Policy 2.1.G)	Development Parameters Addressed by BU-1 & BU-2 Zoning Regulations	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)
Adherence of proposed CC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)
Integration of open space. ⁴ (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)
Effect upon strip commercial development as a result of approving CC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)
Locations: Limited to intersections of Arterial/ Arterial or Collector/ Arterial roadways for sites up to 10 acres (with exceptions) and limited to Principal Arterial/Principal Arterial intersections for sites >10 acres. (Policy 2.8.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)
CC Future Land Use Site Size: >2 acres and <40 acres. (Policy 2.8.B)	Maximum building height allowances.	³ This table serves as a summary. Refer to Policies 2.3 and 2.8 for full details.
Minimum spacing from nearest CC land use: 2 miles for sites up to 10 acres and 5 miles for sites > 10 acres. (Policy 2.8.C)	Buffering requirements.	
Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres <u>unless within an approved PUD, then a maximum of 76,230 GFA per acre.</u> ⁴ (Policy 2.8.D)	² This table is a summary. Refer to Policies 2.2 and 2.8 for full details.	
Maximum Floor Area Ratio (FAR): .40 for sites up to 10 acres and 3.2 for sites >10 acres <u>unless with PUD zoning classification wherein the FAR is up to 1.75.</u> ⁴ (Policy 2.8.E)		
¹ This table serves as summary. Refer to Policies 2.1 and 2.8 for full details.		
⁴ These parameters will be applied during the plan review process.		

Staff Analysis:

Staff has looked at the surrounding Unincorporated areas of Brevard County. Research indicates an increase in the Floor Area Ratio (FAR) in the Downtown Mixed-Use area in Titusville of 5.0, the Redevelopment Districts and non-residential Downtown areas of Cocoa Beach to be 3.0, the Central Business District in the City of Cocoa to be 2.5, the Commercial Use area of Palm Bay to be 2.5 and in the General Commercial areas of Melbourne to be 6.0. The request appears to be comparable with the adjacent Cities.

Objective 11 of the Future Land Use Element of the Comprehensive Plan. As outlined in Objective 11, Brevard County shall alleviate the impacts of inadequate public facilities and services, substandard structures and lot configurations in blighted or other affected areas in the County through redevelopment initiatives.

Staff's determination that there is sufficient public facilities and services to serve this development.

For Board Consideration:

The Board may wish to consider this increase in intensity countywide within lands designated as Community Commercial (CC) FLU, with a zoning classification of Planned Unit Development (PUD) by increasing the allowable FAR from 1.0 to 1.75 is appropriate.

ORDINANCE NO. 21-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2020-1.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED FUTURE LAND USE ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2020, for adoption as the Plan Amendment Cycle 2020-1; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on February 22, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2020-1.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 4, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for the adoption of Plan Amendment 2020-1.1; and

WHEREAS, Plan Amendment 2020-1.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2020-1.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2020-1.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2020-1.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the ____ day of _____, 2021.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Rachel Sadoff, Clerk

By: _____
Rita Pritchett, Chair

Approved by the Board on _____, 2021.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

2/22/2021

Subject:

5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust (Kim Rezanka) requests a change of classification from RU-1-11, TR-2, and BU-1, with a BDP, to TR-1 with a BDP limited to 200 units. (20Z00036) (Tax Accounts 2310971, 2310861, and 2316173) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Planning and Zoning Board conduct a public hearing to consider a change of zoning classification from RU-1-11 (Single-Family Residential), TR-2 (Single-Family Mobile Home), and BU-1 (General Retail Commercial), with a BDP (Binding Development Plan), to TR-1 (Single-Family Mobile Home) with a BDP limited to 200 units.

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-11 (Single-Family Residential) with a BDP (Binding Development Plan, BU-1 (General Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 (Single-Family Residential) with removal of the existing BDP and the creation of a new BDP for the purpose of creating a 200-unit manufactured home subdivision. This request may be considered to be consistent with the Residential 8 Directive and the Community Commercial Future Land Use designations.

The subject property abuts the Port St. John development to its north which is developed to a residential density of 3.4 units per acre. To the south is the Cedar Lake mobile home community developed at a density of 2.0 units per acre. To the east is the FPL electric utility provider and the Clearview Terrace mobile home community developed at a density of 3.7 units per acre. To the west lies the FEC railroad right-of-way. High-tension FPL power lines bisect this central region of the property.

The proposed replacement BDP conditions identify the following limitations/criteria:

- Developer/owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
- The Developer/owner shall limit density to a total of 200 units.
- Vehicular access to Vineland Street from the Property is prohibited.

Access to the south through the existing Cedar Lake residential development has not been identified within the proposed BDP. The emergency vehicle access identified within the current BDP is not proposed to be retained. County code requires residential projects of 201-plus units to provide a second access.

The change in zoning from TR-2 to TR-1 will amend the required minimum side yard setbacks of the primary/accessory structure from 10-feet to 7.5-feet.

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhoods. The Board may also wish to consider whether the proposed BDP conditions mitigate potential impacts to the surrounding area.

On February 10, 2021, the Port St. John Dependent Special District Board will hear the request and staff will update the board accordingly.

The Board of County Commissioners will consider the request on **Thursday, March 4, 2021, at 5:00 p.m.** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

Clerk to the Board Instructions:

None

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
2. actual development over the immediately preceding three years; and
3. development approved within the past three years but not yet constructed.

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

Administrative Policy 4

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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.
 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.
 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.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

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.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

(b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
 - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

20Z00036

**5971 Cedar Lake Drive Revocable Land Trust & US Highway No. 1 Commercial Land Trust
RU-1-11 (Single-Family Residential) with Binding Development Plan (BDP), BU-1 (General
Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 with removal of existing
BDP and the creation of a new BDP**

Tax Account Numbers: 2310971, 2310861 & 2316173

Parcel I.D.: 23-35-24-00-756.9, 23-35-24-00-3 and 23-36-19-02-*6

Location: Western terminus of Clearview Drive and 2nd access point on north side of
Cedar Lake Drive 1,660 feet north of Broadway Boulevard (District 1)

Acreage: 58.04 acres

Planning and Zoning Board: 1/11/2021

Board of County Commissioners: 2/04/2021

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)

	CURRENT	PROPOSED
Zoning	RU-1-11 with BDP, BU-1 and TR-2	TR-1 with removal of BDP
Potential*	RU-1-11– 154 lots under BDP BU-1 – 27 lots TR-2 – 0 lots under BDP	200 single-family lots by new BDP
Can be Considered under the Future Land Use Map	YES Residential 8 Directive and Community Commercial	YES Residential 8 Directive and Community Commercial

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-11 (Single-Family Residential) with Binding Development Plan (BDP), BU-1 (General Retail Commercial) and TR-2 (Single-family Mobile Home) to all TR-1 with removal of the existing BDP and the creation of a new BDP for the purpose of creating a 200-unit manufactured home subdivision.

Zoning action **Z-11269** adopted May 4, 2006 bound the RU-1-11 and TR-2 zoned portions to a 154-unit project limited by a Binding Development Plan recorded in ORB 5683, Pages 0716 through 0720, dated August 9, 2006. The BU-1 portion of this request adopted under **Z-5803** on October 8, 1981 was a rezoning from GU (General Use) to BU-1.

The existing BDP parameters in **Z-11269** identify the following limitations/criteria:

1. Developer shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.
2. Developer shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.
3. In the event that the subject property makes a vehicular connection to Clearview Drive, then the Developer shall submit final engineering plans to be reviewed and approved by Brevard County staff. Developer shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction: (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) Install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the Developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.
4. Vehicular connection to Vineland Street from the property is prohibited.
5. Developer shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.
6. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north property line of tax parcel 23-35-24-00-756.9, by this reference (parcel 756.9). Emergency access shall be an unobstructed, 20-foot wide, all weather stabilized base driving surface capable of supporting a 32-ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25-foot wide emergency vehicle ingress/egress easement to the benefit of Brevard County, Florida. The aforementioned emergency vehicle ingress/egress easement shall be dedicated to the County upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.
7. Developer shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress/egress easement to the county and acceptance by the County. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress/egress will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress/egress will be conveyed to the owner of the lot west of Parcel 756.9.
8. Developer shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.

9. In the event that the Developer is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Drive, then the Property shall not be required to provide a vehicular connection to Clearview Drive.

The proposed replacement BDP conditions identify the following limitations/criteria:

1. Developer/owner shall provide a 6-foot high opaque buffer on the southern boundary of the Property.
2. The Developer/owner shall limit density to a total of 200 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
3. Vehicular access to Vineland Street from the Property is prohibited.

Land Use

The subject property is currently designated Residential 8 Directive and Community Commercial. The existing RU-1-11, BU-1 and TR-2 zoning classifications are consistent with their respective Future Land Use designation.

Environmental Constraints

The subject parcel contains mapped hydric soils with potential for wetlands. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. A topographic survey will be required to at time of site plan review to determine elevations in aquifer recharge areas.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S. Highway 1, between Broadway Boulevard and Fay Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 72.53% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 4.56%. The corridor is anticipated to continue to operate at 77.09% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

School concurrency information has been deferred as the development potential of this site falls below the minimum number of new residential lots that would require a formal review. A copy of the deferral has been included into the review file.

The parcel is not currently serviced by potable water or sewer. The City of Cocoa has three potential potable water connections adjacent to this site. Brevard County sewer may be available but current capacity is near its design limits so connection may not be attainable.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Port St. John Study Area - Brevard County shall implement the recommendations of the Port St. John Small Area Study through the following directive: Residential densities west of US-1 to the Florida East Coast railroad tracks from Kings Highway to Camp Road, densities may be 12 dwelling units per acre with a maximum cap of 8 residential dwelling units per acre.

Public Facilities and Services Requirements

Policy 1.2

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.
- 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.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. This request may be considered to be consistent with the Residential 8 Directive and the Community Commercial FLUM designations. This parcel lies south of Port St. John and abuts the east side of the FEC railroad right-of-way. The FPL main electrical switchyard lies to the east while high-tension powerlines bisect the center region of this parcel. These two FLUM designations would allow the development of a residential subdivision under the TR-1 zoning classification.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area is a mix of single family detached dwellings to the north under the Single-family residential (RU-1-9) zoning classification. Public utility infrastructure (power plant and electrical switchyard) to the east together with a shopping center and an existing mobile home

subdivision to the east. To the south abutting this project's boundary is another mobile home subdivision.

Access to the south through the existing Cedar Lake residential development has not been noted within the proposed BDP. The emergency vehicle access identified within the current BDP note # 7 is not proposed to be retained in the proposed revised BDP. County code requires residential projects of 201 plus units to provide a second access. At this time, it is unclear if the southern lot which has frontage on Cedar Lake Drive will be included within the proposed development or located beyond the proposed buffer identified within Note #2 of the proposed BDP. The change in zoning from TR-2 to TR-1 will amend the required minimum side yard setbacks of the primary/accessory structure from 10-feet to 7.5-feet.

Surrounding Area

These lots abut the Port St. John development to its north which is developed to a residential density of 3.4 units per acre. To the south is the Cedar Lake mobile home community developed at a density of 2.0 units per acre. To the east is the FPL electric utility provider and the Clearview Terrace mobile home community developed at a density of 3.7 units per acre. To the west lies the FEC railroad right-of-way. High-tension FPL power lines bisect this central region of the property.

The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

The RU-1-11 classification permits single family residences 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 TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

The TR-2 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on one-half acre lots.

The 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 GML(U) classification is to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. The adjacent lot was developed as an electric utility.

There have been four zoning actions within a half-mile radius of the subject property within the last three years.

19PZ00143 adopted May 2, 2019, was for a CUP for full liquor at sports bar and grill not a restaurant. This site is 540-feet east of this site in the Port St. John Plaza shopping center.

18PZ00014 adopted May 24, 2018, was for the Watermark PUD which proposed a development of 417 single-family home sites. This site is 2,500 feet south of the site at the southern end of Monroe Avenue and has U.S. Highway 1 frontage. **20Z00032** is the updated PUD request under review which modifies/reduces the development from 417 to 363 single-family lots and proposes a 3rd access.

17PZ00150 adopted July 13, 2018, amended the existing Binding Development Plan on property zoned PIP. This site is located 35 feet north of this zoning request located on the east side of Industrial Drive.

17PZ00019 adopted May 4, 2017, was a CUP for full liquor for the Beef O Brady's restaurant. This site is located 2,600 feet north of this zoning request located on the west side of Curtis Boulevard, 200 feet north of Fay Boulevard.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding neighborhoods. The Board may also wish to consider whether the proposed BDP conditions mitigate potential impacts to the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item # 20Z00036

Applicant: Kimberly Rezanka for Market Tampa Investments LLC

Zoning Request: RU-1-11/BU-1/TR-2 w/BDP to all TR-1 w/BDP

Note: Applicant wants to remove existing BDP and create a mobile home development with BDP limiting to 200 single-family units.

P&Z Hearing Date: 01/11/21; **BCC Hearing Date:** 02/04/21

Tax ID Nos: 2310971, 2310861 & 2316173

- 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/Wetlands
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped hydric soils with potential for wetlands. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal.

Portions of the subject property may contain mapped Type 2 aquifer recharge soils that are found within aquifer recharge areas with elevations greater than or equal to 30 feet mean sea level (NGVD 1929). Per Section 62-3636, within Type 2 aquifer recharge soils, the maximum impervious surface shall be 35 percent, private lakes shall be prohibited, and land alteration shall not alter the recharge or storage characteristics of the area. A topographic survey will be required to at time of site plan review to determine elevations in aquifer recharge areas.

Land Use Comments:

Hydric Soils/Wetlands

The subject parcel contains mapped hydric soils (Basinger sand – depressional) as shown on the USDA Soil Conservation Service Soils Survey maps. Hydric soils are an indicator that wetlands may exist on the property. 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. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

Aquifer Recharge Soils

The subject parcel contains mapped aquifer recharge soils (Paola fine sand and Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Topographic maps available to NRM indicate elevations greater than or equal to 30 feet mean sea level (NGVD 1929) are found over portions of the aquifer recharge area. Per Section 62-3636, Type 2 aquifer recharge areas, the maximum impervious surface shall be 35 percent of the Type 2 aquifer recharge area on the site. Private lakes as described in article XIII, division 5, of this chapter shall be prohibited. Land alteration shall not alter the recharge or storage characteristics of the area. This includes the removal high permeability soils or replacement with lower-permeability soils. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

A majority of the subject property is overlaid in a mapped polygon of SJRWMD FLUCCS code 4340-Upland Mixed Coniferous/Hardwood trees. Protected Trees (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) are included in this FLUCCS code and are likely found on the project area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads,

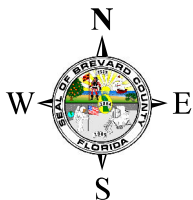
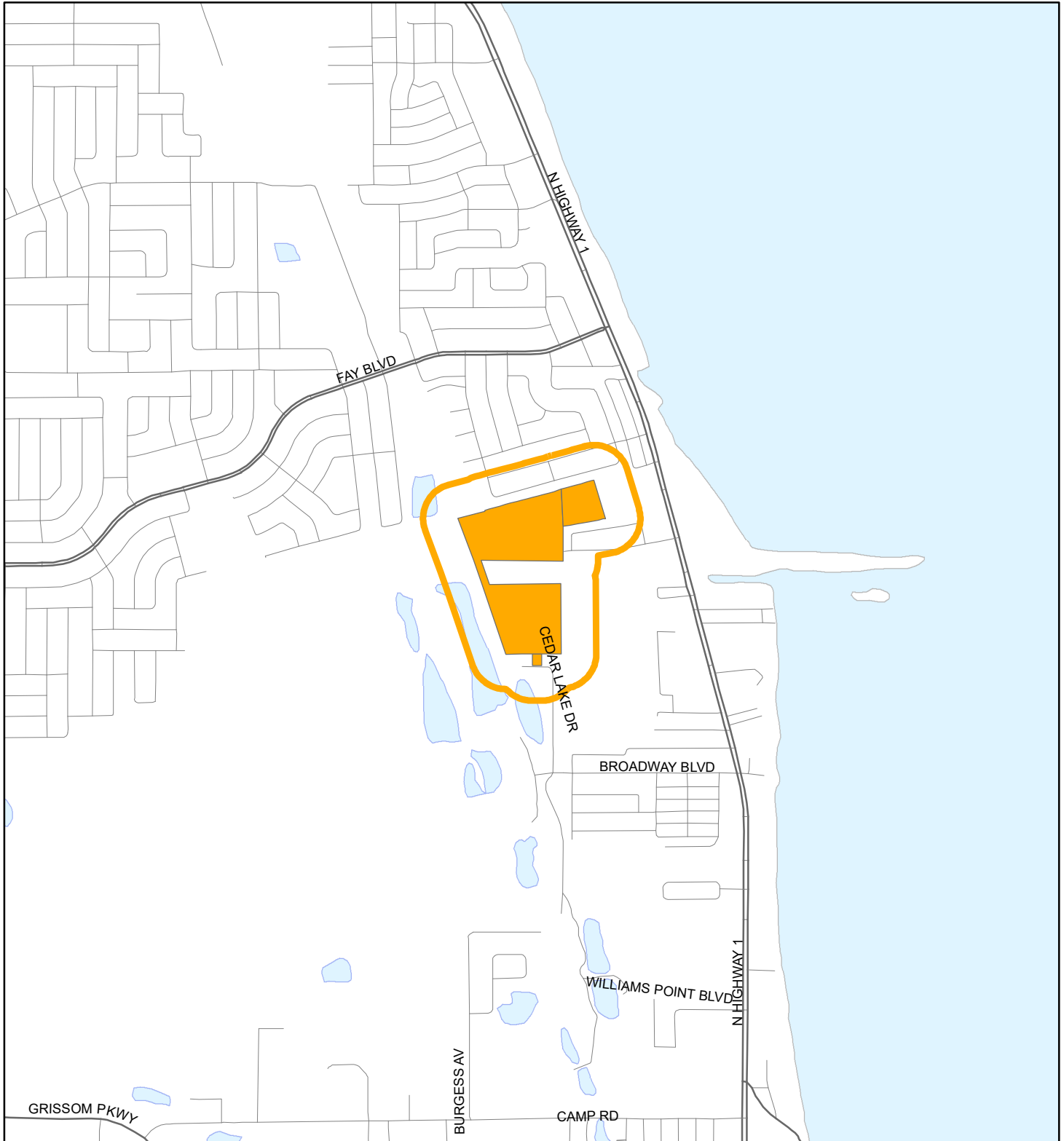
buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. A tree survey will be required at time of site plan submittal, and is recommended prior to any site plan design. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, the subject property has a large mapped Florida Scrub Jay polygon over the site as shown on the Scrub Jay Occupancy Map. 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 and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

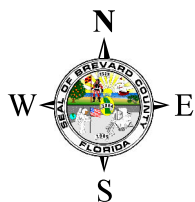
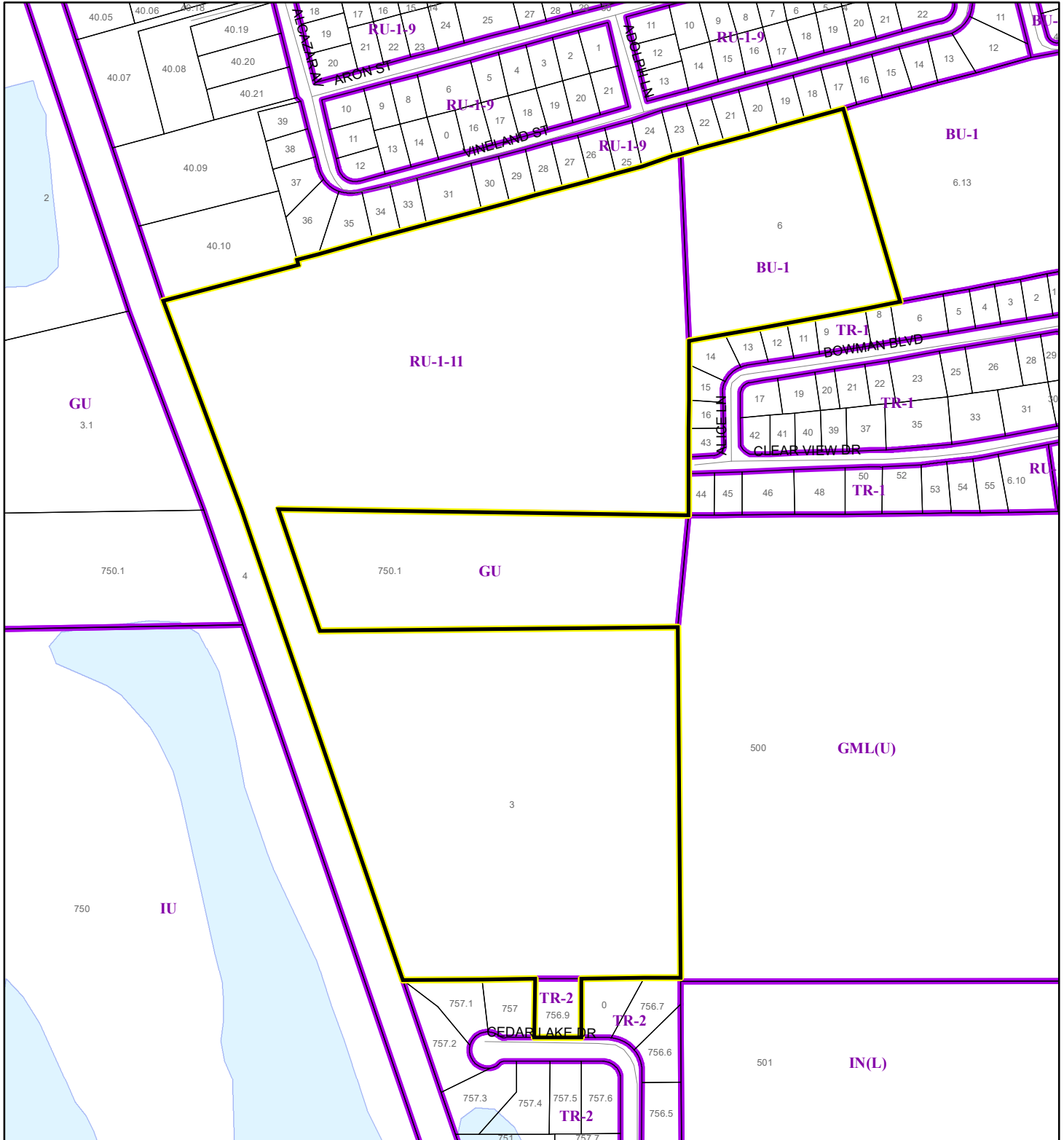
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/9/2020

Buffer
Subject Property

ZONING MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



1:4,800 or 1 inch = 400 feet

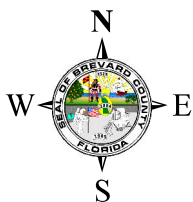
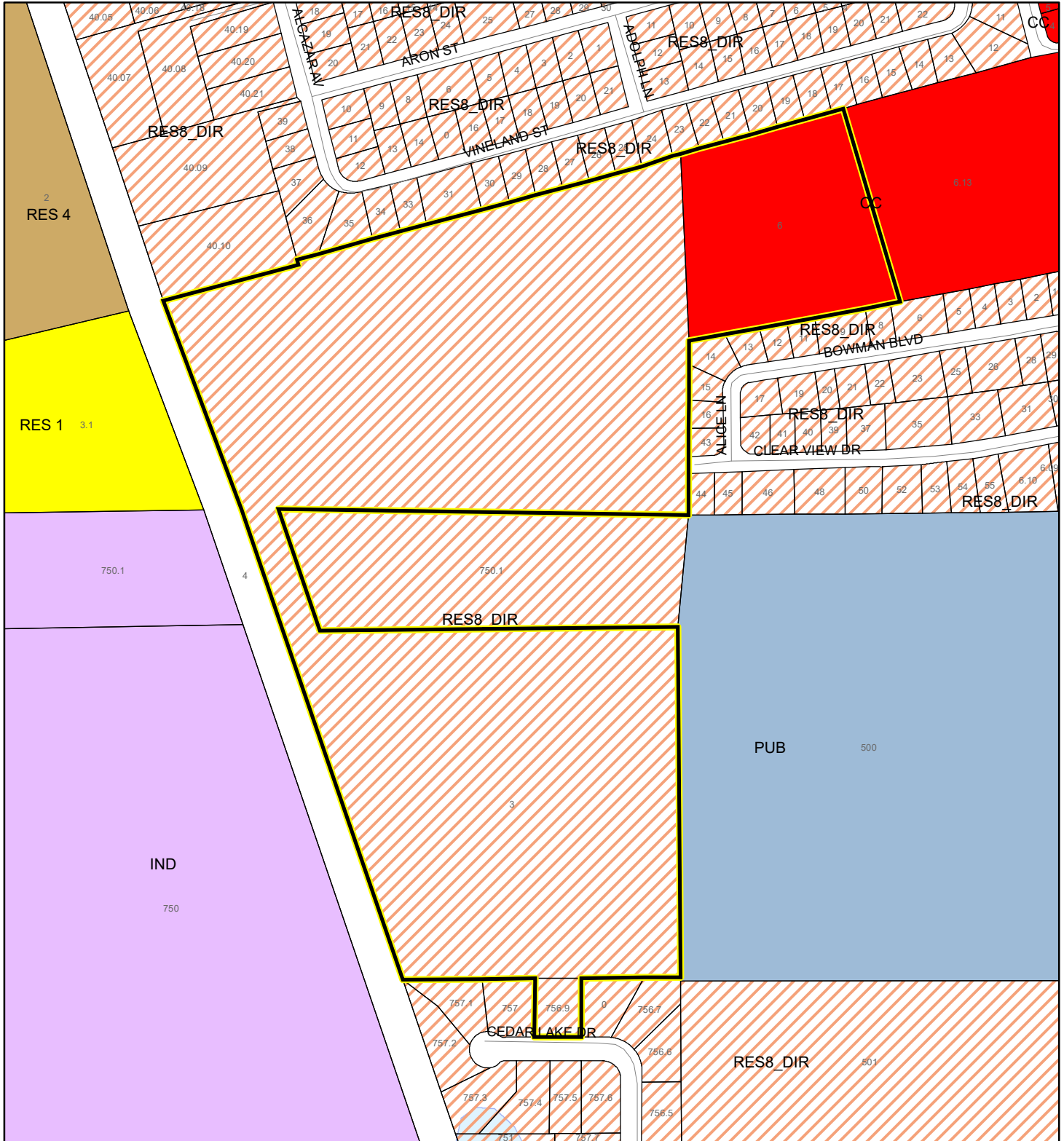
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/10/2020

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



1:4,800 or 1 inch = 400 feet

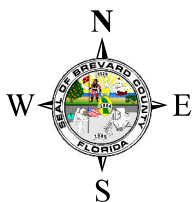
Subject Property
 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/9/2020

AERIAL MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2020

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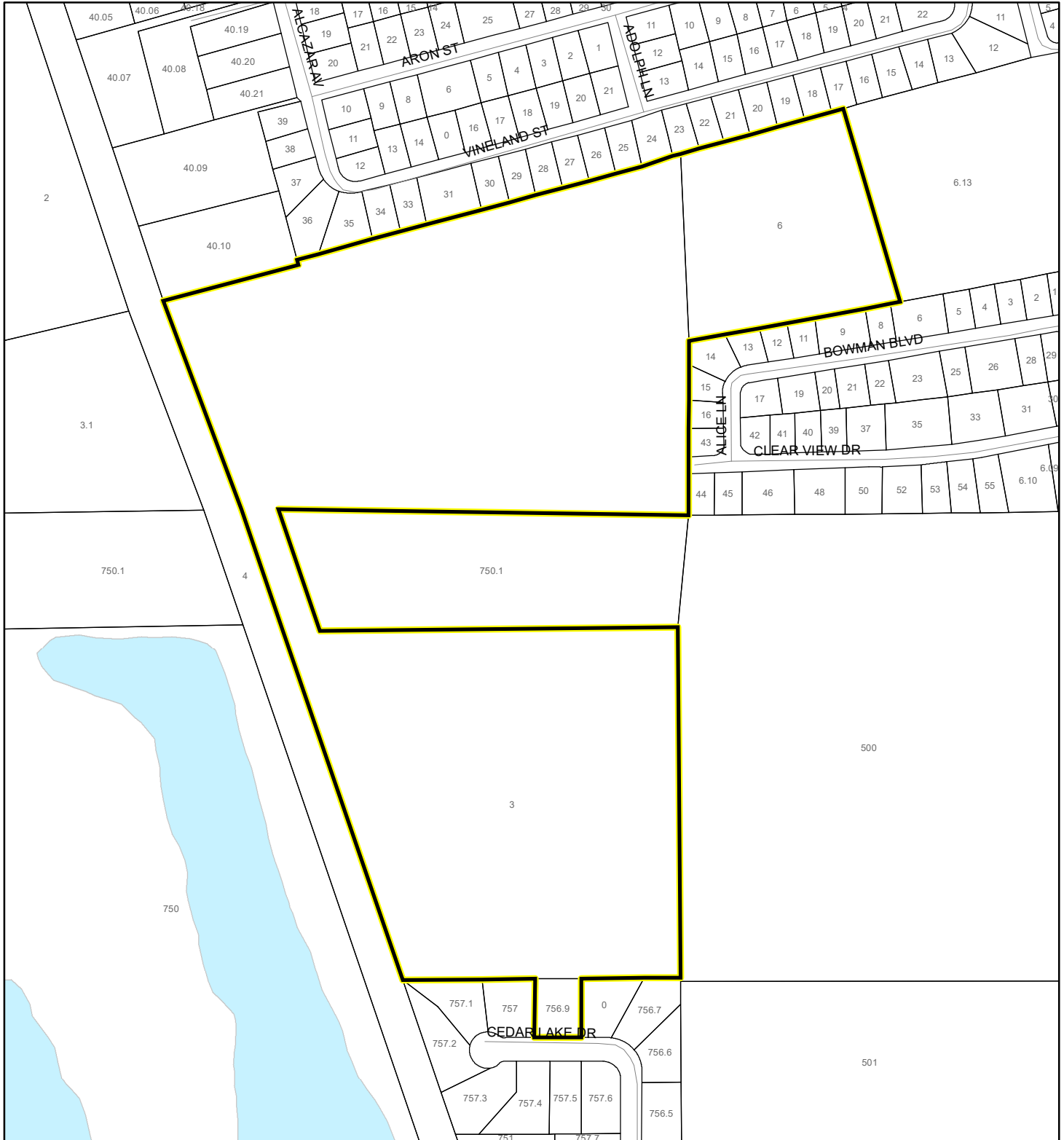
Produced by BoCC - GIS Date: 11/9/2020

 Subject Property

 Parcels

NWI WETLANDS MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



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Produced by BoCC - GIS Date: 11/9/2020

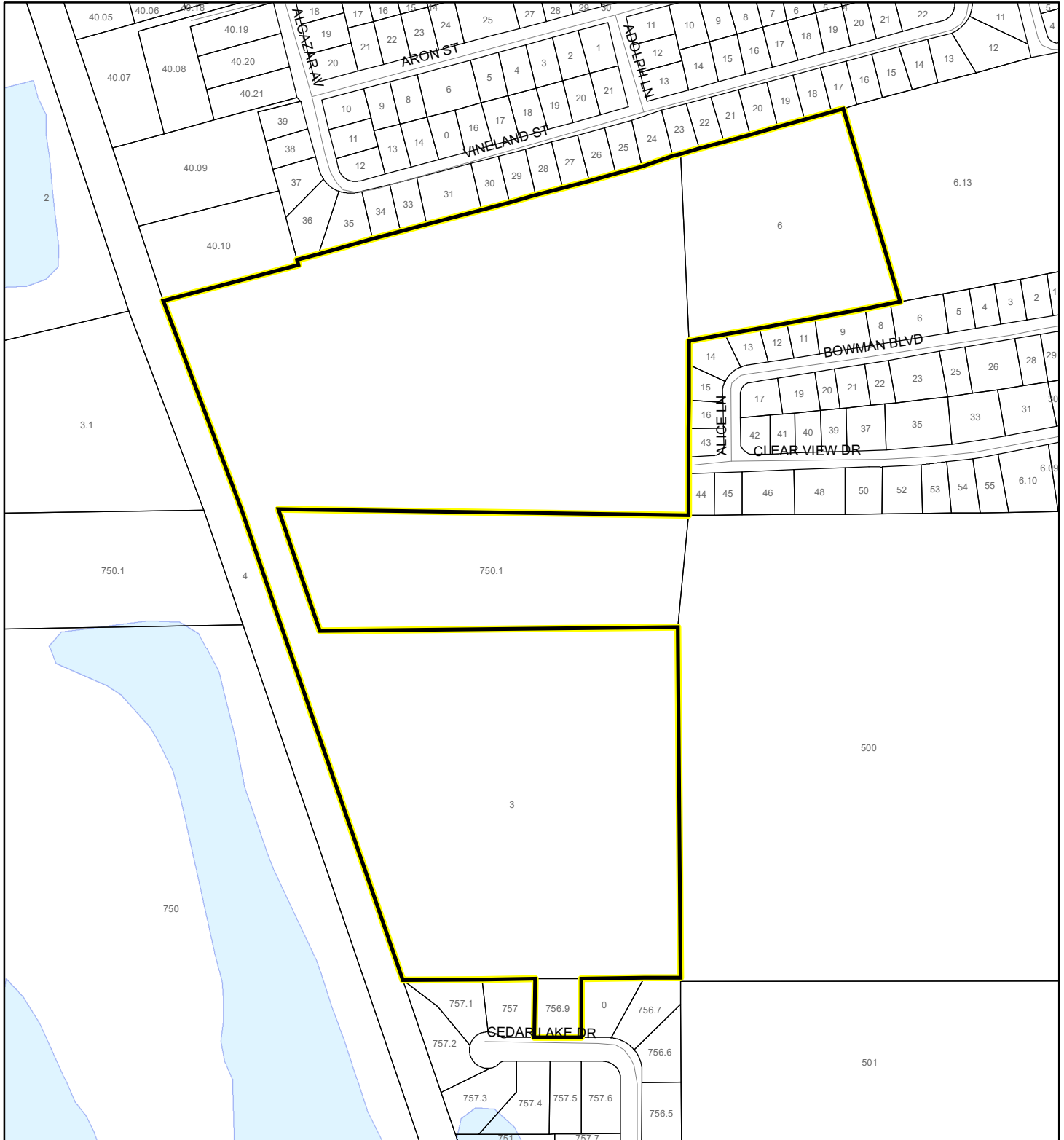
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

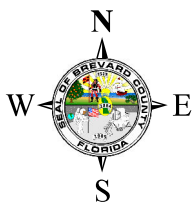
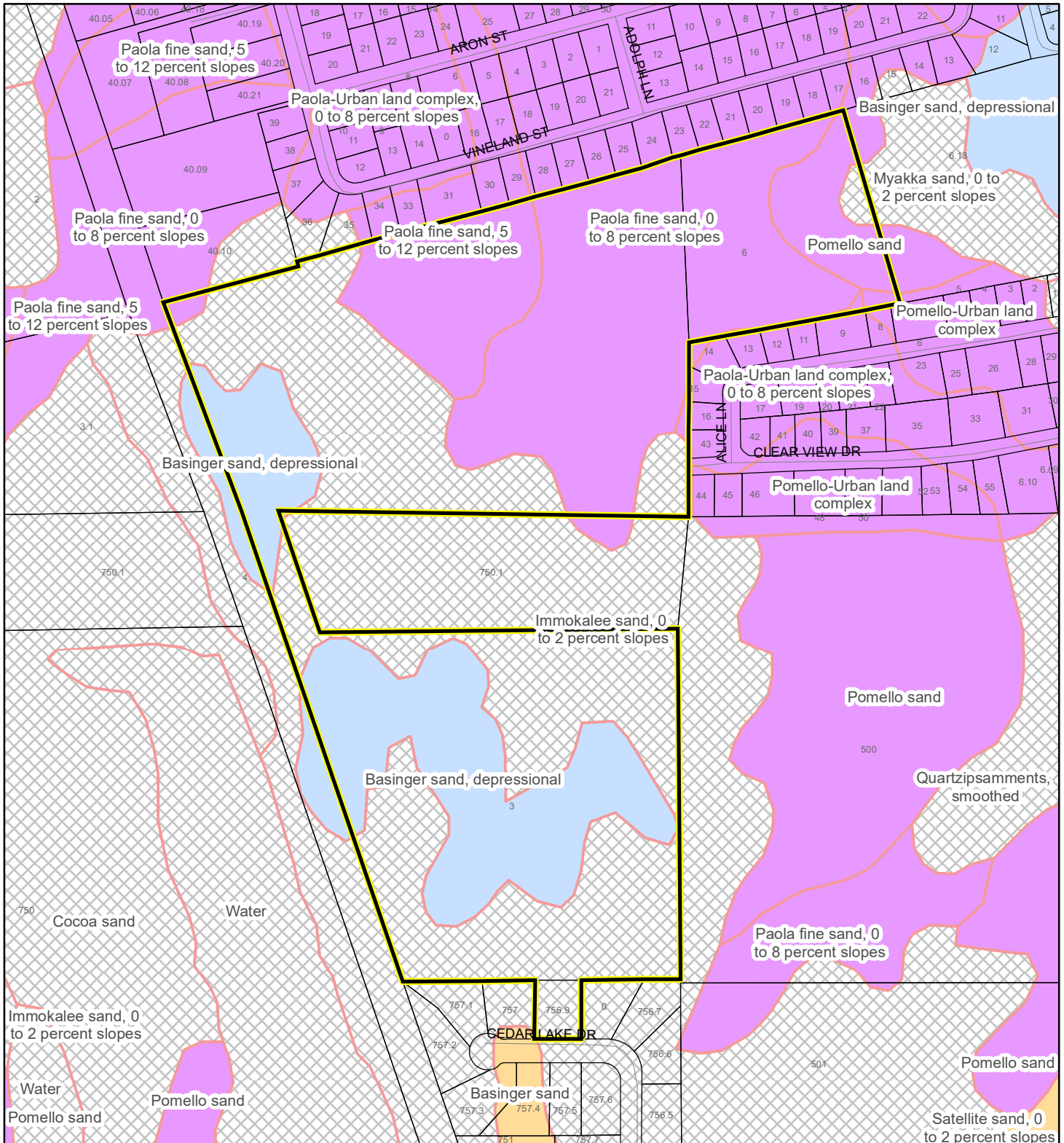
20Z00036



USDA SCSSS SOILS MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

USDA SCSSS Soils

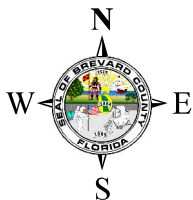
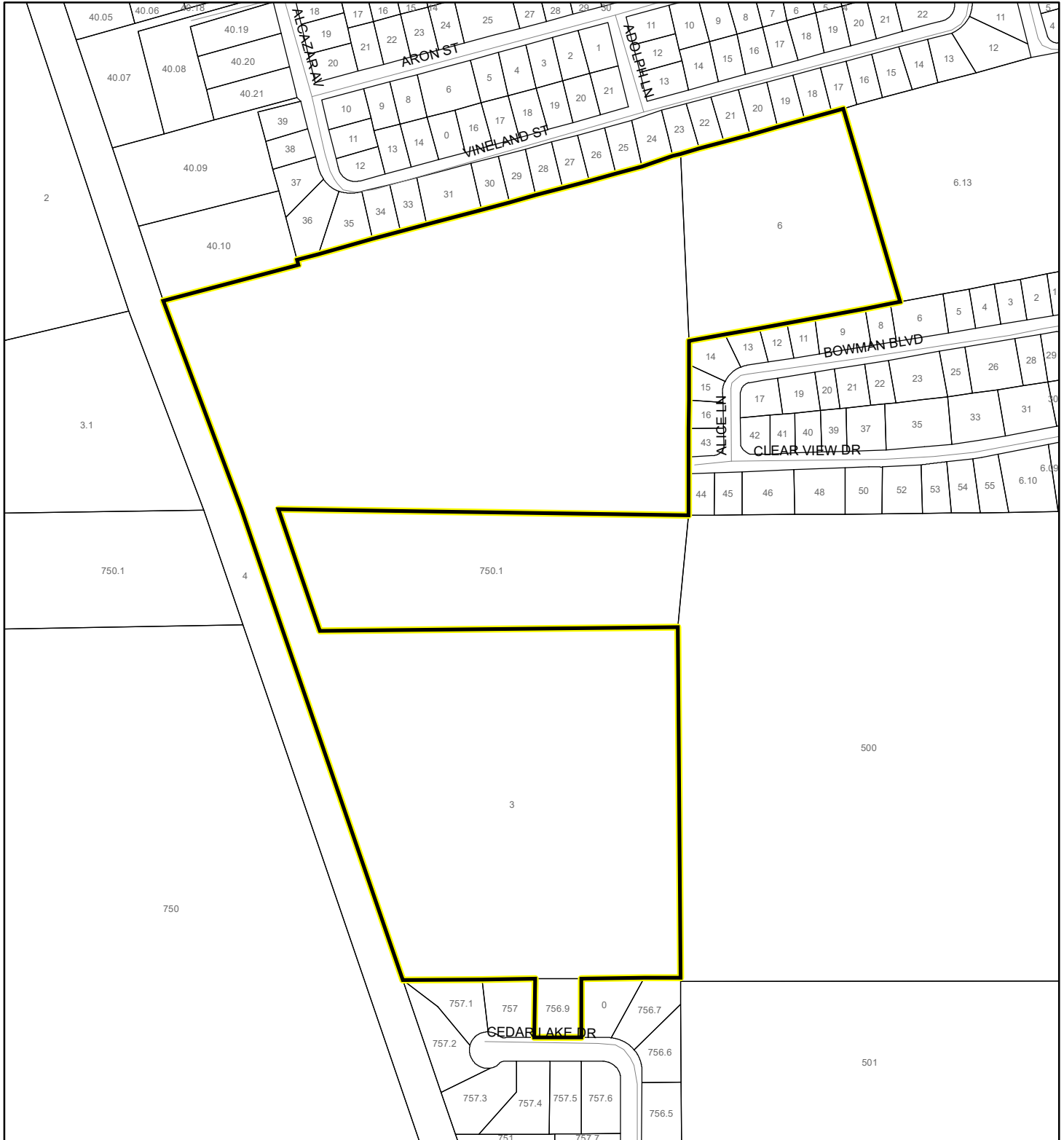
- Aquifer and Hydric
- Aquifer
- Hydric
- None

Subject Property

Parcels

FEMA FLOOD ZONES MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



1:4,800 or 1 inch = 400 feet

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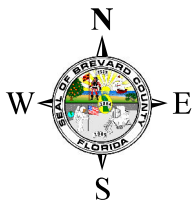
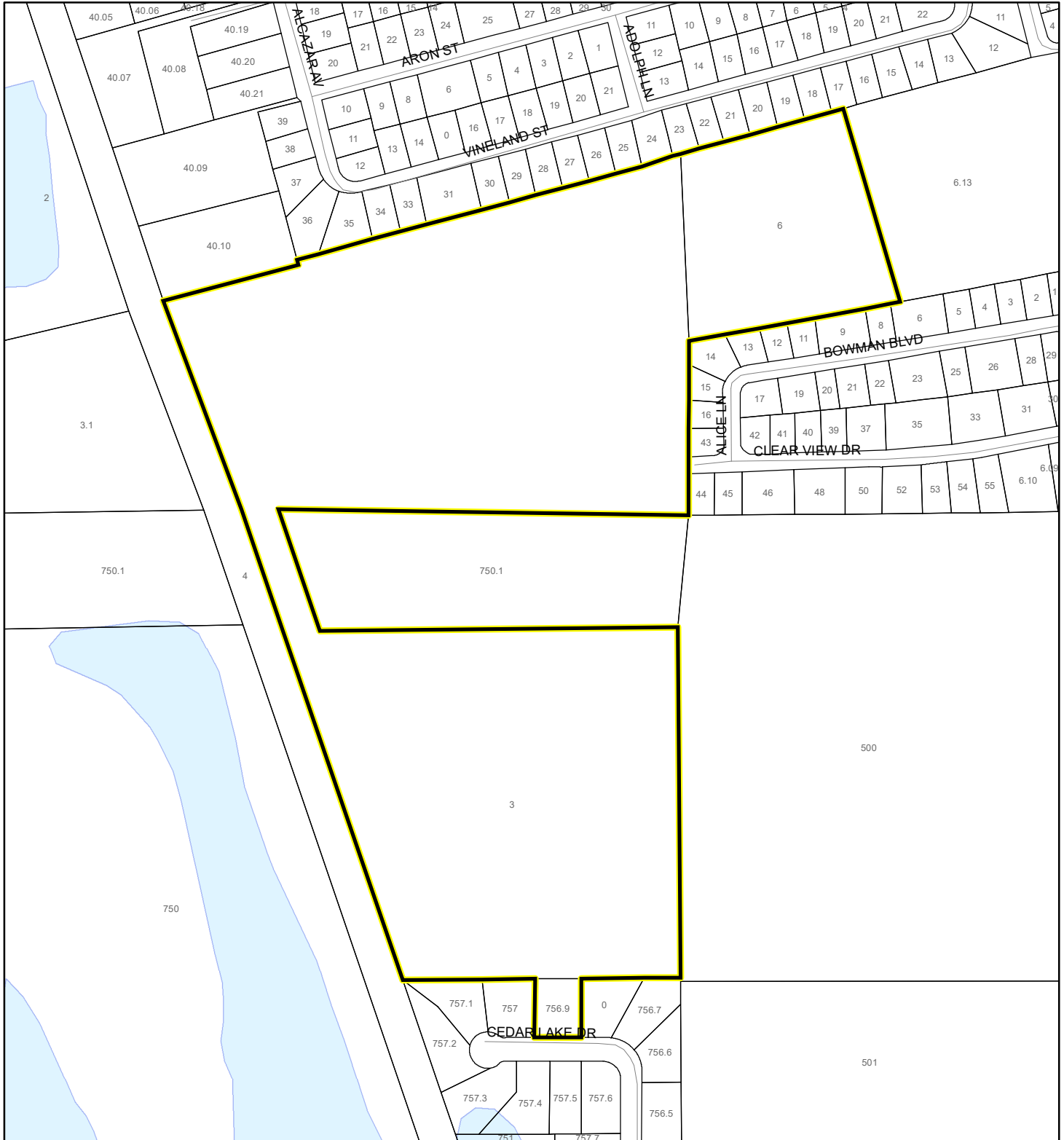
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |

COASTAL HIGH HAZARD AREA MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

20Z00036



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 11/9/2020

 Subject Property

 Parcels

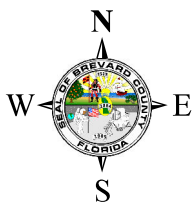
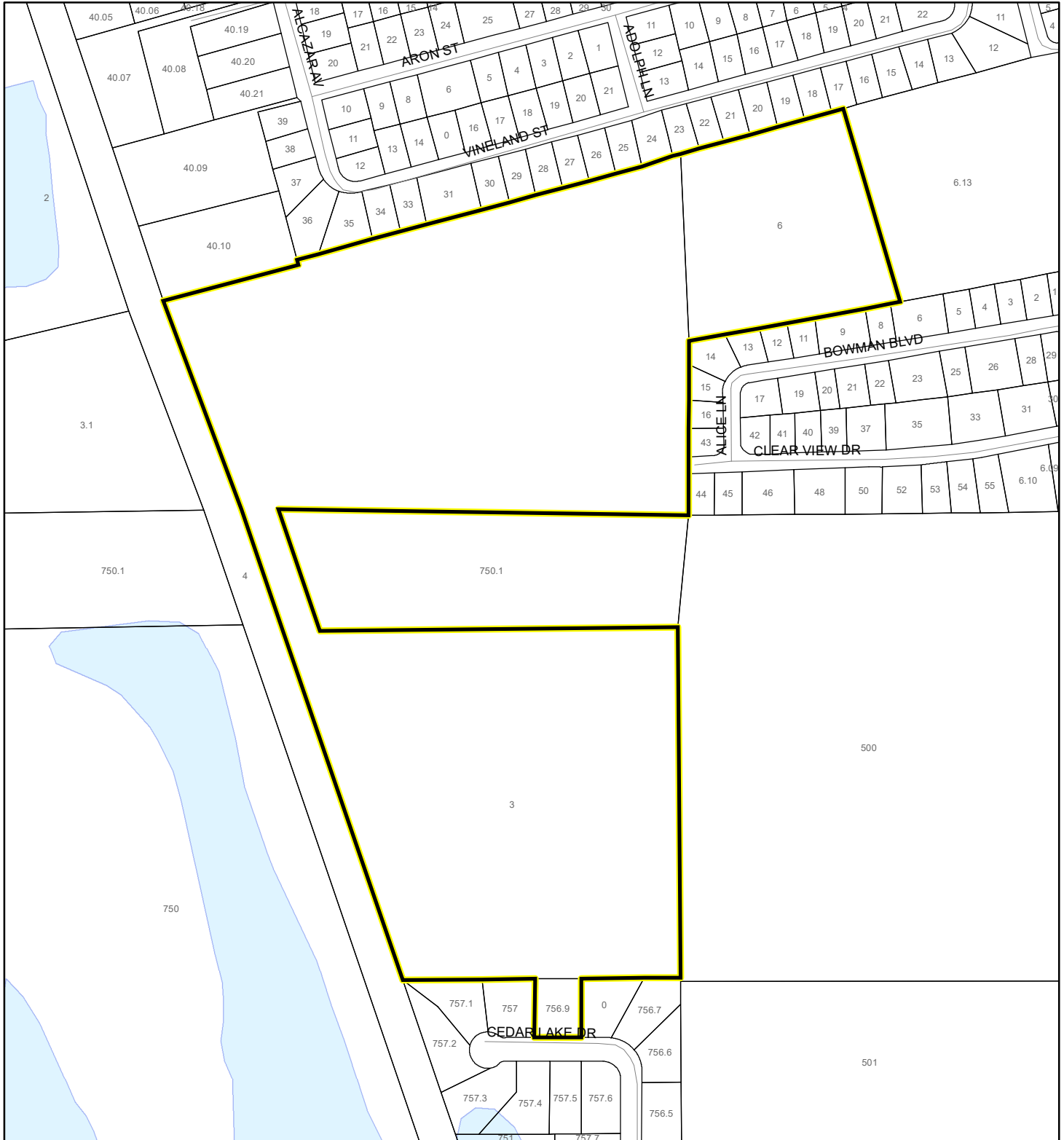
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

Subject Property

Parcels

Septic Overlay

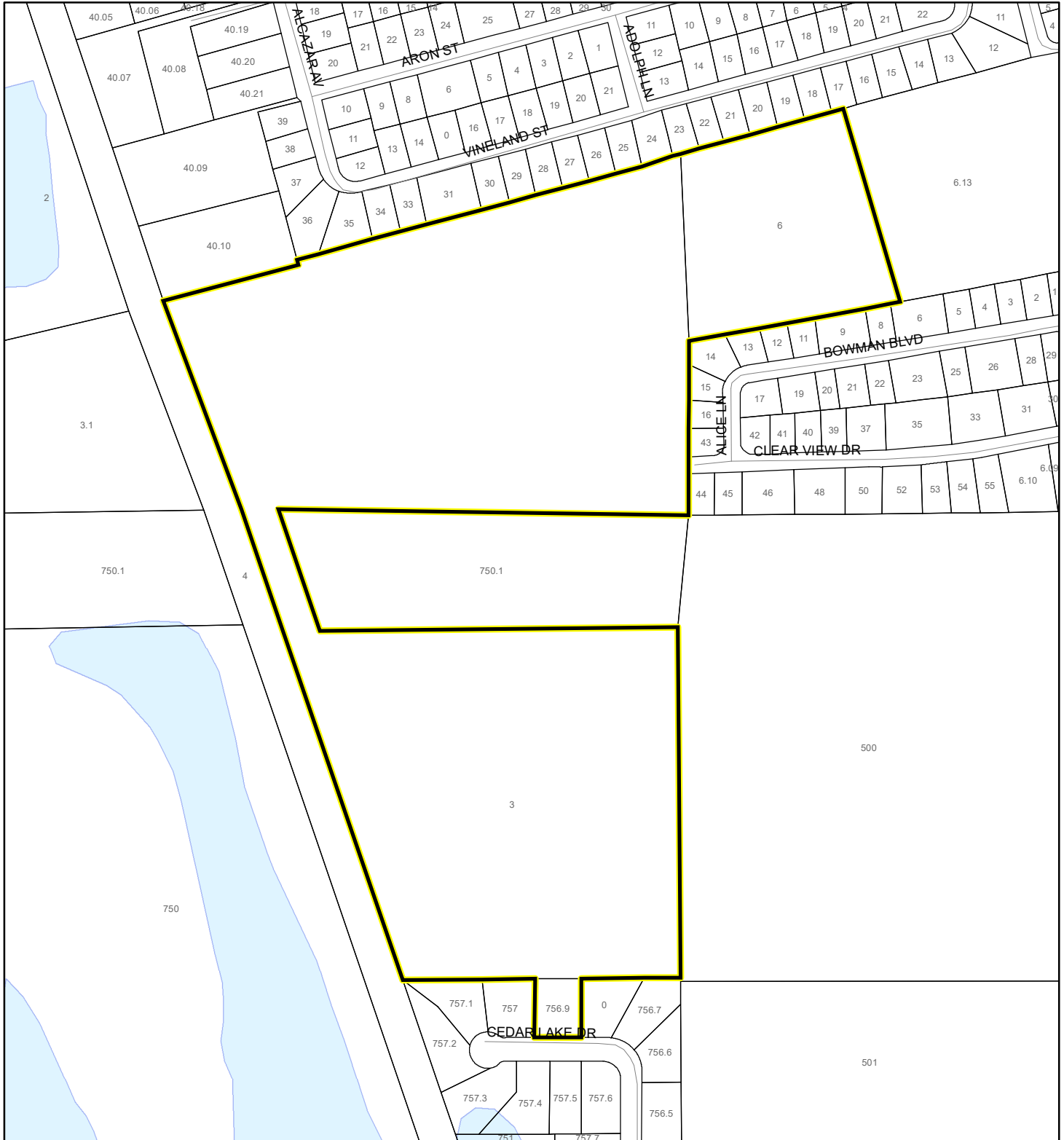
40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036




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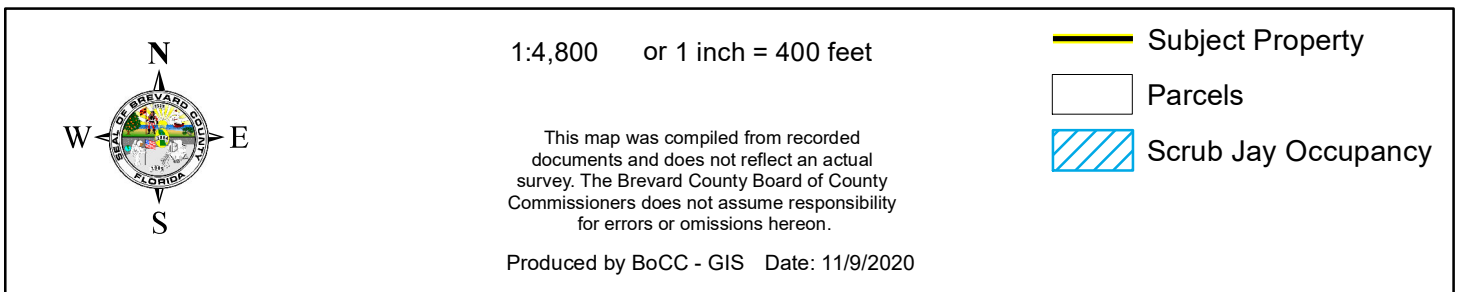
Produced by BoCC - GIS Date: 11/9/2020

 Subject Property

 Parcels

 Eagle Nests
FWS 2010

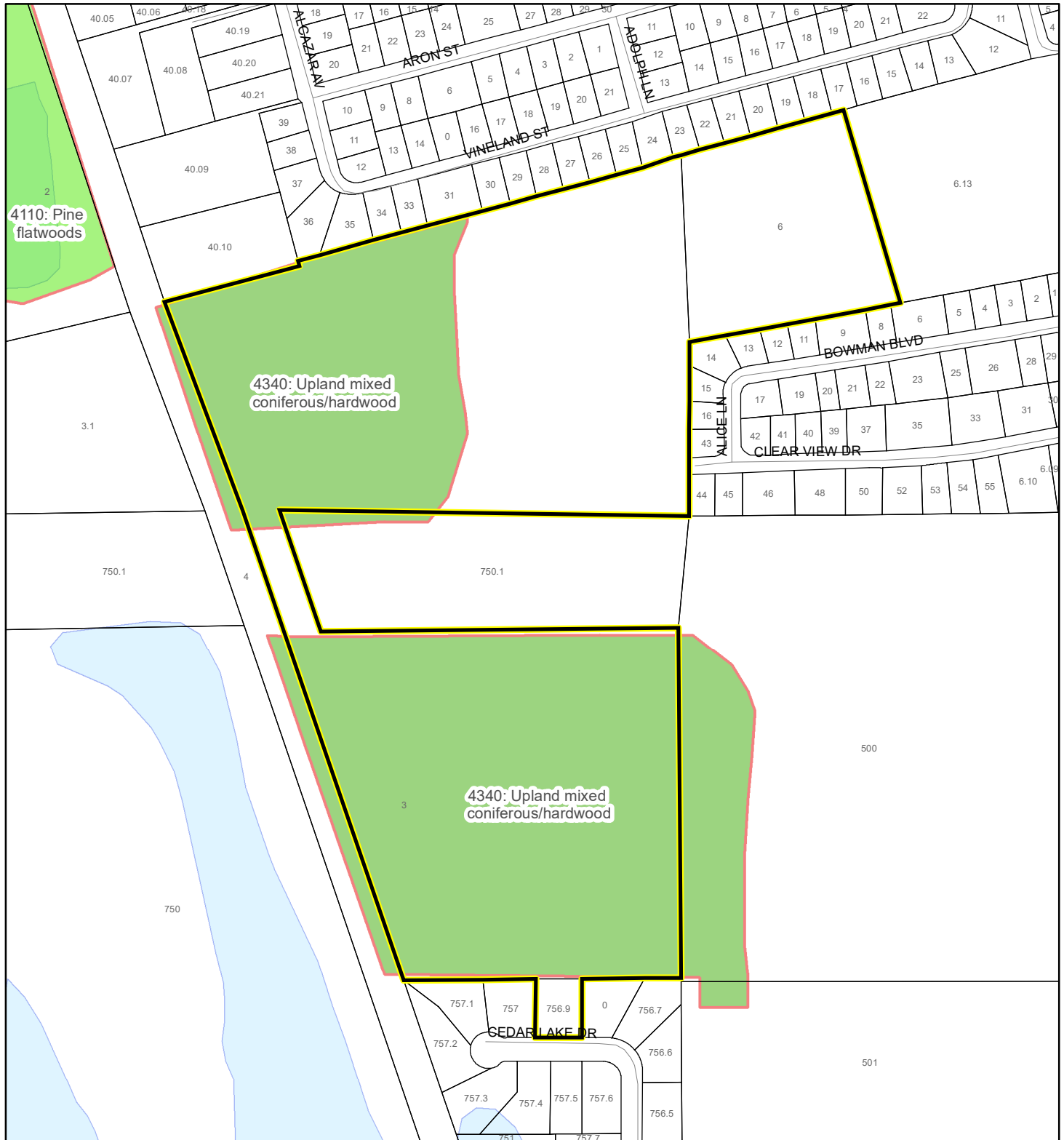
5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
20Z00036



SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

5971 CEDAR LAKE DRIVE REVOCABLE LAND TRUST and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST

20Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/9/2020

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels



BOARD OF COUNTY COMMISSIONERS

Application Pages
20Z00036
Cedar Lake

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
321-633-2070

Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 20200036

Existing FLU: RES8/CC Existing Zoning: RU-1-11/BU-1/TR-2 *w/ bde*

Proposed FLU: RES8/CC Proposed Zoning: TR-1
with bde

PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

5971 Cedar Lake Drive Revocable Land Trust & US Highway No. 1 Commercial Land Trust

Name(s)	Company		
4907 N. Florida Avenue	Tampa	FL	33603
Street	City	State	Zip Code
justin@markettampa.com	Justin Savich	(813)299-3240	
Email	Phone	Cell	

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☒ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other _____

Kimberly B. Rezanka	Lacey Lyons Rezanka		
Name(s)	Company		
1290 US Hwy 1, Suite 201	Rockledge	FL	32955
Street	City	State	Zip Code
KRezanka@laceyandlyons.com	(321) 608-0892		
Email	Phone	Cell	

APPLICATION NAME

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 acres)
- ☐ Text Amendment (CP): Element _____
- ☐ Other Amendment (CP): _____
- ☒ Rezoning Without CUP (RWOC)
- ☐ Combination Rezoning and CUP (CORC)
- ☐ Conditional Use Permit (CUP)
- ☒ Binding Development Plan (BDP)
- ☐ Binding Development Plan (BDP) (Amendment)
- ☒ Binding Development Plan (BDP) (Removal)
- ☐ Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- ☐ Other Action: _____

Acreage of Request: 58.04

Reason for Request:

To create a manufactured home subdivision.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- ☐ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- ☒ I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- ☐ An approval of this application does not entitle the owner to a development permit.
- ☐ For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- ☒ I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Kimberly B. Rezanka
Signature of Property Owner or
Authorized Representative

11/6/2020
Date

State of Florida

County of Brevard

Subscribed and sworn before me, by ☒ physical presence or _____ online notarization,

this 6th day of, November, 2020, personally appeared

Kimberly B. Rezanka who is personally known to me or produced

_____ as identification, and who did / did not take an oath.

Patricia L. Clark
Notary Public Signature **Patricia L. Clark**

Seal



Patricia L. Clark
Comm. #GG363212
Expires: October 1, 2023
Bonded Thru Aaron Notary

Office Use Only:

Accela No. 20200036 Fee: 2,421.00 Date Filed: 11/11/2020 District No. 1

Tax Account No. (list all that apply) 2310971, 2310861 + 2316173

Parcel I.D. No.

23	35	24	00	3
23	35	24	00	756.9

Twp	Rng	Sec	Sub	Block	Lot/Parcel
-----	-----	-----	-----	-------	------------

23	36	19	02	*	6
----	----	----	----	---	---

Planner: GCR Sign Issued by: CE Notification Radius: 500'

MEETINGS

DATE

TIME

☒ P&Z

☒ PSJ Board

☐ NMI Board

☐ LPA

☐ BOA

☒ BCC

11/11/2021

11/6/21 11/31/2021

2/4/2021

3pm

6pm

5pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials _____

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

☒ Yes

☐ No

If yes, list PSJ

Location of subject property:

North side of Cedar Lake Dr. 1,660 feet north of
Broadway Blvd. 2nd location: West end of Clearview Dr.

Description of Request:

Remove RU-1-11, BU-1, + TR-2 to ~~TR-1~~ TR-1 with
BOP.

Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

NOTES:

- ☐ If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- ☐ BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

krezanka@laceyardlyons. or () _____ or U.S. Mail _____
e-mail address Com fax number

Yes/No

I have received a copy of this notice:

Kimberly B. Penancka
(APPLICANT SIGNATURE)



LAND TRUST AGREEMENT

THIS TRUST AGREEMENT dated this 1st day of June, 2017, and known as the 5971 Cedar Lake Drive, Cocoa, FL 32937 and Not Assigned - 9909 - Vacant Residential Land (Single Family - Unplatted) by and between Simplicity Funding & Holdings, LLC as Trustee, and the following beneficiaries in the percentages set opposite their names:

Simplicity Funding & Holdings, LLC 100%

1. TRUST. The Trustee is about to take title to real estate under the provisions of Section 689.071, Florida Statutes, and he agrees to hold it and the proceeds, profits, and avails thereof, if any, which may come into his possession, in Trust for the uses and purposes and under the terms herein set forth.

2. LAND. The Trustee will take title to the following land located in Brevard County, Florida:

Property Address: 5971 Cedar Lake Drive, Cocoa, FL 32937.
Not Assigned - 9909 - Vacant Residential Land (Single Family, Unplatted).

Property Folio: # 23-35-24-00-756.9
23-35-24-00-3

Legal Description: Pt of S ½ Of SE ¼ E Of Rr R/W As Des IN Orb 2410, l Pg 65
A/K/A Lot 12 Of Sb 4, Pgs 53 & 78.

G.L. 1 E Of R.R. & SE ¼ E Of R.R. As Desc In Orb 2707, Pg 2732, Orb 2974, Pg 194, Pars 759 & 760.

3. BENEFICIARIES' INTEREST. The interests of the beneficiaries hereunder and of any person who becomes entitled to any interest under this Trust shall consist solely of a power of direction to deal with the title to said property and to manage and control said property as hereinafter provided and the right to receive the proceeds from rentals, mortgages, sales, or other dispositions shall be deemed to be personal property and may be treated, assigned and transferred as such. No beneficiary now has, or shall hereafter at any time have, any right, title or interest in or to any portion of said real estate as such, either legal or equitable, but only an interest in the earnings, avails and proceeds as



4. **DEATH OF BENEFICIARY.** Except as herein otherwise specifically provided, the right and interest of any beneficiary hereunder of a natural person shall pass at death to his Personal Representative and not to his heirs at law. The death of any beneficiary hereunder shall not terminate the Trust or in any manner affect the powers of the Trustee hereunder.

Representatives: First Beneficiary and/or Representative after death: Karmen Domres

5. **OWNERSHIP.** Upon request each beneficiary hereunder shall be issued a Trust Participation Certificate in a form approved by the Trustee, which shall indicate the beneficiary's percentage interest in the Trust and the land held by the Trustee.

6. **ASSIGNMENT.** If Trust Participation Certificates have been issued, no assignment of any beneficial interest hereunder shall be binding on the Trustee until the Trust Participation Certificate representing the assigned shares is surrendered to the Trustee with the assignment noted thereon and a new Certificate or Certificates are issued by the Trustee. If no Trust Participation Certificates have been issued, assignment shall be by an assignment form approved by the Trustee and shall not be binding until signed by the Trustee.

7. **LOST CERTIFICATES.** In the event a beneficiary's Trust Participation Certificate is lost, stolen, or destroyed, the Trustee shall cancel it on the records of the Trust and issue a new Certificate after receiving an affidavit as to the circumstances of the loss.

8. **PURCHASERS.** It shall not be the duty of the purchaser of the trust property or any part thereof to see to the application of the purchase money paid therefore; nor shall anyone who may deal with the Trustee be privileged or required to inquire into the necessity or expediency of any act of the Trustee, or as to the provisions of this instrument.

9. **DUTY OF TRUSTEE.** While the Trustee is sole title holder of the real estate held by him hereunder so far as the public is concerned and has full power to deal with it, it is understood and agreed by the persons in interest hereunder, and by any persons who may hereafter become interested, that the Trustee will deal with it only when authorized to do so in writing and that he will, on the written direction of all of the beneficiaries hereunder at the time, make contracts or deeds for the sale of or otherwise deal with the said real estate or any part thereof. Unless so directed by the beneficiaries, the Trustee has no power to control or influence the real property or any use of it.



10. **TERMINATION BY TRUSTEE.** If the trust property or any part thereof remains in the trust twenty (20) years from this date, the Trustee shall, unless otherwise agreed by all parties in writing, convey and deliver the same to the beneficiaries in accordance with their respective interests.

11. **LIMITATION ON BENEFICIARIES.** No beneficiary hereunder shall have any authority to contract for or in the name of the Trustee or use the name of the Trustee in any advertising or other publicity or to bind the Trustee personally.

12. **LIMITATION OF TRUSTEE'S LIABILITY.** The liability of the Trustee hereunder shall be limited to the assets of the Trust. All obligations incurred by the Trustee hereunder shall be the obligations of the Trust only and not the individual Trustee. The Trustee shall not be required to enter into any personal obligation or liability in dealing with the Trust property nor to expend any personal sums to defend or protect the trust property.

13. **NOTIFICATION OF CLAIMS.** In the event the Trustee shall receive notice of claims or actions against the Trust, he shall notify the beneficiaries at their last known addresses.

14. **TRUSTEE'S COMPENSATION.** The Trustee shall receive for his services in accepting this Trust and title hereunder the sum of \$10.00 for the first year or fraction thereof and the sum of \$10.00 for each succeeding year or fraction thereof as long as any property remains in this Trust. Trustee may raise or lower his annual fee upon giving sixty (60) days' notice to the beneficiaries. Also, he shall receive reasonable compensation for making deeds or other instruments, performing additional services, or retaining attorneys or agents. The beneficiaries hereunder jointly and severally agree to pay the fees hereunder, and the Trustee shall have a lien on the property of the Trust therefore.

15. **LIMITATIONS ON AGREEMENTS.** This Agreement shall not be deemed to be, create, or evidence the existence of a corporation de facto or de jure, or a Massachusetts Trust, or any other type of business trust or an association in the nature of a corporation or a general or limited partnership, or a joint venture by or between the Trustees and the beneficiaries.

16. **TAXES.** Nothing herein contained shall be construed as imposing any obligation on the Trustee to file any income, profit or other tax reports or schedules, it being expressly understood that at the beneficiaries hereunder from time to time will individually make all such reports and pay any and all taxes growing out of their interest under this Trust Agreement.

17. **REPLACEMENT OF TRUSTEE.** The Trustee may be replaced in any of the following manners:



a. **Resignation.** The Trustee may resign at any time by mailing a notice of his intention to do so to each of the beneficiaries at each's last known address. In the event of such resignation the beneficiaries may appoint a successor trustee, by lodging an instrument with the Trustee, signed by all the beneficiaries and accepted by the Successor Trustee. If no Successor Trustee is appointed within thirty (30) days, the Trustee may convey the Trust property to the beneficiaries according to their interests and this Trust shall terminate. If, in the opinion of the Trustee, the Trustee may be subjected to embarrassment, litigation, insecurity, liability or hazard, the Trustee may at any time and without notice resign as to all or part of the trust property and convey such trust property directly to the beneficiaries.

b. **Replacement.** The beneficiaries may at any time replace the Trustee by lodging with him an instrument naming a Successor Trustee, signed by all beneficiaries and accepted by the Successor Trustee. Upon receipt of said instrument and if there shall be no fees due and owing to him, the Trustee shall quit claim the property to the Successor Trustee.

c. **Death.** In the event of the death of the Trustee hereunder the following in order of their listing (able and willing to act) is appointed Successor Trustee:

Rick Roberts, CPA

If said person is unable or unwilling to act, or if no person is named herein, the beneficiaries hereunder or any of them by mutual agreement, are appointed successor trustee. Recording of an affidavit reciting this paragraph shall be effective to vest title in said Successor Trustee.

Any successor trustee under this Trust shall have all of the powers, properties, and duties of the original Trustee. Any replacement of the Trustee shall not affect his first lien on the trust property, for his costs, expenses, attorney's fees and reasonable compensation.

18. **RECORDING.** This Trust shall not be recorded except as herein provided or as required by law.

19. **DISCLOSURE.** The Trustee shall not release information regarding this Trust except as required by law. In making a disclosure required by law, the Trustee shall supply beneficiaries with



copies of any reports filed and shall be subject to no liability for the filing of such reports. The Trustee shall not be liable for inadvertent disclosure of the identity of any beneficiary.

20. **FLORIDA RICO ACT.** Notwithstanding any provision of this Trust to the contrary, the Trustee shall have no obligation to convey title to real property held by the Trustee pursuant to this Agreement until it has performed or caused to be performed, at the expense of the beneficiaries of this Trust Agreement, a search of the official records of all counties in which such real property is located. If such search discloses that no RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee may convey its legal or record title to such real property in accordance with the written instruction of the beneficiary. If such search discloses that one or more RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee shall not convey its legal or record title to such real property unless:

- a. All such RICO lien notices have been released or terminated or such real property has been released from all such RICO lien notices, or
- b. Such persons named in the RICO lien notice agree in writing that the total amount of all proceeds that would otherwise be received directly by such person as a result of the conveyance, will be paid directly to the Trustee, and that the Trustee shall have the right to hold such proceeds, together with the total amount of all such proceeds that would otherwise be paid or distributed to such person or at the direction of such person or his designee, until such time as the provisions of subsection (a) above have been satisfied, and also agrees, in writing, that at the request of the Department of Legal Affairs of the State of Florida, or the office of any state attorney of the State of Florida, the Trustee, without any liability to the person named in the RICO lien notice, may pay the total amount of such proceeds held by the Trustee pursuant to the provisions of this subsection (b) to the Department of Legal Affairs of the State of Florida or the office of any state attorney of the State of Florida.

21. **PARTITION.** The remedy of partition shall not be available to the beneficiaries of this Land Trust.

22. **PARTIES BOUND.** This Agreement shall extend to and be obligatory upon the heirs, administration and assigns of the respective parties.

23. **GENDER.** Any references to he or him in this Agreement shall apply to parties of either gender.



24. PARAGRAPH TITLES. The titles of paragraphs are for convenience only and shall in no way be used for the purpose of construing the meaning of this Agreement.

25. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Florida.

26. ADDRESSES. The addresses of the parties as of the date of this Agreement for the purpose of notices are:

Karmen Domres: 1223 Brooker Road, Brandon, FL 33511

27. This document may be signed in one or more counter parts, each of which shall be deemed an original, and all of which together shall be considered one instrument.

IN TESTIMONY WHEREOF, said Trustee accepted the duties of Trustee the day and year first above written and on said day the said beneficiaries have signed this Declaration of Trust said Trust Agreement in order to signify his/her/their assent to the terms hereof.

SIGNATURE PAGE FOLLOWS



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]

Printed Name Michael Camino

(2) [Signature]

Printed Name Bryan Nichols

TRUSTEE:

**SIMPLICITY FUNDING & HOLDINGS, LLC,
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]
Justin W. Savich
Its: Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8th day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding and Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



[Signature]
Print Name: Patricia E. Viscomi
Notary Public
My Commission Expires: 1/14/2023



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]

Printed Name Michael Germino

(2) [Signature]

Printed Name Bryan Nichols

BENEFICIARY:

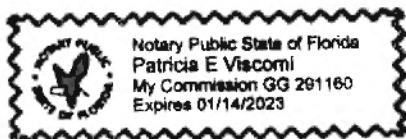
**SIMPLICITY FUNDING & HOLDINGS, LLC,
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]

Its: Justin W. Savich
Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8th day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding & Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



[Signature]
Print Name: Patricia E. Visconti
Notary Public
My Commission Expires: 1/14/2023



LAND TRUST AGREEMENT

THIS TRUST AGREEMENT dated this 1st day of June, 2017, and known as the U.S. Highway No. 1 by and between Simplicity Funding & Holdings, LLC as Trustee, and the following beneficiaries in the percentages set opposite their names:

Simplicity Funding & Holdings, LLC 100%

1. TRUST. The Trustee is about to take title to real estate under the provisions of Section 689.071, Florida Statutes, and he agrees to hold it and the proceeds, profits, and avails thereof, if any, which may come into his possession, in Trust for the uses and purposes and under the terms herein set forth.

2. LAND. The Trustee will take title to the following land located in Brevard County, Florida:

Property Address: A parcel of land lying in section 19, Township 23 South, Range 36 East, Brevard County, Florida. Being more particularly described below.

Property Folio: # 23-36-19-02-*-6

Legal Description: Commence At The West Quarter Corner Of Said Section 19, And Run North Along The West Line Of Said Section 19, A Distance Of 489.48 Feet To The Northwest Corner Of The Plat Of Clearview Terrace, As Recorded In Plat Book 12, Page 46, Public Records Of Brevard County, Florida, The Point Of Beginning; Thence Continue North, Along The West Line, A Distance Of 533.17 Feet To A Point On The South Line Of Port St. John Unit One, As Recorded In Plat Book 13, Page 126, Of The Public Records; Thence Run North 75° 10' 20" East, Along Said South Line, A Distance Of 505.39 Feet; Thence South 14° 35' 25" East, Parallel With The West Right Of Way Line Of U.S. Highway No. 1, A Distance Of 571.94 Feet To A Point On The North Line Of Said Plat Of Clearview Terrace; Thence South 80° 13' 23" West, Along Said North Line Of Subdivision, A Distance Of 641.95 Feet To The Point Of Beginning.



3. **BENEFICIARIES' INTEREST.** The interests of the beneficiaries hereunder and of any person who becomes entitled to any interest under this Trust shall consist solely of a power of direction to deal with the title to said property and to manage and control said property as hereinafter provided and the right to receive the proceeds from rentals, mortgages, sales, or other dispositions shall be deemed to be personal property and may be treated, assigned and transferred as such. No beneficiary now has, or shall hereafter at any time have, any right, title or interest in or to any portion of said real estate as such, either legal or equitable, but only an interest in the earnings, avails and proceeds as aforesaid; it being the intention of this instrument to vest the full legal and equitable title to said premises in the Trustee.

4. **DEATH OF BENEFICIARY.** Except as herein otherwise specifically provided, the right and interest of any beneficiary hereunder of a natural person shall pass at death to his Personal Representative and not to his heirs at law. The death of any beneficiary hereunder shall not terminate the Trust or in any manner affect the powers of the Trustee hereunder.

Representatives: First Beneficiary and/or Representative after death: Karmen Domres

5. **OWNERSHIP.** Upon request each beneficiary hereunder shall be issued a Trust Participation Certificate in a form approved by the Trustee, which shall indicate the beneficiary's percentage interest in the Trust and the land held by the Trustee.

6. **ASSIGNMENT.** If Trust Participation Certificates have been issued, no assignment of any beneficial interest hereunder shall be binding on the Trustee until the Trust Participation Certificate representing the assigned shares is surrendered to the Trustee with the assignment noted thereon and a new Certificate or Certificates are issued by the Trustee. If no Trust Participation Certificates have been issued, assignment shall be by an assignment form approved by the Trustee and shall not be binding until signed by the Trustee.

7. **LOST CERTIFICATES.** In the event a beneficiary's Trust Participation Certificate is lost, stolen, or destroyed, the Trustee shall cancel it on the records of the Trust and issue a new Certificate after receiving an affidavit as to the circumstances of the loss.

8. **PURCHASERS.** It shall not be the duty of the purchaser of the trust property or any part thereof to see to the application of the purchase money paid therefore; nor shall anyone who may deal with the Trustee be privileged or required to inquire into the necessity or expediency of any act of the Trustee, or as to the provisions of this instrument.



9. **DUTY OF TRUSTEE.** While the Trustee is sole title holder of the real estate held by him hereunder so far as the public is concerned and has full power to deal with it, it is understood and agreed by the persons in interest hereunder, and by any persons who may hereafter become interested, that the Trustee will deal with it only when authorized to do so in writing and that he will, on the written direction of all of the beneficiaries hereunder at the time, make contracts or deeds for the sale of or otherwise deal with the said real estate or any part thereof. Unless so directed by the beneficiaries, the Trustee has no power to control or influence the real property or any use of it.

10. **TERMINATION BY TRUSTEE.** If the trust property or any part thereof remains in the trust twenty (20) years from this date, the Trustee shall, unless otherwise agreed by all parties in writing, convey and deliver the same to the beneficiaries in accordance with their respective interests.

11. **LIMITATION ON BENEFICIARIES.** No beneficiary hereunder shall have any authority to contract for or in the name of the Trustee or use the name of the Trustee in any advertising or other publicity or to bind the Trustee personally.

12. **LIMITATION OF TRUSTEE'S LIABILITY.** The liability of the Trustee hereunder shall be limited to the assets of the Trust. All obligations incurred by the Trustee hereunder shall be the obligations of the Trust only and not the individual Trustee. The Trustee shall not be required to enter into any personal obligation or liability in dealing with the Trust property nor to expend any personal sums to defend or protect the trust property.

13. **NOTIFICATION OF CLAIMS.** In the event the Trustee shall receive notice of claims or actions against the Trust, he shall notify the beneficiaries at their last known addresses.

14. **TRUSTEE'S COMPENSATION.** The Trustee shall receive for his services in accepting this Trust and title hereunder the sum of \$10.00 for the first year or fraction thereof and the sum of \$10.00 for each succeeding year or fraction thereof as long as any property remains in this Trust. Trustee may raise or lower his annual fee upon giving sixty (60) days' notice to the beneficiaries. Also, he shall receive reasonable compensation for making deeds or other instruments, performing additional services, or retaining attorneys or agents. The beneficiaries hereunder jointly and severally agree to pay the fees hereunder, and the Trustee shall have a lien on the property of the Trust therefore.

15. **LIMITATIONS ON AGREEMENTS.** This Agreement shall not be deemed to be, create, or evidence the existence of a corporation de facto or de jure, or a Massachusetts Trust, or any other type of business trust or an association in the nature of a corporation or a general or limited partnership, or a joint venture by or between the Trustees and the beneficiaries.



16. **TAXES.** Nothing herein contained shall be construed as imposing any obligation on the Trustee to file any income, profit or other tax reports or schedules, it being expressly understood that at the beneficiaries hereunder from time to time will individually make all such reports and pay any and all taxes growing out of their interest under this Trust Agreement.

17. **REPLACEMENT OF TRUSTEE.** The Trustee may be replaced in any of the following manners:

a. **Resignation.** The Trustee may resign at any time by mailing a notice of his intention to do so to each of the beneficiaries at each's last known address. In the event of such resignation the beneficiaries may appoint a successor trustee, by lodging an instrument with the Trustee, signed by all the beneficiaries and accepted by the Successor Trustee. If no Successor Trustee is appointed within thirty (30) days, the Trustee may convey the Trust property to the beneficiaries according to their interests and this Trust shall terminate. If, in the opinion of the Trustee, the Trustee may be subjected to embarrassment, litigation, insecurity, liability or hazard, the Trustee may at any time and without notice resign as to all or part of the trust property and convey such trust property directly to the beneficiaries.

b. **Replacement.** The beneficiaries may at any time replace the Trustee by lodging with him an instrument naming a Successor Trustee, signed by all beneficiaries and accepted by the Successor Trustee. Upon receipt of said instrument and if there shall be no fees due and owing to him, the Trustee shall quit claim the property to the Successor Trustee.

c. **Death.** In the event of the death of the Trustee hereunder the following in order of their listing (able and willing to act) is appointed Successor Trustee:

Rick Roberts, CPA

If said person is unable or unwilling to act, or if no person is named herein, the beneficiaries hereunder or any of them by mutual agreement, are appointed successor trustee. Recording of an affidavit reciting this paragraph shall be effective to vest title in said Successor Trustee.

Any successor trustee under this Trust shall have all of the powers, properties, and duties of the original Trustee. Any replacement of the Trustee shall not affect his



first lien on the trust property, for his costs, expenses, attorney's fees and reasonable compensation.

18. **RECORDING.** This Trust shall not be recorded except as herein provided or as required by law.

19. **DISCLOSURE.** The Trustee shall not release information regarding this Trust except as required by law. In making a disclosure required by law, the Trustee shall supply beneficiaries with copies of any reports filed and shall be subject to no liability for the filing of such reports. The Trustee shall not be liable for inadvertent disclosure of the identity of any beneficiary.

20. **FLORIDA RICO ACT.** Notwithstanding any provision of this Trust to the contrary, the Trustee shall have no obligation to convey title to real property held by the Trustee pursuant to this Agreement until it has performed or caused to be performed, at the expense of the beneficiaries of this Trust Agreement, a search of the official records of all counties in which such real property is located. If such search discloses that no RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee may convey its legal or record title to such real property in accordance with the written instruction of the beneficiary. If such search discloses that one or more RICO lien notices have been filed against any person for whom the Trustee holds legal or record title to real property pursuant to this Trust Agreement, then the Trustee shall not convey its legal or record title to such real property unless:

- a. All such RICO lien notices have been released or terminated or such real property has been released from all such RICO lien notices, or
- b. Such persons named in the RICO lien notice agree in writing that the total amount of all proceeds that would otherwise be received directly by such person as a result of the conveyance, will be paid directly to the Trustee, and that the Trustee shall have the right to hold such proceeds, together with the total amount of all such proceeds that would otherwise be paid or distributed to such person or at the direction of such person or his designee, until such time as the provisions of subsection (a) above have been satisfied, and also agrees, in writing, that at the request of the Department of Legal Affairs of the State of Florida, or the office of any state attorney of the State of Florida, the Trustee, without any liability to the person named in the RICO lien notice, may pay the total amount of such proceeds held by the Trustee pursuant to the provisions of this subsection (b) to the Department of Legal Affairs of the State of Florida or the office of any state attorney of the State of Florida.



21. PARTITION. The remedy of partition shall not be available to the beneficiaries of this Land Trust.

22. PARTIES BOUND. This Agreement shall extend to and be obligatory upon the heirs, administration and assigns of the respective parties.

23. GENDER. Any references to he or him in this Agreement shall apply to parties of either gender.

24. PARAGRAPH TITLES. The titles of paragraphs are for convenience only and shall in no way be used for the purpose of construing the meaning of this Agreement.

25. GOVERNING LAW. This Agreement shall be construed under the laws of the State of Florida.

26. ADDRESSES. The addresses of the parties as of the date of this Agreement for the purpose of notices are:

Karmen Domres: 1223 Brooker Road, Brandon, FL 33511

27. This document may be signed in one or more counter parts, each of which shall be deemed an original, and all of which together shall be considered one instrument.

IN TESTIMONY WHEREOF, said Trustee accepted the duties of Trustee the day and year first above written and on said day the said beneficiaries have signed this Declaration of Trust said Trust Agreement in order to signify his/her/their assent to the terms hereof.

SIGNATURE PAGE FOLLOWS



Signed, sealed and delivered in our presence:

WITNESSES:

(1) [Signature]

Printed Name Michael Germino

(2) [Signature]

Printed Name Bryan Nichols

TRUSTEE:

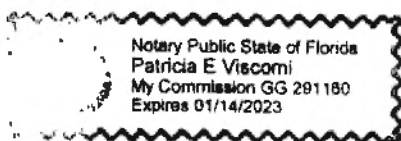
**SIMPLICITY FUNDING & HOLDINGS, LLC,
A FLORIDA LIMITED LIABILITY COMPANY**

By: [Signature]

Justin W. Savich
Its: Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8th day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding and Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.



Patricia E. Visconti
Print Name: Patricia E. Visconti
Notary Public
My Commission Expires: 1/14/2023




Signed, sealed and delivered in our presence:

WITNESSES:

(1) 

Printed Name Michael Gemino

(2) 

Printed Name Bryan Nichols

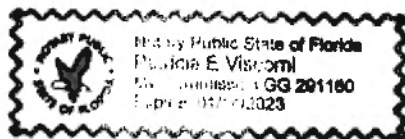
BENEFICIARY:

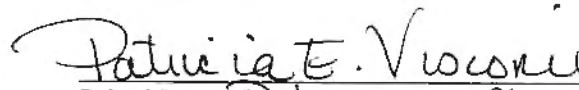
**SIMPLICITY FUNDING & HOLDINGS, LLC,
A FLORIDA LIMITED LIABILITY COMPANY**

By: 
Its: Justin W. Savich
Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8th day of May 2020, by Justin W. Savich, as Managing Member of Simplicity Funding & Holdings, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced a n/a Driver's License as identification.




Print Name: Patricia E. Viscomi
Notary Public
My Commission Expires: 1/14/2023

OPERATING AGREEMENT

FOR

Simplicity Funding & Holdings , LLC

THIS OPERATING AGREEMENT is made and entered into the 6th day of January, 2014 (the "Effective Date"), by the members listed in Exhibit "A" ("Members"), to govern the operation and management of the Florida limited liability company known as Simplicity Funding & Holdings, LLC (the "Company").

WITNESSETH:

WHEREAS, Articles of Organization (the "Articles") were filed on January 6th, 2014, with the office of the Department of State of the State of Florida, in order to form the Company as a Florida limited liability company, as amended; and

WHEREAS, pursuant to the Articles, the business and management of the Company are to be conducted in accordance with the Articles, the provisions of an operating agreement and the provisions of Florida Statutes as amended from time to time; and

WHEREAS, the Members desire to enter into this Operating Agreement (this "Agreement") in order to set forth the terms and conditions that will regulate and govern the operation and management of the Company and regulate and govern the rights and obligations of the Members with respect to the Company.

NOW, THEREFORE, in consideration of the foregoing, which shall be deemed to be incorporated as an integral part of this Agreement and not mere recitals hereto, the Members hereby set forth as follows:

6.1 Appointment of Tax Matters Partner. Justin Savich is hereby designated pursuant to Code Section 6231(a)(7) as the Company's Tax Matters Partner, and is responsible for acting as the liaison between the Company and the Internal Revenue Service ("Service"). The Tax Matters Partner shall have the duties of a tax matters partner as provided in the Code, in addition to such other duties as are provided under this Agreement. The Tax Matters Partner shall be reimbursed by the Company for all out-of-pocket expenses, costs and liabilities expended or incurred by the Tax Matters Partner in acting as the Company's Tax Matters Partner.

6.2 Tax Elections. By the affirmative vote of a majority of the 100% interest in the Company, the Members shall from time to time determine whether or not to make or attempt to revoke any and all tax elections regarding depreciation methods and recovery periods, capitalization of construction period expenses, amortization of organizational and start-up expenditures, basis adjustments upon admission or retirement of Members, and any other federal, state, or local income tax elections.

ARTICLE 7 - MANAGEMENT

7.1 Management of the Company. The initial Manager of the Company shall be Justin. Management of the business of the Company shall be wholly vested in the Managers, who may exercise all such powers of the Company and do all such lawful acts and things as are not by law or this Agreement directed or required to be exercised or done only by the Members.

7.2 Tenure and Qualification. Each Manager shall hold office until the Manager sooner resigns or is removed by the Members.

7.3 Removal. A Manager may be removed with or without cause by the

affirmative vote of the Members holding a majority of the Percentage Interests in the Company, but such removal shall be without prejudice to the contract rights, if any, of the person removed.

7.4 Vacancies. Any vacancy occurring in a Manager position may be filled by the affirmative vote of the Members holding a majority of the Percentage Interests in the Company.

7.5 Officers. The Managers may (but shall not be required to) appoint a Chief Financial Officer, Chief Operating Officer and Secretary, as well as such other officers as the Managers shall deem appropriate, such officers to have those duties and responsibilities as may be authorized from time to time by the Managers. The Managers may remove any officer at any time with or without cause. Each officer shall hold office until such officer's successor shall have been duly appointed and shall have qualified, unless such officer sooner dies, resigns or is removed by the Managers. The appointment of an officer does not itself create contract rights.

7.6 Time Devoted to Business. Each Manager shall devote such time to the business of the Company as the Managers, in the Managers' discretion, deem necessary for the efficient operation of the Company's business.

7.7 Exculpation. Any act or omission of a Manager, the effect of which may cause or result in loss or damage to the Company or the Members, if done in good faith to promote the best interests of the Company, shall not subject such Manager to any liability to the Member.

7.8 Actions Requiring Notice to Members. Notwithstanding anything to the contrary in this Agreement, the Managers may not take any of the following actions without at least 48 hours' notice and opportunity for each Member to be consulted as to the action:

- (i) the merger or sale of the Company or sale of substantially all of its assets;

- (ii) the filing of a voluntary petition for bankruptcy, assignment for the benefit of creditors or any other insolvency proceeding;
- (iii) the pledging of any Company assets or borrowing money; and
- (iv) any transaction that requires an expenditure in excess of \$10,000.00.

ARTICLE 8 - PERMITTED TRANSACTIONS

8.1 Other Businesses. The Members or any Affiliate, agent, or representative of the Members, may engage in or possess an interest in other business ventures of any nature or description, independently or with others, whether currently existing or hereafter created such ventures do not compete with or are otherwise harmful to the business of the Company. The Company shall not have any rights in or to the income or profits derived there from.

8.2 Transactions with the Company. The Company may, in the sole discretion of the Managers, contract with any Person (including a Member or any Person affiliated with a Member or in which a Member may be interested) for the performance of any services which may reasonably be required to carry on the business of the Company, and any such Person dealing with the Company, whether as an independent contractor, agent, employee, or otherwise, may receive from others or from the Company profits, compensation, commissions, or other income incident to such dealings.

ARTICLE 9 - ADMISSION OF ADDITIONAL MEMBERS

9.1 The Members, by the affirmative vote of the holders of a majority of the Percentage Interests in the Company, may admit any Person as a new Member and issue a Percentage Interest to such new Member for such consideration as the Members by vote deem appropriate.

ARTICLE 10 - TRANSFER OF MEMBERSHIP RIGHTS

10.1 Members may not sell, assign, pledge, or otherwise encumber or transfer all or any part of its interest in the Company to any Person without the prior written consent of the holders of a majority of the Percentage Interests in the Company.

10.2 In the event of the death, bankruptcy or insolvency of a Member, then the Company shall have the right, but not the obligation, to purchase such Member's interest for then market value of said interest, as determined by an accountant chosen by the Members if the Members cannot agree on the value thereof. If the Members cannot agree on an accountant to be used for the valuation, then each shall choose an accountant and the average of their two values shall be binding on all Members.

ARTICLE 11 - LIMITATION OF LIABILITY

11.1 Except as otherwise provided by the Act, the debts, obligations, and liabilities of the Company, whether arising in contract, tort, or otherwise, shall be solely the debts, obligations, and liabilities of the Company; and the Members shall not be obligated for any such debt, obligation, or liability of the Company solely by reason of being a Member. The failure of the Company to observe any formalities or requirements relating to the exercise of its powers or the management of its business or affairs under this Operating Agreement or the Act shall not be grounds for imposing personal liability on the Members for any debts, liabilities, or obligations of the Company.

ARTICLE 12 - INDEMNIFICATION

12.1 General Rule. In any threatened, pending, or completed claim, action, suit, or proceeding to which said Manager was or is a party or is threatened to be made a party by reason of its activities on behalf of the Company, the Company shall indemnify and hold

harmless such Manager against losses, damages, expenses (including attorneys' and accountants' fees), judgments, and amounts paid in settlement actually and reasonably incurred in connection with such claim, action, suit, or proceeding, except that the Manager shall not be indemnified for actions constituting the improper receipt of personal benefits, willful misconduct, recklessness, or gross negligence with respect to the business of the Company; provided, however, that to the extent the Manager has been successful on the merits or otherwise in defense of any action, suit, or proceeding to which the Manager was or is a party or is threatened to be made a party by reason of the fact that the Manager was or is a Manager of the Company, or in defense of any claim, issue, or matter in connection therewith, the Company shall indemnify such Manager and hold the Manager harmless against the expenses (including attorneys' and accountants' fees) actually incurred by such Manager in connection therewith. This section shall be interpreted to provide the maximum amount and scope of indemnification under the Act.

12.2 Advance Payment of Expenses. Expenses (including attorneys' and accountants' fees) incurred in defending a civil or criminal claim, action, suit, or proceeding shall be paid by the Company in advance of the final disposition of the matter upon receipt of an undertaking by or on behalf of the Manager to repay such amount if such Manager is ultimately determined not to be entitled to indemnity.

12.3 Presumption. For purposes of this Section 12.3, the termination of any action, suit, or proceeding by judgment, order, settlement, or otherwise adverse to the Manager shall not, of himself or herself create a presumption that the conduct of such Manager constitutes willful misconduct, recklessness, or gross negligence with respect to the business of the Company.

ARTICLE 13 - AMENDMENT

13.1 Unless otherwise required by the Act, an amendment to this Agreement shall

become effective only at such time as it has been approved unanimously in writing by the Members.

ARTICLE 14 - DISSOLUTION AND TERMINATION

14.1 Events of Dissolution. The Company shall continue until dissolved by:

14.1.1 an election to dissolve the Company made by the Members holding a majority of the Percentage Interests in the Company;

14.1.2 any event which makes it unlawful for the business of the Company to be carried on by the Members; or

14.1.3 any other event causing a dissolution of a limited liability company under the Act.

14.2 Liquidation. Upon dissolution of the Company, the Managers shall act as liquidator to wind up the Company. The liquidator shall have full power and authority to sell, assign and encumber any or all of the Company's assets and to wind up and liquidate the Company's affairs in an orderly and prudent manner. The liquidator shall distribute all proceeds from the liquidation of the Company in the following order of priority:

14.2.1 to the payment of all debts, taxes, obligations and other liabilities of the Company (including any loans to the Company made by a Member) and the necessary expenses of liquidation; where there is a contingent debt, obligation or liability, a reserve shall be set up to meet such contingency, and if and when the contingency shall cease to exist, the monies, if any, in the reserve shall be distributed as herein provided for in this Section; and

14.2.2 to the Members in accordance with their respective Percentage Interests.

14.3 Articles of Dissolution. Upon completion of the distribution of Company assets, the Company shall be terminated and the Managers and Members shall cause the

Company to execute articles of dissolution and take such other actions as may be necessary to dissolve the Company.

ARTICLE 15 - BOOKS, RECORDS AND ACCOUNTING PERIOD

15.1 A copy of this Agreement and any other records required to be maintained by the Act shall be maintained at the principal office of the Company or at such other place as the Managers from time to time may select. The Company shall keep accurate books and records of the operation of the Company which shall reflect all transactions and be appropriate and adequate for the Company's business and for carrying out the provisions of this Agreement. The books shall be kept on such method of accounting as the Managers shall select. The Company's accounting period shall end on December 31.

ARTICLE 16 - MISCELLANEOUS

16.1 Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the undersigned and its successors and permitted assigns.

16.2 Construction Principles. Words in any gender shall be deemed to include any other gender. The singular shall be deemed to include the plural and vice versa. The captions, headings and titles in this Agreement are solely for convenience and reference and shall in no way define, describe, extend or limit the scope or intent of this Agreement or the intent of any provision hereof.

16.3 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida applicable to agreements made and to be performed in Florida.

16.4 Severability. If any provision or part of any provision of this Agreement shall

be invalid or unenforceable in any respect, such provision or part of any provision shall be ineffective to the extent of such invalidity or unenforceability only, without in any way affecting the remaining parts of such provision or the remaining provisions of this Agreement.

16.5 Appraisal Rights. Each Member hereby irrevocably waives any and all appraisal rights to the maximum extent allowed under the Act.

16.6 Attorneys' Fees. In the event of any litigation involving the Company, a Member or Manager, or any combination thereof, the prevailing party shall be awarded reasonable attorneys' fees, costs and expenses.

IN WITNESS WHEREOF, the undersigned have executed this Agreement to be effective as of the date first written above.


JUSTIN SAVICH

EXHIBIT "A" TO OPERATING AGREEMENT

<u>Name of Member</u>	<u>Initial Capital Contribution</u>	<u>Voting Percentage Interest</u>
Justin Savich	\$2,000.00	One hundred percent (100%)

RETURN: Clerk to the Board #27
↑

Existing BDP
20Z00036
Cedar Lake

Prepared by: Suzanne Johns
RK Engineering
385 Pineda Court #200
Melbourne, FL 32940

CFN:2006236875 08-09-2006 03:09 pm
OR Book/Page: 5683 / 0716

Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 5	#Names: 2	
Trust: 3.00	Rec: 41.00	Serv: 0.00
Excise: 0.00		Excise: 0.00
Mtg: 0.00		Int Tax: 0.00

BINDING DEVELOPMENT PLAN

THIS BINDING DEVELOPMENT PLAN (the "Agreement") is entered into this 8 day of August, 2006, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (the COUNTY) and VINELAND ASSOCIATES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY ("DEVELOPER"); and hereby replaces in its entirety the BINDING DEVELOPMENT PLAN recorded in official record book 3129 pages 1279-1287, Brevard County, Florida.

Witnesseth:

WHEREAS, DEVELOPER owns property (the "Property") located in Brevard County, Florida, as more particularly described in Exhibit A attached hereto and made a part hereto by this reference; and

WHEREAS, DEVELOPER desires to develop the Property as a residential single-family detached subdivision with RU-1-11 zoning and pursuant to the Brevard County Code, Appendix C-Zoning; and

WHEREAS, as part of its plan for development of the Property, DEVELOPER wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. County shall not be required or obligated in any way to construct any of the improvements COUNTY shall only be obligated to maintain roads and drainage located in public right-of-way or public drainage easements. It is the intent of the parties that DEVELOPER, its grantees, successors or assigns in interest, or some other association and/or assigns satisfactory to COUNTY, shall be responsible for the maintenance of all improvements except those improvements accepted for maintenance by COUNTY or any other governmental body.

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2. DEVELOPER shall provide for aquifer recharge in accordance with all current applicable Brevard County regulations, the Brevard County Land Development Code and the Brevard County Comprehensive Land Plan.

3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

4. In the event that the subject property makes a vehicular connection to Clearview Dr., then the DEVELOPER shall submit final engineering plans to be reviewed and approved by Brevard County staff. DEVELOPER shall make improvements which may include but not be limited to the following paving improvements as part of Clearview Drive connection construction, (1) flatten the slope of Clearview Drive to 0.50% for a distance of 50 feet from its intersection with the edge of pavement with U.S. Highway 1, (2) install eastbound left and right turn lanes on Clearview Drive at the U.S. Highway 1 intersection. Furthermore, the county shall allow the developer to provide for beautification of Clearview Drive by installation of landscaping consisting of shrubs and trees within the right of way of Clearview Drive. Landscaping shall be located on the edge of the right of way within 3 feet of the right of way line. Any landscaping planted shall be perpetually maintained by the Home Owners Association on the subject Property.

5. Vehicular connection to Vineland Street from the property is prohibited.

6. DEVELOPER shall construct and install a 6' high opaque fence 15 feet north of the south boundary of the Property.

7. Access to the existing Cedar Lake Drive shall be limited to an emergency access for the benefit of Brevard County, with a locked gate. The locked gate shall be located north of the north propertyline of tax parcel 23-35-24-00-00756.9-0000.00, by this reference (parcel 756.9). Emergency access shall be an unobstructed, 20-foot wide, all weather stabilized base driving surface capable of supporting a 32 ton emergency vehicle and subject to approval by Brevard County staff. The emergency access provided to the County shall be located within a 25 foot wide emergency vehicle ingress egress easement to the benefit of Brevard County, Florida. The aforementioned emergency

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vehicle ingress egress easement shall be dedicated to the COUNTY upon recording of a plat of the new subdivision (the "Plat") adjacent to Parcel 756.9.

8. DEVELOPER shall convey all of Parcel 756.9, to the adjacent property owners east and west of Parcel 756.9 concurrent with the granting of the emergency vehicle ingress egress easement to the county and acceptance by the county. All of that portion of Parcel 756.9 east of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot east of Parcel 756.9. All of that portion of Parcel 756.9 west of the centerline of the emergency vehicle ingress egress easement will be conveyed to the owner of the lot west of Parcel 756.9.

9. DEVELOPER shall design and construct the lot grading in such a manner that the front and rear lot drainage, excluding the subdivision perimeter landscape buffer and associated slopes required by county regulations, is directed away from any adjacent residential lots.

10. In the event that the DEVELOPER is able to secure a legal alternative vehicular connection for the Property approved by the county in lieu of Clearview Dr., then the Property shall not be required to provide a vehicular connection to Clearview Dr.

11. This agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject property and be binding upon any persons, firm or corporation who may become the successor in interest, directly or indirectly, to the subject Property.

12. This Agreement shall not vest this project for concurrency purposes.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

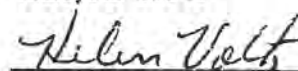


Scott Ellis, Clerk

(SEAL)

STATE OF FLORIDA
COUNTY OF BREVARD

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940


Helen Voltz, Chair

As approved by the Board August 8, 2006

This is to certify that the foregoing is a
true and current copy of the original
and official seal this August day of
2006

SCOTT ELLIS
Clerk Circuit Court
BY Donald Scott D.C.

Z11269

RETURN: Clerk to the Board #27

STATE OF FLORIDA §
COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me this 8 day of August, 2006, by Helen Votz, Chair of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced as identification.

My commission expires

Tamara J. Ricard
Notary Public

SEAL

Commission



Tamara J. Ricard
(Name typed, printed or stamped)

WITNESSES:

Esther L. Davidson
Esther L. Davidson
(Witness Name typed or printed)

Angela A. Abbott
Angela A. Abbott
(Witness Name typed or printed)

DEVELOPER

Bruce Jones
Bruce Jones
VINELAND ASSOCIATES, L.L.C., managing member

STATE OF FLORIDA §

COUNTY OF BREVARD_ §

The foregoing instrument was acknowledged before me this 29th day of June, 2006, by Bruce Jones, as Managing Member of VINELAND ASSOCIATES, L.L.C. a Florida Limited Liability Company, who is personally known to me or who has produced N/A as identification.

My commission expires

SEAL

Commission No.:

Angela A. Abbott
Notary Public

(Name typed, printed or stamped)



Z11269 78

Legal Description: Parcel 1

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 24 and run N.01 degrees 35'53"W. along the East line of said Section 24, a distance of 1,329.95 feet to the Southeast corner of the North 1/2 of the Southeast 1/4, the point of beginning; thence continue N.01 degrees 35'53"W., along said East line, a distance of 979.95 feet to a point located 350.0 feet South of the East 1/4 corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence S. 88 degrees 12'37"W., along the South line of said lands a distance of 1,170.07 feet to a point on the East Right of Way line of the Florida East Coast Railroad (a 100 foot right of way); thence S.20 degrees 05'13"E., along said East Right of Way line, a distance of 1,023.78 feet to a point on the South line of the North 1/2 of the Southeast 1/4; thence N.88 degrees 44'52"E., along said South line, a distance of 845.42 feet to the point of beginning.

Parcel 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the point of beginning of the herein described parcel; from said point, run S.89 degrees 41'21"W., along the South line of Government Lot 1 to the East Right of Way of the Florida East Coast Railroad (a 100' right of way), a distance of 1286.68 feet; thence run N.18 degrees 32'20"W., along said East Right of Way to the South line of Delespine Grant, a distance of 666.48 feet; thence run N.75 degrees 10'20"E., along said South line of Delespine Grant, a distance of 1549.31 feet; thence run S.0 degrees 03'29"E., along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46 of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the point of beginning.

Together with:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East 1/4 corner of said Section 24, and run S.01°35'53"E., along the East line of said Section 24, a distance of 350.17 feet; thence run S.88°12'37"W., a distance of 1064.74 feet to the POINT OF BEGINNING; thence continue S.88°12'37"W., a distance of 105.33 feet to a point on the East right of way line of Florida East Coast Railroad; thence run N.20°05'13"W., along said East right of way line, a distance of 368.53 feet; thence run N.88°11'50"E., a distance of 105.33 feet; thence run S.20°05'13"E., parallel to said East right of way line, a distance of 368.53 feet to the POINT OF BEGINNING, containing 0.846 acres.

Subject to all easements and rights of way of record.

EXHIBIT "A"

Z11269

79

Prepared by: Kimberly B. Rezanka
Lacey Lyons Rezanka
1290 U.S. Highway 1, Ste. 201
Rockledge, FL 32955

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of _____, 2021, between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter referred to as "County") and **5971 Cedar Lake Drive Revocable Land Trust and U.S. Highway No. 1 Commercial Land Trust**, (hereinafter collectively referred to as "Developer/Owner"); and hereby replaces in its entirety the Binding Development Plan recorded in Official Records Book 5683, Page 716, Public Records of Brevard County, Florida.

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the TR-1 zoning classification(s) and desires to develop the Property as a manufactured home subdivision, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner shall provide a 6 foot high opaque buffer on the southern boundary of the Property.

3. The Developer/Owner shall limit density to a total of 200 units on the Property and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Vehicular access to Vineland Street from the Property is prohibited.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court the cost of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

Signatures on next page

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

_____, Clerk
(SEAL)

_____, Chair
As approved by the Board on _____

WITNESSES:

5971 CEDAR LAKE DRIVE LAND TRUST
and U.S. HIGHWAY NO. 1 COMMERCIAL LAND TRUST
as DEVELOPER/OWNER

(Witness Name typed or printed)

(Address)

(Witness Name typed or printed)

(President)

(Name typed, printed or stamped)

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this ____ day of
, 2021, by _____, President of _____, who is personally
known to me or who has produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)

Exhibit A

PARCEL 1:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01° 35' 53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01° 35' 53" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88° 12' 37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right-of-way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20° 05' 13" East long said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88° 44' 52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

PARCEL 2:

A portion of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89° 41' 21" West along the South line of Government Lot 1 to the East right of way of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18° 32' 20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75° 10' 20" East along said South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0° 03' 29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

PARCEL 3:

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0° 11' 08" East along the East line of said Section 24, 1329.98 feet; thence North 89° 28' 02" West, 311.58 feet to the Point of Beginning; thence South 0° 31' 58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89° 28' 02" West, along said Right of Way line, 145.20 feet; thence North 0° 31' 58" East 150.00 feet; thence South 89° 28' 02" East, 145.20 feet to the Point of Beginning
TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

PARCEL 4:

A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01° 35' 53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88° 12' 37" West, a distance of 1064.74 feet to the Point of Beginning; thence continue South 88° 12' 37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20° 05' 13" West along said East right of way line, a distance of 368.53 feet; thence run North 88° 11' 50" East, a distance of 105.33 feet; thence run South 20° 05' 13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North $0^{\circ} 11' 08''$ East along the East line of said Section 24, 1329.98 feet; thence North $89^{\circ} 28' 02''$ West, 311.58 feet to the Point of Beginning; thence South $0^{\circ} 31' 58''$ West, 150.00 feet to the North Right of Way line of Cowan Road; thence North $89^{\circ} 28' 02''$ West, along said Right of Way line, 145.20 feet; thence North $0^{\circ} 31' 58''$ East 150.00 feet; thence South $89^{\circ} 28' 02''$ East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 19, and run North along the West line of said Section 19, a distance of 489.48 feet to the Northwest corner of the PLAT OF CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North $75^{\circ} 10' 20''$ East, along said South line, a distance of 505.39 feet; thence South $14^{\circ} 35' 25''$ East, parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT OF CLEARVIEW TERRACE; thence South $80^{\circ} 13' 23''$ West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.

ALTA/NSPS LAND TITLE SURVEY

Survey
20Z00036
Cedar Lake

TABLE "A" REQUIREMENTS	
1	SEE SURVEY
2	SEE SURVEY
3	SEE SURVEY
4	SEE SURVEY
5	SEE SURVEY
6	NOT APPLICABLE
7	SEE SURVEY
8	SEE SURVEY
9	SEE SURVEY (NO RECENT CONSTRUCTION VISIBLE)
10	NOT APPLICABLE
11	NOT APPLICABLE
12	NOT APPLICABLE
13	SEE SURVEY
14	NOT APPLICABLE
15	NOT APPLICABLE
16	SEE SURVEY (NO RECENT CONSTRUCTION VISIBLE)
17	SEE SURVEY (NO CHANGES TO ROAD WAYS)
18	NOT APPLICABLE
19	NOT APPLICABLE
20	NOT APPLICABLE
21	NOT APPLICABLE

SURVEY NOTES:

1. ELEVATIONS ARE BASED OFF THE NORTH AMERICAN VERTICAL DATUM OF 1988, TAKEN BY GPS OBSERVATIONS. BENCHMARK USED IS DESIGNATED AS "K 649", PID "DK6663", BREVARD COUNTY, FLORIDA AND WAS PROVIDED BY THE NATIONAL GEODETIC SURVEY. CONTOUR INTERVALS ARE 1.0'.
2. STATE PLANE COORDINATES BASED ON THE FLORIDA STATE PLANE EAST, NAD83, US SURVEY FEET.

Legal Description:

PARCEL 1:
A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24 and run North 01°35'53" West along the East line of said Section 24, a distance of 1329.95 feet to the Southeast corner of the North Half of the Southeast Quarter, the Point of Beginning; thence continue North 01°35'35" West along said East line, a distance of 979.95 feet to a point located 350.00 feet South of the East Quarter corner of Section 24, said point being on the South line of lands per Official Records Book 661, Page 1026; thence South 88°12'37" West along the South line of said lands, a distance of 1170.07 feet to a point on the East right of way line of the Florida East Coast Railroad (a 100 foot right of way); thence South 20°05'13" East along said East Right of Way line, a distance of 1023.78 feet to a point on the South line of the North Half of the Southeast Quarter; thence North 88°44'52" East along said South line, a distance of 845.42 feet to the Point of Beginning.

PARCEL 2:
A parcel of land lying in Government Lot 1, Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Government Lot 1, said point also being the Point of Beginning of the herein described parcel; from said point run South 89°41'21" West along the South line of Government Lot 1 to the East right of way line of the Florida East Coast Railroad (a 100 foot right of way), a distance of 1286.68 feet; thence North 18°32'20" West along said East right of way to the South line of Delespine Grant, a distance of 666.48 feet; thence run North 75°10'20" East along the South line of Delespine Grant, a distance of 1549.31 feet; thence run South 0°03'29" East along land described in Deed Book 440, Page 584 and Clearview Terrace Subdivision, as recorded in Plat Book 12, Page 46, of the Public Records of Brevard County, Florida, a distance of 1021.91 feet to the Point of Beginning.

PARCEL 3:
Lot 12, COWAN'S TRAILER PARK, as recorded in Survey Book 4, Page 53, Public Records of Brevard County, Florida, more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 23 South, Range 35 East; thence North 0°11'08" East along the East line of said Section 24, 1329.98 feet; thence North 89°28'02" West, 311.58 feet to the Point of Beginning; thence South 0°31'58" West, 150.00 feet to the North Right of Way line of Cowan Road; thence North 89°28'02" West, along said Right of Way line, 145.20 feet; thence North 0°31'58" East, 150.00 feet; thence South 89°28'02" East, 145.20 feet to the Point of Beginning TOGETHER WITH a 5.00 foot utility easement along the front and side lot lines.

PARCEL 4:
A parcel of land lying in Section 24, Township 23 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the East Quarter corner of said Section 24 and run South 01°35'53" East, along the East line of said Section 24, a distance of 350.17 feet; thence run South 88°12'37" West, a distance of 105.33 feet to a point on the East right of Way line of the Florida East Coast Railroad; thence run North 20°05'13" West along said East right of way line, a distance of 368.53 feet; thence run North 88°11'50" East, a distance of 105.33 feet; thence run South 20°05'13" East parallel to said East right of way line, a distance of 368.53 feet to the Point of Beginning.

PROPERTY ADDRESS: 5971 CEDAR LAKE DRIVE-COCOA BEACH, FLORIDA 32927

LEGEND

GRAPHIC SCALE: 1" = 120'

FLOOD ZONE

Legal Description: SEE ABOVE

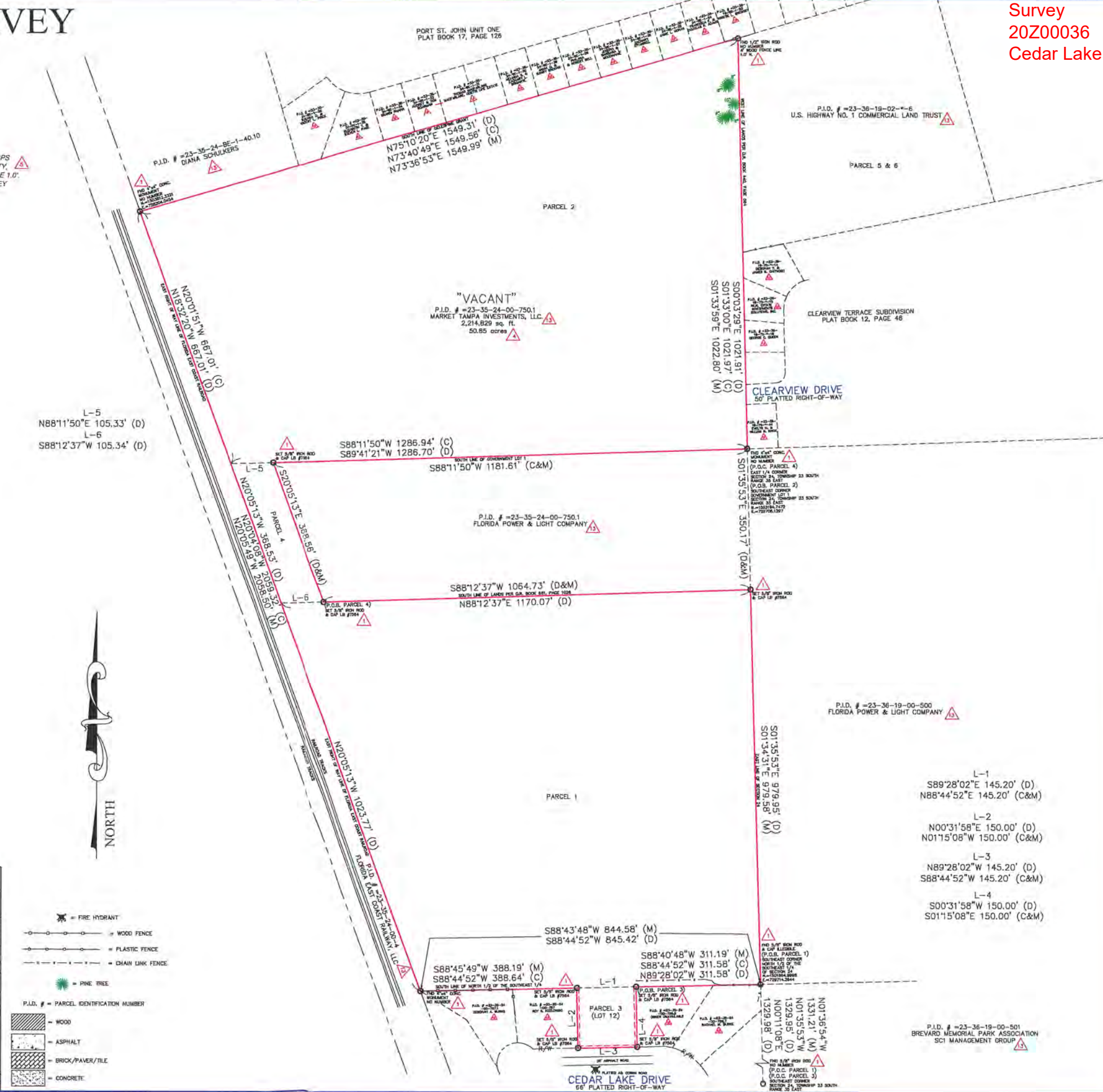
CERTIFIED TO:
MARKET TAMPA INVESTMENTS
(EXCLUSIVELY)

CLIENT NO.: 20Z00036
JOB NO.: 20Z00036
FIELD DATE: 10/28/23
APPROVED BY: AER
CHECKED BY: AER
DRAWN BY: CNR
DRAWN DATE: 11/06/23

I hereby certify that the survey of the herein described property was prepared under my direct supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mapmakers in Chapter 5J-17.050 through 5J-17.053, Florida Administrative Code, Pursuant to Chapter 472.037, Florida Statutes.

CERTIFIED BY: JAMES R. BROWN, JR., P.S., dated 11/06/23
P.O. BOX 119707, TAMPA, FLORIDA 33611-0707
407.931.3425 (Office) 407.939.5433 (Fax) LB 47564

NOT VALID WITHOUT THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPMAKER.



- L-1
S89°28'02"E 145.20' (D)
N88°44'52"E 145.20' (C&M)
- L-2
N00°31'58"E 150.00' (D)
N01°15'08"W 150.00' (C&M)
- L-3
N89°28'02"W 145.20' (D)
S88°44'52"W 145.20' (C&M)
- L-4
S00°31'58"W 150.00' (D)
S01°15'08"E 150.00' (C&M)

ALTA/NSPS LAND TITLE SURVEY

TABLE "A" REQUIREMENTS	
1	SEE SURVEY
2	SEE SURVEY
3	SEE SURVEY
4	SEE SURVEY
5	SEE SURVEY
6	NOT APPLICABLE
7a 7b 7c	NOT APPLICABLE
8	SEE SURVEY
9	SEE SURVEY (NONE PRESENT AT TIME OF SURVEY)
10	NOT APPLICABLE
11	NOT APPLICABLE
12	NOT APPLICABLE
13	SEE SURVEY
14	NOT APPLICABLE
15	NOT APPLICABLE
16	SEE SURVEY (NO RECENT CONSTRUCTION VISIBLE)
17	SEE SURVEY (NO CHANGES TO ROAD R/W)
18	NOT APPLICABLE
19	SEE SURVEY
20	NOT APPLICABLE
21	NOT APPLICABLE

SURVEY NOTES:

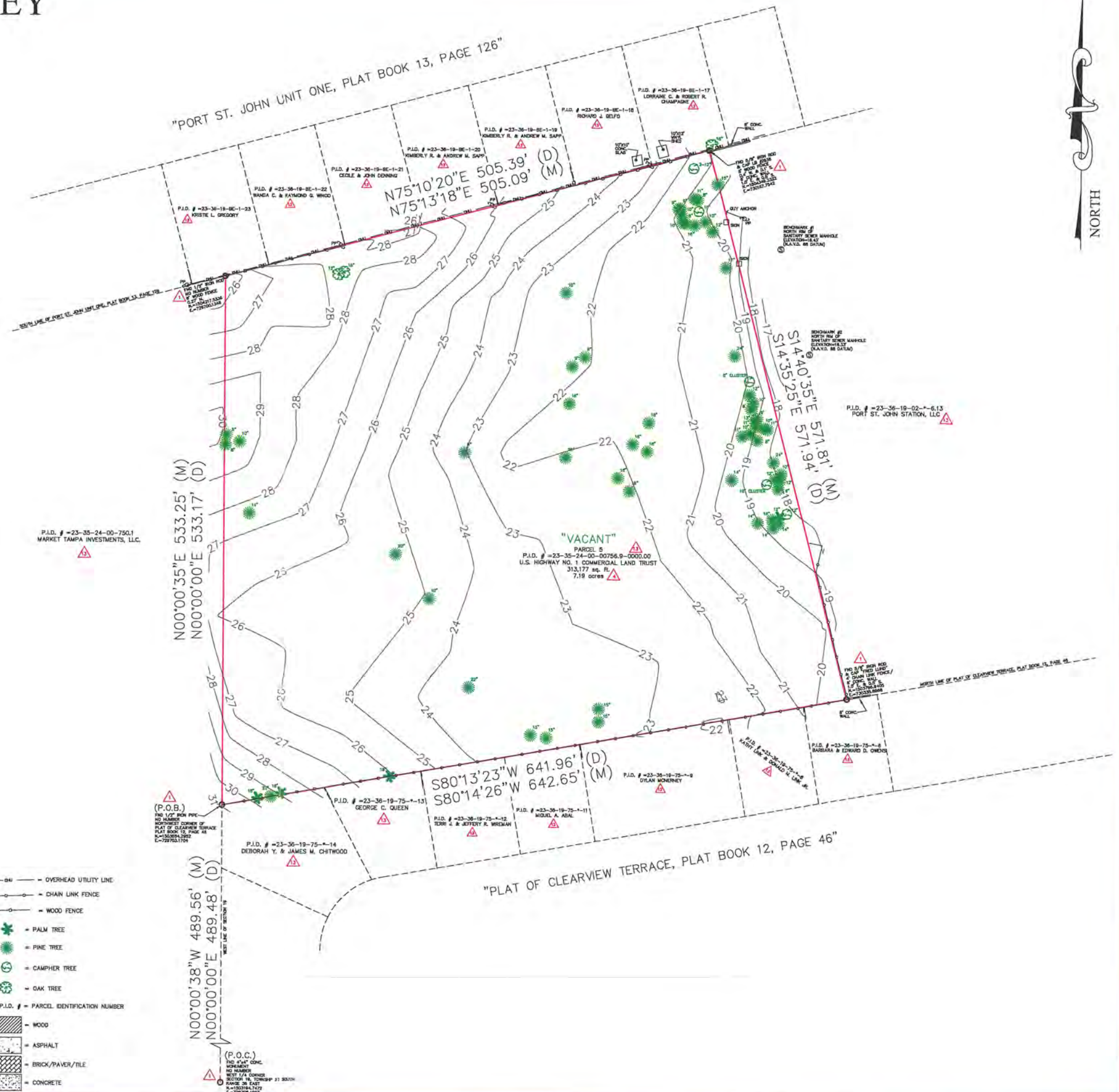
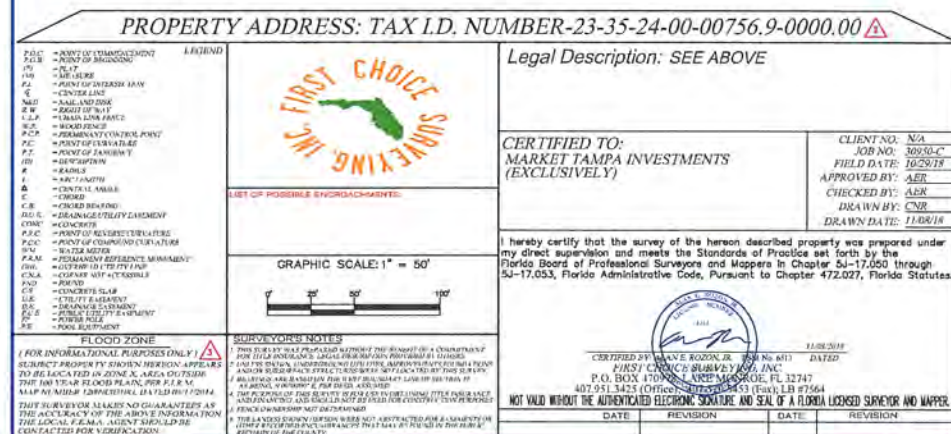
1. ELEVATIONS ARE BASED OFF THE NORTH AMERICAN VERTICAL DATUM OF 1988, TAKEN BY GPS OBSERVATIONS. BENCHMARK USED IS DESIGNATED AS "K 649", PID "DK6663", BREVARD COUNTY, FLORIDA AND WAS PROVIDED BY THE NATIONAL GEODETIC SURVEY. CONTOUR INTERVALS ARE 1.0'.
2. STATE PLANE COORDINATES BASED ON THE FLORIDA STATE PLANE EAST, NAD83, US SURVEY FEET.

Legal Description:

PARCEL 5:
Descriptions of Tract "C" and "D"

A parcel of land lying in Section 19, Township 23 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the West Quarter corner of said Section 14 and run North along the West line of said Section 19, a distance of 498.48 feet to the Northwest corner of the PLAT of CLEARVIEW TERRACE, as recorded in Plat Book 12, Page 46, Public Records of Brevard County, Florida, to the Point of Beginning; thence continue North, along the West line, a distance of 533.17 feet to a point on the South line of PORT ST. JOHN UNIT ONE, as recorded in Plat Book 13, Page 126, of said Public Records; thence run North 75°10'20" East, along said South line, a distance of 505.39 feet; thence South 14°35'25", parallel with the West right of way line of U.S. Highway No. 1, a distance of 571.94 feet to a point on the North line of said PLAT of CLEARVIEW TERRACE; thence South 80°13'23" West, along said North line of subdivision, a distance of 641.95 feet to the Point of Beginning.



From: Black.Karen@PIng_Design and Constr
To: Kim Rezanka; Ritchie, George C
Cc: Ball, Jeffrey; Body, Paul
Subject: RE: New rezoning application
Date: Thursday, November 5, 2020 10:57:21 AM
Attachments: image001.png
image002.png
image003.png
Concurrency Application and Fees Oct2018.pdf
2020-21_Financially Feasible Plan.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

Providing the County will allow the BDP to be revised without school concurrency, the School Board will consider this as a preliminary development request. The BDP must be recorded simultaneously with the rezoning approval, which would limit the development to 200 units. With the number of units increasing less than 50 units over the previous 154 units-we would consider the request exempt from school concurrency based on Interlocal Agreement Section 13.1(d.6) which states that Preliminary Development request that do not increase the maximum allowable residential units by 50 or more are exempt due to De minimis impact. Please note that if at any time the BDP is changed to increase the number of units further a school concurrency review will be required.

Regardless of this exemption, the School Board will require a Final Development Request (SCADL) in order to reserve the necessary school capacity at such time as a Site development plan or plat is submitted. I have attached a copy of the current application and Financially Feasible Plan for your reference.

You may view the [Interlocal Agreement for Public School Facility Planning and School Concurrency](#), please let me know if you have any questions.

Sincerely,



Karen M. Black, AICP Candidate
Manager-Facilities Planning & Intergovernmental Coordination

School Board of Brevard County
Facilities Services, Planning & Project Management
2700 Judge Fran Jamieson Way
Viera, FL 32940
Office Phone: 321-633-1000, Ext. 11418
E-mail Black.Karen@BrevardSchools.org

From: Kim Rezanka <krezanka@laceyandlyons.com>
Sent: Wednesday, November 4, 2020 5:26 PM
To: Ritchie, George C <George.Ritchie@brevardfl.gov>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Black.Karen@PIng, Design and Constr <Black.Karen@Brevardschools.org>; Body, Paul <Paul.Body@brevardfl.gov>
Subject: RE: New rezoning application

Caution: This email originated from outside of Brevard Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, George.

As to the school concurrency, I thought concurrency was actually based on the FLU. But even with the limit of 156 units (despite being RES8), the addition of the 7.18 acres of BU-1 should result in less than the 200 units, for school concurrency. Or is commercial land never counted for school concurrency?

Sincerely,

Kimberly B. Rezanka
Office 321.608.0892

From: Ritchie, George C <George.Ritchie@brevardfl.gov>
Sent: Wednesday, November 4, 2020 2:32 PM
To: Kim Rezanka <krezanka@laceyandlyons.com>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Black.Karen@PIng, Design and Constr <Black.Karen@Brevardschools.org>; Body, Paul <Paul.Body@brevardfl.gov>
Subject: RE: New rezoning application

Good afternoon Kim,

This request will need a School Board School Concurrency Review. The last BDP on 50.64 acres limited development to 154 lots as recorded in ORB 5683 Pgs 716-720. Your request for 200 lots will need a new review. As their attorney, you won't need an authorization to act form. Limits on current sewer capacity are also an issue which has not been resolved. Residential densities over 4 units per acre must be connected to potable water and sewer. Friday afternoon, I am the Planner of the Day so I would not be available for application review. I do have availability from 8-9 am or 10:30 – 11:30am.

3. DEVELOPER shall limit density to a maximum total of 154 lots, which shall consist of 86 in the northern parcel and 68 in the southern parcel, all subject to any wetlands preservation regulations of any governmental entity.

Public Facilities and Services Requirements

Policy 1.2

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:

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.
- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.
- 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.
- 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.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

George C. Ritchie, Planner III, Zoning Office
Brevard County Planning & Development Department
2725 Judge Fran Jamieson Way Bldg. A-114
Viera, FL 32940

Phone # (321-350-8272)

From: Kim Rezanka <krezanka@lacevandlyons.com>
Sent: Wednesday, November 4, 2020 12:49 PM
To: Ritchie, George C <George.Ritchie@brevardfl.gov>
Cc: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: New rezoning application

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

George,

I will be submitting a rezoning request for parcels 2310861, 2310971 and 2316173 – surveys we have show this as 58.04 – **rezoning to TR-1**, and removal of two BDP's (not sure why there are two).

What will be the **cost** of the application (including NRMO review)?

We will be submitting a BDP to limit the number of units to 200, so I do not believe we need a **school concurrency review** (RES8 for 50.85 ac., BU-1 for 7.19 ac.) – please advise.

The **authorization forms** from the owners are coming from Tampa – must I have the originals on Friday to put in the application, or can I give you a copy and deliver the originals later? Or have the originals fedex'd directly to you?

Finally, do you have **time Friday** afternoon for me to submit the application?

Thank you!

Sincerely,

Kimberly B. Rezanka
Partner



1290 US Highway 1, Suite 201
Rockledge, FL 32955
Office 321.608.0892
krezanka@laceyandlyons.com
<https://www.laceyandlyons.com/>

Commercial & Civil Litigation | Zoning & Land Use | Local Government Law

This communication, along with any attachments, may contain information that is confidential, privileged or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution, forwarding, or use of any information contained in or attached to this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone and destroy the original e-mail and its attachments without reading, printing, saving or forwarding in any manner.

Due to Florida's broad public records law, most written communications to or from government employees regarding public education are public records. Therefore, this e-mail communication may be subject to public disclosure.

5971 Cedar Lake Rev. Land Trust
U.S. Hwy No. 1 Commercial
Land Trust

Owner's Name:

Hearing Date:

January 6, 2021

20200036

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

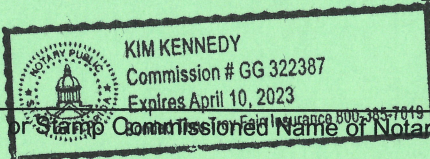
Before me, this undersigned authority, personally appeared, Brian Lock,
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

Brian Lock
Signature

Sworn and Subscribed before me, this 15th day of December.

(Print, Type, or Stamp Commissioned Name of Notary Public)



Kim Kennedy
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: _____

THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING

PHOTOGRAPHS



BREVARD COUNTY CODE ENFORCEMENT



Mo./Day/Year	Address	Zng App.#
12/14/2020	5971 Cedar Lake Dr., Cocoa	20200036



Brian Lock

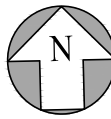


Draft Concept Plan
20Z00036
Cedar Lake Drive, et al
(Submitted 01/28/21)

LOT COUNT	147 LOTS
DENSITY	2.64 U.P.A.
TOTAL ACREAGE	55.72 AC.

CEDAR LAKE SUBDIVISION
CONCEPTUAL LAYOUT

CONCEPT 01 - January 27, 2021



CIVIL ■ STRUCTURAL ■ SURVEYING ■ ENVIRONMENTAL

From: [jamie.moran](#)
To: [Jones, Jennifer](#)
Subject: ID# 20Z00036
Date: Saturday, January 16, 2021 3:36:44 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello. My name is Jamie Moran. I'm a homeowner on Vineland st. In cocoa (port st. John). I have received correspondence from the Brevard County Board of County Commissioners planning & development department concerning a request to change of zoning for property within 500 feet of mine. I am concerned with the possibility that this request will be granted for a few reasons. Firstly, when I purchased my home it was advertised that the wooded area behind my home would remain nearly indefinitely because it was Florida scrub Jay habitat. As many of us know, that is a threatened bird species that has it's highest populations in Brevard county. How can land be razed and built upon if it will destroy such habitat? My other concern is that the owner's of said property want the zoning classification changed to TR-1. I'm no expert, but quick research into home and land values show that mobile homes are valued much less than single family homes, which is what lines my street. Will having a mobile home park in such close proximity lower our property values? My last concern is the possibility of increased crime rates and/or noise issues by adding up to the BDP of 200 units. I'd imagine that many of those units would house more than one individual. With that many individuals added to our surrounding neighborhood, there is a possibility that the area will have increased noise as well as increased crime. Unfortunately there are crime occurrences in every population, but the probability percentage increases as the population does. Hopefully if this change in zoning is approved, my fears will turn out unfounded. Thank you taking the time to read my e-mail. I am unable to attend any of the public hearings due to work as a nightshift nurse, as well as increased work hours due to the pandemic. Jamie Moran.

(321)795-0007

[Sent from Yahoo Mail on Android](#)

From: [Jamia Q Brogan](#)
To: [Jones, Jennifer](#)
Subject: ID #20Z00036 Adjacent homeowner comments
Date: Monday, January 18, 2021 8:48:29 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jennifer,

I am the home owner at 1109 Vineland Rd. I am not able to make the in person meetings so I am emailing you regarding the requested zoning change.

I am NOT for it. We do not need any more manufactured home communities. It will decrease property values in the surrounding area including my property. I am not opposed to development. They can have condos, townhomes, patio homes, single family homes, anything but mobile homes. Mobile homes deteriorate over time and generally become an eyesore. They are susceptible to more damage than other types of home during hurricanes and other strong storms. We don't need them. We need solid housing. Condos, townhomes, and single family homes. Also, we don't want to remove the BU-1 General zoning. It is good to have General Retail near communities. A vast area of mobile homes is VERY undesirable and I am opposed to the requested zoning change.

Jamia Q Brogan
321-749-9928 (voice, text or vm)
Jamia@JamiaQ.com
"In Service to Others"

From: [Zac Brigante](#)
To: [Jones, Jennifer](#)
Cc: [Pritchett, Rita](#)
Subject: Rezoning Hearing for PSJ Property
Date: Wednesday, January 6, 2021 8:06:41 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Jennifer. I hope you are doing well. I am writing you to ask that the next meeting remain in Port St. John. This is about our community and would not be a fair representation if the meeting was moved to Viera. This needs to be at a local facility that can safely hold the large amount of people who are opposed to this ridiculous rezoning request. The overwhelming number of opposition hopefully will persevere and the county will do what is right with this previously protected property.

My home backs up to this property and the reason we purchased it was because we knew the protected species on this land would prevent development. The owner of the land, Justin Savich and Market Tampa Investments know this as well. I have had many conversations with him in person when he drove a land clearing forestry mulcher machine through the property and also via text. The company prides themselves on buying land very cheap that have known developmental barriers and endangered habitats and bully their way into rezoning and thus adding value to their "underpriced purchase". This company has no interest in the habitats of protected wildlife and I witnessed that first hand in July/August 2018 when he bulldozed huge paths throughout the property saying he was going to get a survey. I know 100% there are Scrub Jays, Gopher Tortoises and Indigo Snakes. I see 2/3 of them daily and Indigos every couple of months.

I also ask that the committee board members come to the next meeting with a better attitude towards the citizens of the community they are serving. I am a long time resident and I was embarrassed by the degrading demeanor and unprofessional attitude displayed by much of the board. I look forward to hearing from you.

Have a great evening,

Zac Brigante
Healthcare Consultant-Director
Floyd Lee Locums
direct: 843.970.2843
mobile: 321.794.7459
zbrigante@floydleelocums.com
www.floydleelocums.com

Connecting clinicians to purposeful work. We impact lives.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

2/22/2021

Subject:

Port St. John Small Area Study

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing to acknowledge the Port St. John Small Area Study.

Summary Explanation and Background:

On October 4th, 2018, the Board of County Commissioners directed Planning and Development Department staff to conduct a Small Area Study of Port St. John. The study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. Seven residents of Port St. John were officially appointed on July 18th, 2019 by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study. The first Citizens Committee meeting took place on August 15, 2019. Due to the pandemic, the final committee meeting took place on September 24, 2020.

The Small Area Study focused on providing data and information to the Citizens Committee for the purpose of formulating recommendations for future improvement projects, land development regulations or amendments to the Comprehensive Plan. The study addressed long-term concerns by examining the Character of the Community; Population, Demographics and Housing; Land Use and Zoning; Infrastructure and Service Demand; Safety and Emergency Management; and Environmental and Ecological Factors. Final recommendations were developed during the course of the Study, and the top five (5) recommendations were selected by vote at the final meeting of the Citizens Committee.

Attached is the final report of the 2020 Port St. John Small Area Study for Board consideration. The top recommendations of the 2020 Port St. John Small Area Study Citizens Committee are as follows:

Recommendation 1: Relocate Brevard County Fire Station from Fay and Carole Avenue to the west which is more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Boulevard and Adams Place (Funding source could be a combined MSTU and MSBU within the boundary).

Recommendation 2: Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

Recommendation 3: Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 2.92 acres located on Fay Boulevard (tax account #s: 2309950, 2309949, 2309948). No changes to zoning recommended.

Recommendation 4: Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 0.30 acres located at the intersection of Fay Boulevard and Grissom Parkway (tax account #: 2310247). No changes to zoning recommended.

Recommendation 5: No changes recommended in the area of Fay Boulevard and US Highway 1. Current Future Land Use and Zoning designations are consistent.

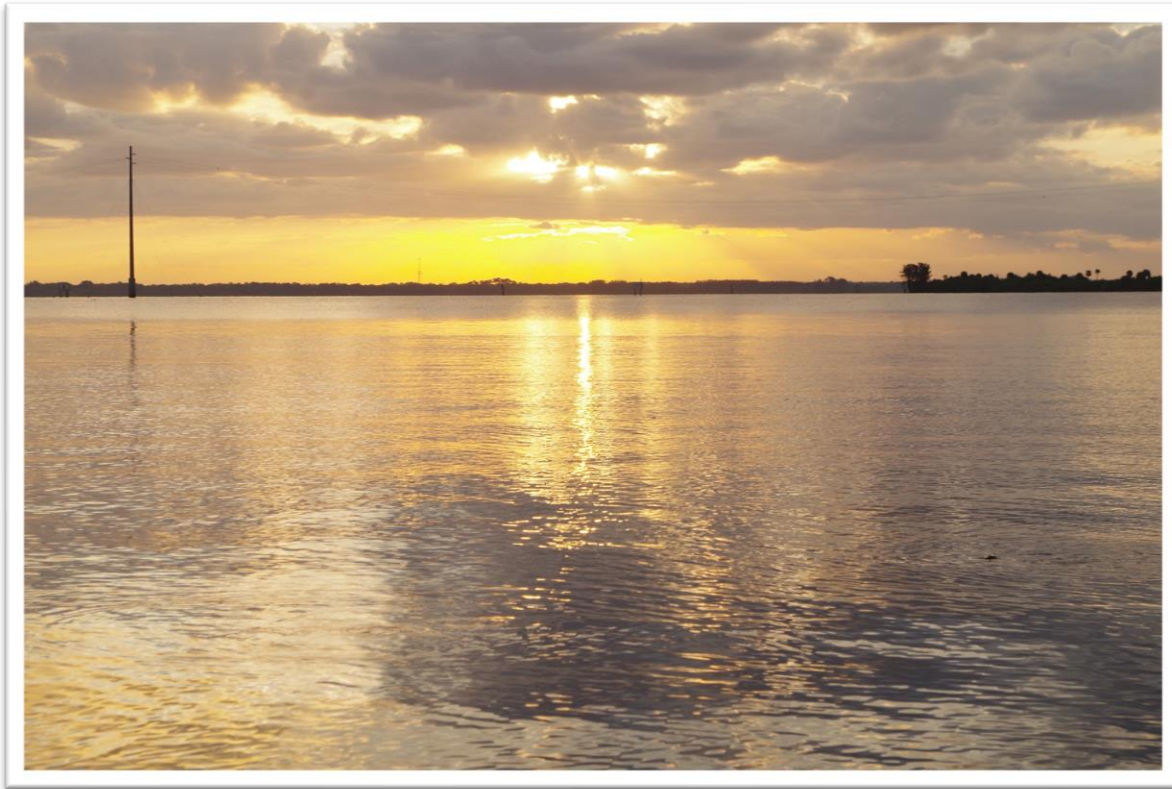
On February 10, 2021, the Port St. John Dependent Special District Board will consider the Small Area Study. Staff will update the LPA accordingly.

The Board of County Commissioners will hear the request on **Thursday, March 4, 2021**, beginning at **5:00 p.m.**, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida.

Clerk to the Board Instructions:

None

PORT ST. JOHN SMALL AREA STUDY



Sunrise view from the Port St. John Boat Ramp. Photo taken by K. Shropshire.

BREVARD COUNTY, FLORIDA
Planning and Development Department
October, 2020



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EXECUTIVE SUMMARY

On October 4th, 2018, the Board of County Commissioners directed Planning and Development Department staff to conduct a Small Area Study of Port St. John. The study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. Seven residents of Port St. John were officially appointed on July 18th, 2019 by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study. The first Citizens Committee meeting took place on August 15, 2019.

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The top recommendations of the 2020 Port St. John Small Area Study Citizens Committee are as follows:

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**Citizens Committee Members**

Vaughan Kimberling, Chair

Carmine Ferraro, Vice Chair

Steven Darling

Matt Denyer

Chris Kane

Maureen Rupe

Chuck Wortham

Brevard County Staff

Tad Calkins, Planning & Development Director

Jeffrey Ball, AICP, Planning & Zoning Manager

Cheryl Campbell, Planner III

Jane Hart, Associate Planner

Anne Rembert, GIS Analyst II – GIS & Mapping

In coordination with various County departments and State agencies

INTRODUCTION

Purpose of the Small Area Study

On October 4th, 2018, the Board of County Commissioners (BCC) directed staff to conduct a study of Port St. John (PSJ) after a Small Scale Comprehensive Plan Amendment and rezoning request with a Binding Development Plan (BDP) in PSJ was approved after much discussion and public comment. The subject parcel was 1.68 acres located on the south side of Fay Boulevard. On July 18th, 2019, seven residents of Port St. John were officially appointed by the District 1 Commissioner to serve as members of the Citizens Committee to guide the Port St. John Small Area Study (herein after known as The Study). The first PSJ Citizens Committee meeting was held on August 15, 2019.

The Study set out to take an in depth look at the area; infrastructure and environment; and the community's vision to serve as a tool for planning for development while preserving a unique quality of life. The Study focused on providing data and information to the Citizens Committee for the purpose of formulating recommendations for future improvement projects, land development regulations or amendments to the Comprehensive Plan. The Study addressed long-term concerns by examining the Character of the Community; Population, Demographics and Housing; Land Use and Zoning; Infrastructure and Service Demand; Safety and Emergency Management; and Environmental and Ecological Factors.

Study Area and Boundaries

The Port St. John Study Area is an irregularly-shaped polygon (please refer to **Map 1** on page 5) generally bordered by the City of Titusville to the north, Canaveral Groves Boulevard to the south, the Indian River Lagoon to the east, and Challenger Memorial Parkway (SR 407) to the west. The study area is approximately 8,450 acres.

Planning History in Port St. John

In 2005, a Small Area Study was proposed to investigate planning and zoning issues in regards to the area in and surrounding the intersection of Port St. John Parkway and Grissom Parkway. Five public meetings were held during September and October of 2005 to discuss the proposed Small Area Study and development issues. Topics discussed per the recorded meeting minutes included zoning, natural resources, stormwater, and roadway maintenance. Draft recommendations were composed; however, a formal SAS was not finalized.

Draft recommendations of the 2005 proposed SAS:

- Create a commercial corridor along Grissom Parkway and Port St. John Parkway, mixing light retail and low-density residential uses.
- Limit driveway access on Port St. John Parkway.
- Encourage access roads along Port St. John Parkway.
- Avoid using wetter soils for commercial uses; use these areas for low-density residential.
- Encourage closures for state owned "paper roads" to discourage use as shortcuts.

- Address visibility issue at the Camp Road connector; encourage traffic study to create alternative road intersection design to provide traffic safety and speed control.
- Encourage traffic feasibility study for turn lanes in Community commercial area and both sides of Canaveral Grove Boulevard intersection, as well as south of intersection; address safety concerns and accident-prone areas.
- Request that natural resources provide an updated Scrub Jay habitat map.
- Target City of Cocoa utilities for future growth.
- Encourage architectural and landscaping review for new commercial development.
- Encourage extension of public transportation and stations near Medical Center.
- Encourage retention and maintenance of existing parks and recreational facilities.
- Encourage study for locating a possible ATV trail network.
- Encourage the creation of a sidewalk/bike trail network on east side of Grissom.
- Encourage connectivity to areas of recreation and community use, and to planned greenway and nature trails near study area.

In addition to the 2005 proposed SAS, the citizens Port St. John have historically been active with the decision-making process on matters affecting their community. Examples of this citizen involvement¹ include:

1987: The Port St. John Homeowner's Association (PSJHOA) worked with County officials to plan a Port St. John Fire Station and Library. Both were completed in 1988.

1988: The PSJHOA began lobbying State and County officials for a Port St. John I-95 Interchange. Their efforts were realized when the new interchange opened in 1999.

1990: The PSJHOA coordinated with State and County agencies concerning septic tank issues and allowed residential build-out.

1992: The PSJHOA served as the community liaison between area residents, County staff, and contractors during the expansion of Fay Boulevard to four lanes.

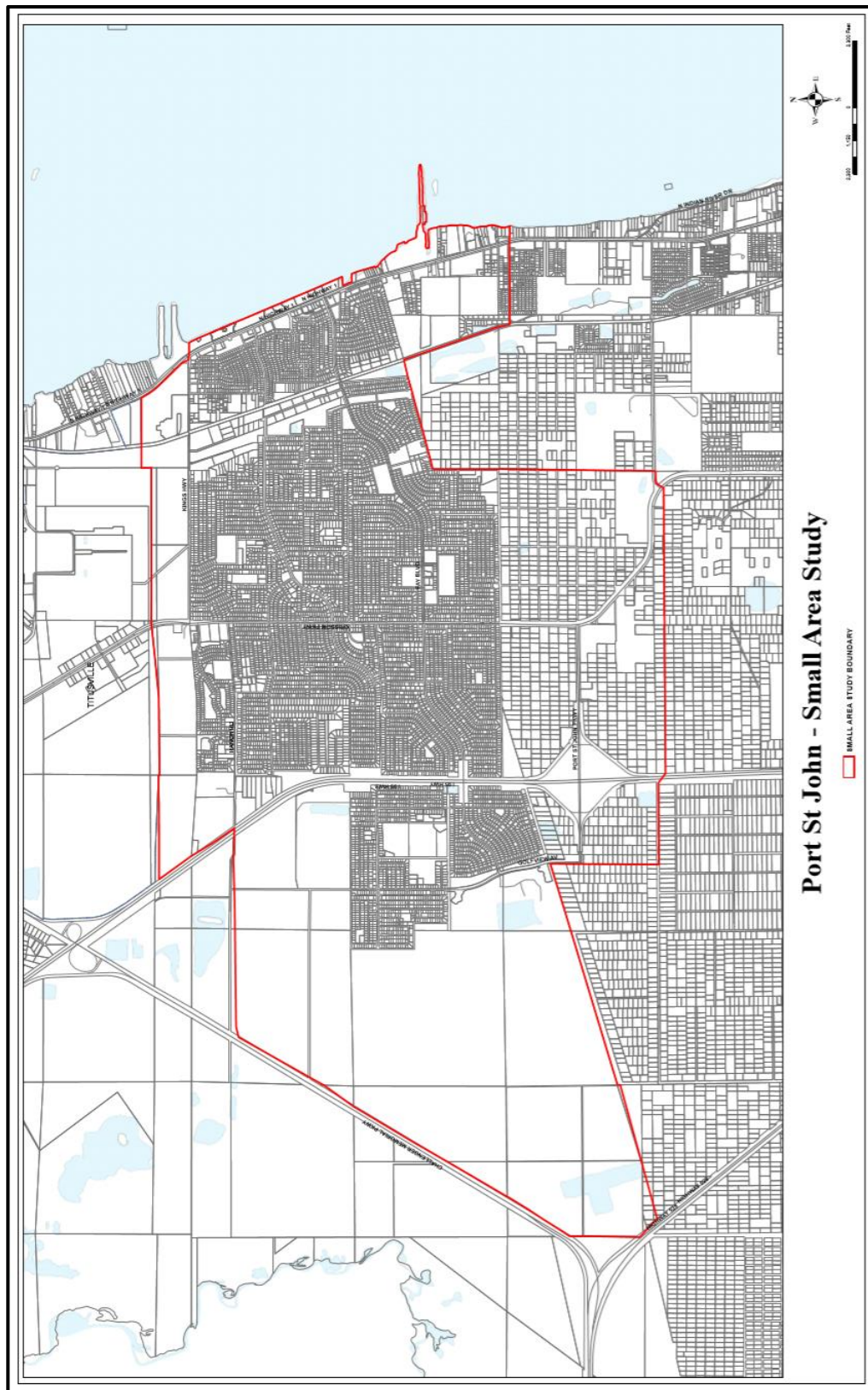
1994: Various community organizations lobbied for a special self-imposed Parks and Recreation MSTU to build additional and expand existing recreational facilities. Port St. John Residents approved the MSTU referendum.

1995: The PSJHOA coordinated with County staff to expand the Parks and Recreational MSTU to include purchasing additional property and building the Fay Lake Wilderness Park. Port St. John residents approved the MSTU expansion.

1996: The PSJHOA lobbied Brevard County Commissioners for a Port St. John Advisory Board. On July 2, 1996 the Brevard County Commission created the Port St. John Dependent Special District, and the first members were elected November 1996.

1998-99: Various community organizations and citizens lobbied the County to perform a Municipal Incorporation Feasibility study. The issue was placed on the November 2000 ballot, and approximately 73% of voters favored a feasibility study to be performed. Subsequently, the Brevard County Commission unanimously approved funding the study. While results of the study indicated proposed incorporation of the City of Port St. John was feasible, incorporation never moved forward.

¹ D.L. Laney, "Port St. John Incorporation Feasibility Study", University of Central Florida, Department of Public Administration, October, 2001.



Map 1. Study Area and Boundaries

CHARACTER OF THE COMMUNITY

Community Background

The community of Port St. John is located in the north central portion of Brevard County, immediately south of the City of Titusville and approximately 1.8 miles north of the City of Cocoa. Port St. John is bordered to the east by the Indian River Lagoon (IRL) and to the west by Challenger Memorial Parkway (SR 407) and Highway 528 (SR 528). Port St. John is primarily a residential community, often described as having a “small town” nature that many Port St. John citizens wish to preserve.

Historical Aspects

PRE-1900s

The Port St. John area, along with much of the region surrounding the Indian and Banana rivers in east Florida, was home to the group of native North American Indians known as the Ais. The Ais were first encountered at a village south of what is now Cape Canaveral by Spanish explorer Juan Ponce de Leon in 1513, the same year he named Florida. The Ais tribe was comprised of several hundred thousand hunter and gatherer people that lived in small villages along the shores of the Indian River Lagoon from what is now Brevard County down to northern Martin County until the late eighteenth century. The long, stable culture of the Ais was facilitated by the rich marine resources of the Indian River region and endured almost two hundred years after the first contact with European explorers.²

Following several unsuccessful attempts to settle Florida, and a brief attempt at settlement by the French, Spain finally claimed rule of Florida in 1565. The east coast of Florida was a strategic asset for the Spanish and remained mostly unsettled except for native Indian populations during their 200-year rule. By the time the Spanish left in 1763, most of the Ais population had been eradicated by disease, warfare, and malnutrition.³

After two brief decades of British rule, the second Spanish period began in 1784. During Spain's second period of rule, the King permitted non-Catholics to settle in Florida and only required an oath of loyalty to the crown for land ownership. As such, the population of East Florida during this period was mixed, being comprised of people of Spanish, Minorcan, Indian, Anglo-European, and African (both free and slave) descent.⁴

Privately owned land in and around is now northern Brevard County included two major tracts known as the Reyes Grant and the Delespine Grant. Domingo Reyes owned the

² Historic Property Associates, “Historical Development of Titusville”, *North Brevard Historical Society*, accessed December, 2019, <https://nbbd.com/godo/history/NBrevHist/>.

³ Ibid.

⁴ Ibid.

1000-acre Reyes Grant, located north of Titusville, and operated a sugar mill and sugar cane plantation on the land from about 1804 to 1835. The other privately-owned tract was the Delespine Grant, a 43,000-acre tract of land located south of Titusville which encompassed the area that is today known as Port St. John.⁵

The Delespine Grant, one of the largest tracts of land ever granted by the Spanish in Florida, was conceded to Joseph Delespine in 1817 by the East Florida Governor for the King of Spain. When the United States acquired the Territory of Florida from Spain in 1821, the U.S. Supreme Court started reviewing the numerous existing Spanish land grant claims for confirmation, and in 1838 the Court adjudged in favor of Joseph Delespine's heirs that their claim was valid.⁶ A survey of the Delespine tract was conducted in 1851 (**Figure 1** on page 10).⁷

Mary Boye, the granddaughter of Joseph Delespine, inherited the land, and together with her husband Captain James Pritchard, moved to the area and became an important pioneering family in Brevard County. The Pritchards settled on part of the grant located just north of Highway 50 where they grew sugar cane and citrus until the freeze of 1886. The Pritchard family then moved to Titusville where Captain Pritchard sold real estate, owned a hardware store, established the first bank in Titusville and even built the first electric generating plant in Titusville. The Pritchard's ancestral home, built in 1891, still stands in Titusville and is on the U.S. National Register of Historic Places. The Pritchards made significant contributions to the development of northern Brevard, and their original tract of land (the Delespine Grant) connects the area of Port St. John to one of the oldest pioneer families in Brevard County.⁸

1900 to PRESENT

The area that is today known as Port St. John remained relatively undeveloped until the mid-twentieth century. The earliest aerial photography of Brevard County available for review was taken in 1943 (**Figure 2** on page 11) and shows the study area as mostly pristine with some development appearing in proximity to U.S. Highway 1 (U.S. 1) and the existing Florida East Coast Railway. The topography and natural features of the study area in existence prior to large scale development are depicted on a historic United States Geologic Service (USGS) topographic map from 1951 (**Figure 3** on page 12). The general area of the Delespine Grant (from which the study area originated) is noted on

⁵ Historic Property Associates, "Historical Development of Titusville", *North Brevard Historical Society*, accessed December, 2019, <https://nbhd.com/godo/history/NBrevHist/>.

⁶ United States Supreme Court, "The United States, Appellants, v. Joseph Delespine's Heirs et al.", *Cases Adjudged in the Supreme Court, Volume 37*, (1838), 654-655.

⁷ State of Florida Archives, *Florida Memory Project*, accessed December, 2019.

https://www.floridamemory.com/FMP/SLG/doc_images/Delespine_Joseph_35x1/35x1_6_10_Delespine_Joseph_026.jpg.

⁸ Michael Boonstra, "Titusville's Pritchard House", *Michael's Genealogy and Brevard County History* (blog), May 2011, accessed December, 2019, <http://mylibraryworld-michaelb.blogspot.com/2011/05/>.

the map. Several wetland areas are shown and transportation is primarily via unimproved dirt roads with the exception of U.S. 1.

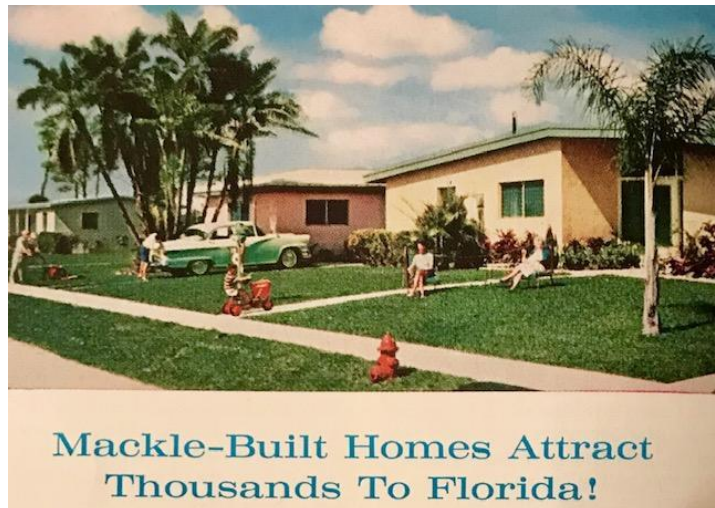
During the late 1950s and early 1960s, residential development in Brevard County began to ramp up due to the employment opportunities provided by the growing space race and nearby Air Force Missile Test Center. Thousands of acres were purchased by General Development Corporation (GDC) in cooperation with the Mackle Company to develop planned communities in Florida, with two located in Brevard: Port St. John in the northern portion of the county and Port Malabar in the south.

In December 1957, GDC purchased 2,707 acres of land that would eventually become the nucleus of the Port St. John community.⁹ The grand opening of the Port St. John was held in July 1960 proposing to build custom homes in the \$13,000 to \$17,000 range on 9,000 platted lots.¹⁰ A major addition of acreage was acquired in 1960, increasing GDC holdings to 5,400 acres.¹¹

The 1960 GDC Annual Report describes their newest community – Port St. John:

"In the heart of the Cape Canaveral missile area, midway between the thriving cities of Cocoa (9 miles to the south) and Titusville, the county seat (10 miles to the north), lies General Development's newest planned community - 5,400 acre Port St. John. The nearby Air Force Missile Test Center alone employs 47,500 persons. In the fiscal year of 1958 it spent \$87 million for the purchase of supplies, services and maintenance of facilities and \$408 million in salaries.....

The tract, divided by U.S. Highway 1, borders the Indian River in the east and the St. Johns River in the west. Layout of a complete community (home sites, home areas, school and shopping center sites, parks, recreational area) was completed early in 1960."¹²



"Reader's Digest" ad, November 1959

1970 aerial photography shows the progress made by GDC in their Port St. John planned community during the first ten years of development (**Figure 4** on page 13).

⁹ The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.

¹⁰ David L. Laney, *Port St. John Feasibility Study*, (University of Central Florida, 2001).

¹¹ The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.

¹² Ibid.

By 1985, the total size of Port St. John had increased to 5,500 acres (**Figure 5** on page 14). Steady growth in the community was attributed to the close proximity to the Space Center and high technology industries that were coming into the area. However, restrictions on septic tanks and water wells began to limit growth during this time period as GDC was unable to meet its obligation to provide water distribution and waste treatment services. GDC offered to give control over these utilities to the City of Cocoa and Brevard County, and also pay \$1.5 million to install a 3 mile main water pipe to connect Port St. John to the city's water system.¹³

While lack of public water and sewer infrastructure temporarily restricted development of many existing lots in the area, builders began to target land west of Interstate 95. Because lots greater than half acre were exempt from the septic tank and water well density restrictions, residential growth began to expand on the western side of Port St. John. Commercial developers, in anticipation of city water connection and a second boom of residential growth, began moving into the eastern portion of Port St. John.¹⁴

In 1990, GDC filed for bankruptcy, turning over all remaining functional assets in the various GDC developments to their respective governments¹⁵. Brevard County and the City of Cocoa both continue to provide waste treatment and water distribution service in the Port St. John area.

To this day Port St. John remains primarily a residential community due to its historical beginnings as a planned GDC development. Nearly 8,000 housing units were located in the general Port St. John study area during the 2010 census (see **Table 3** on page 25), remarkably close to GDC's original projection of 9,000 platted residential lots at the grand opening of the Port St. John Planned Community fifty years earlier. Aerial imagery taken in 2019 (**Figure 6** on page 15) shows the Port St. John area as it mostly exists today...a residential "small town" community in northern Brevard County, Florida.



The Port St John Christmas Parade is a tradition that brings the whole community together each year. Photo source: City of Titusville.

¹³ Orlando Sentinel, "Wilted Growth in Port St. John Waits For Cocoa's Water", September 10, 1985, accessed December, 2019, <https://www.orlandosentinel.com/news/os-xpm-1985-09-10-0330000257-story.html>.

¹⁴ Ibid.

¹⁵ The Mackle Company, "General Development Corporation", accessed December, 2019, <http://www.themacklecompany.com/femjrstorypublic/00-index.htm>.



Figure 1. 1851 Survey of the Delespine Grant. Source: State Archives of Florida.

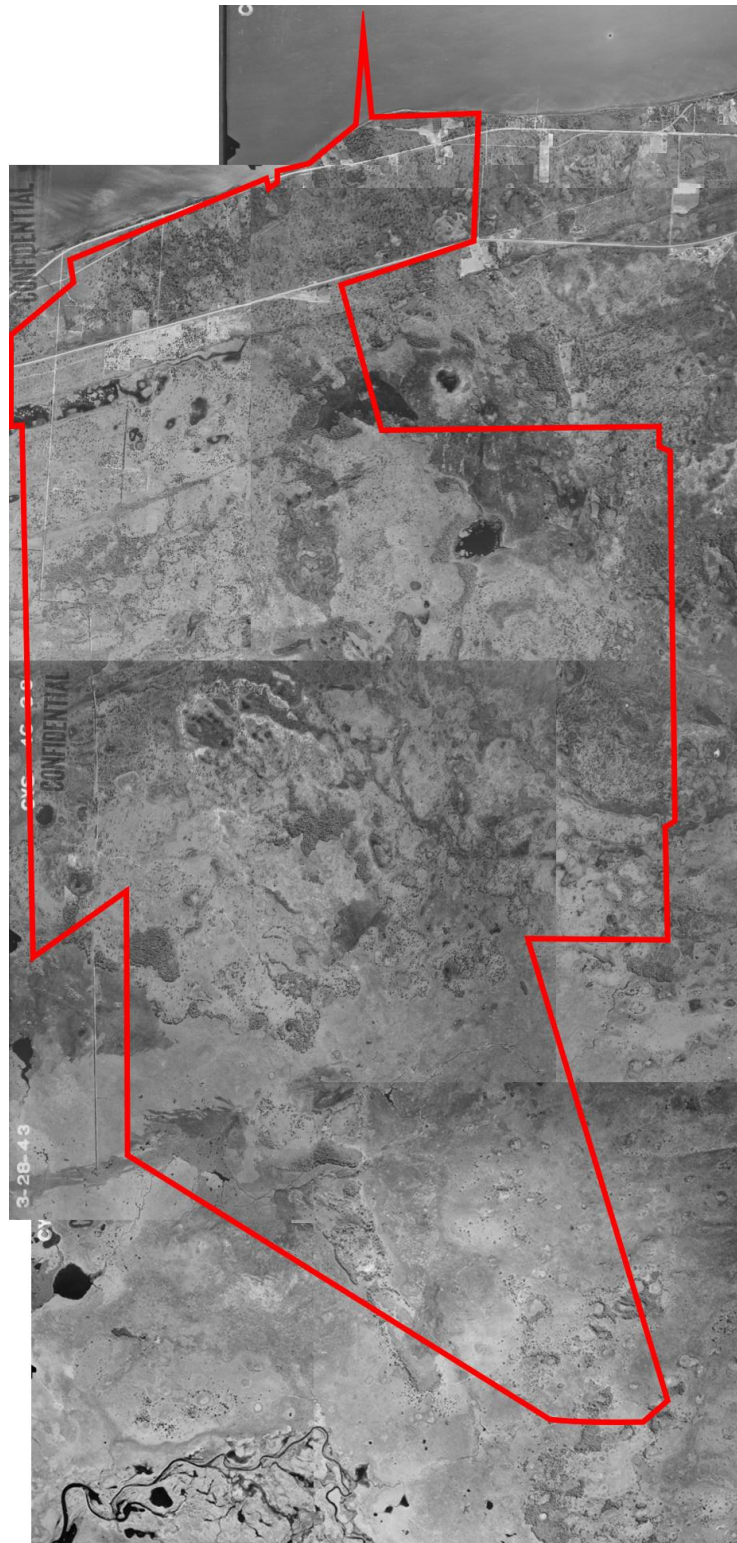


Figure 2. 1943 aerial photograph (with approximate study boundary superimposed).
Source: University of Florida Digital Collections, George A. Smathers Libraries.

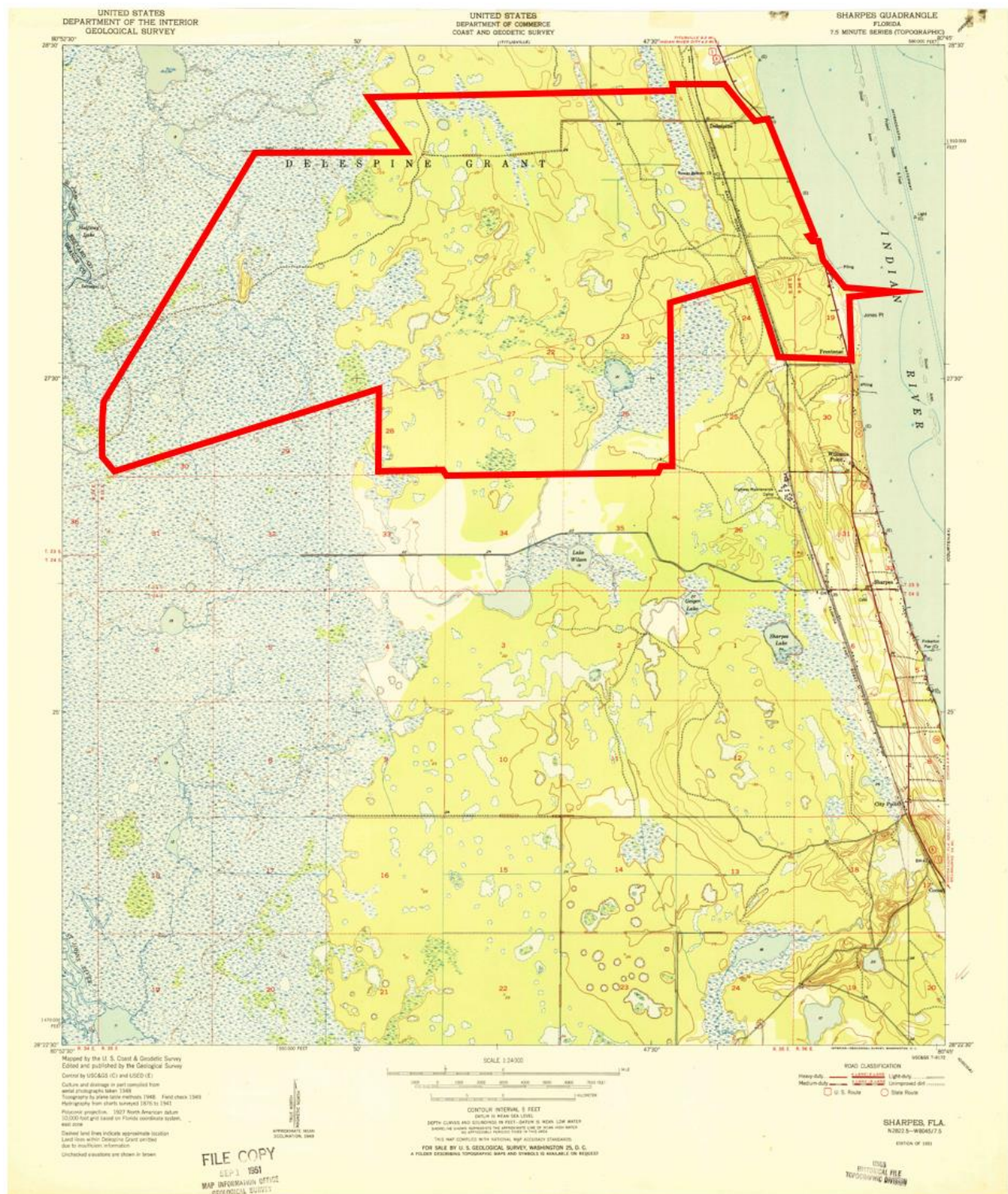




Figure 4. 1970 aerial photography (with approximate study boundary superimposed).
Photo image source: University of Florida Digital Collections, George A. Smathers Libraries.



Figure 5. 1985 satellite imagery (with approximate study boundary superimposed).
Satellite image source: Google Timelapse.

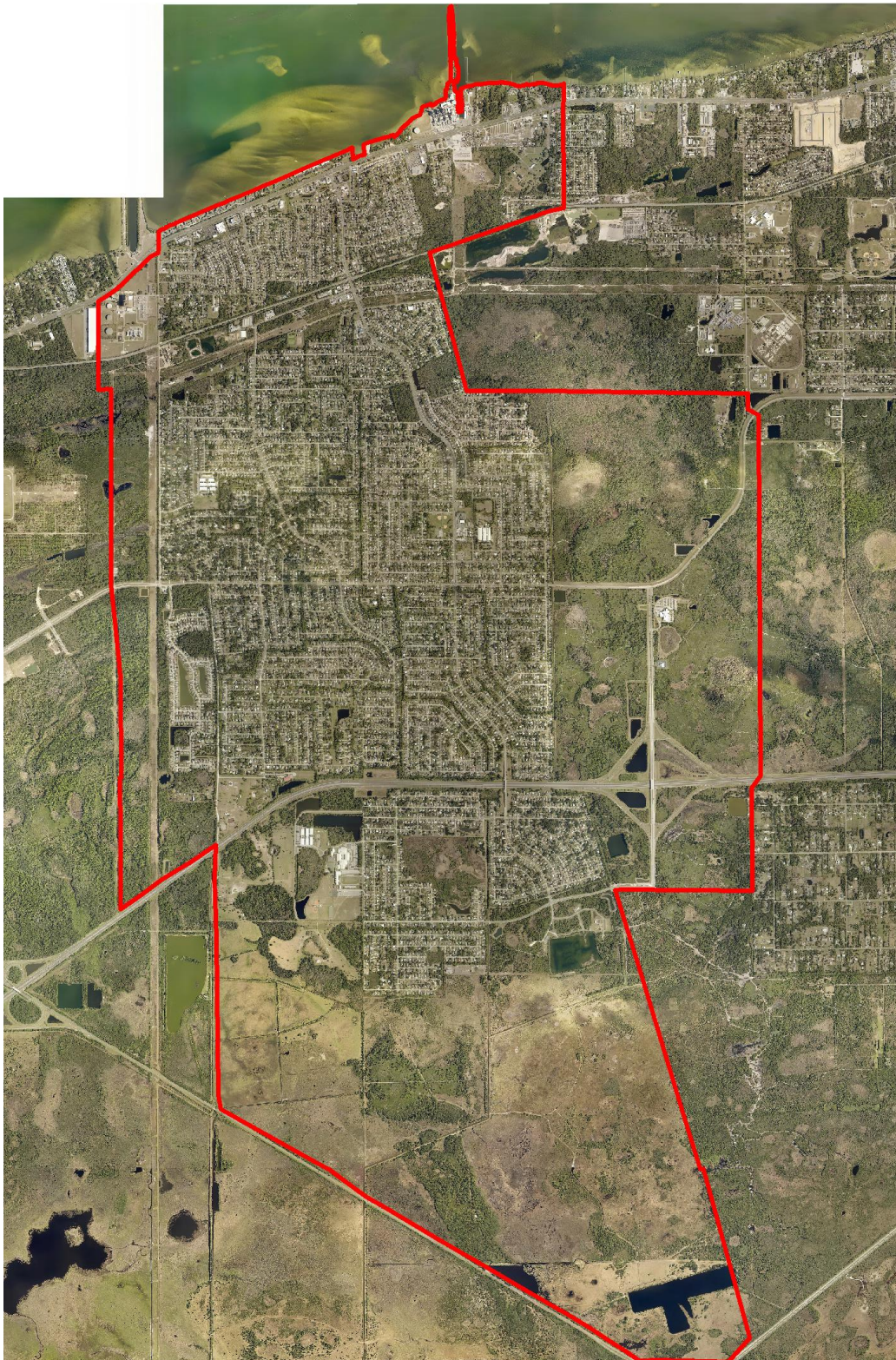


Figure 6. 2019 aerial imagery (with approximate study boundary superimposed).
Image source: Brevard County Planning and Development Department.

Access

Vehicular access into Port St. John is via two major north-south transportation arterials in Brevard County (Interstate I-95 and U.S. 1). Port St. John Parkway, Grissom Parkway, and Fay Boulevard are major connectors within the study area.

Commercial

The primary shopping and business area for Port St. John residents is along U.S. 1. Additional commercial properties are located along Curtis Boulevard, Fay Boulevard, Grissom Parkway and Port St. John Parkway. Outside of the study area, the City of Titusville to the north provides additional retail opportunities, as well as the City of Cocoa to the south. Refer to Map 5 on page 32 in the Land Use and Zoning section of this report.

Residential

The Port St. John area is primarily a residential community. Over 90% of occupied housing units are single detached. Please refer to the Population and Demographics section of this report (Housing Types on page 23).

Wayfinding

Because Port St. John is not a city it does not have clear defining signage at its north and south entry points. There is limited signage along the two commercial corridors of U.S. 1 and Port St. John Parkway that would help direct residents and visitors to the main recreational areas and facilities.

Urban Facilities

Urban facilities refer to the various basic services and facilities found throughout the Port St. John area to serve the needs of the community. These include fire stations, law enforcement, medical facilities, community centers, libraries, hurricane shelters, schools, parks, and cemeteries.

A Community Characteristics Inventory prepared by the Brevard Metropolitan Planning Organization (MPO) in 2007 listed urban facilities throughout Brevard County by zip code. Brevard County Planning and Development staff updated the MPO inventory during this study through internet research to better represent facilities currently present in the Port St. John study area.

Fire Stations

Brevard County Fire Station #26 - 6655 Carole Avenue

Law Enforcement

Brevard County Sheriff, Port St. John Sub-Station - 4700 Fay Blvd

Medical Facilities

Port St John MedFast Urgent Care - 5005 Port Saint John Pkwy
Parrish Medical Group - 5005 Port Saint John Pkwy
Port St John Family Practice - 5005 Port Saint John Pkwy
North Brevard Medical Support - 5005 Port Saint John Pkwy
Health First Medical Group, - 7227 N Highway 1
Brevard Health Alliance - 7227 N Highway 1
Wuesthoff Medical Center - 7227 N Highway 1
Steward Health Center, Physical therapy - 7227 N Highway 1
Port St John Eye Care - 3720 Curtis Blvd
Family Health Center at Port St John - 3740 Curtis Blvd
North Brevard Children's Medical - 3750 Curtis Blvd

Community Centers/Hurricane Shelters

Port St John Community Center - 6650 Corto Road

Libraries

Port St. John Public Library – 6500 Carole Ave

Schools

Atlantis Elementary School - 7300 Briggs Ave
Challenger 7 Elementary School - 6135 Rena Drive
Enterprise Elementary School - 7000 Enterprise Road
Space Coast Junior/Senior High School - 6150 Banyan Street

Parks

Fay Lake Wilderness Park - 6300 Fay Boulevard
Fay Park - 6315 Depot Avenue
Friendship Park - 1055 Barclay Drive
Robert Nicol Park - 6660 N Highway 1
Port St. John Boat Ramp - 6650 N Highway 1

Cemeteries

Brevard Memorial Park Cemetery 320 Spring Street

Community Survey

A non-scientific community survey was conducted at the start of the Small Area Study to assess current opinions of the Port St. John community regarding issues like amenities, neighborhood integrity/appearance, and growth management/development. Planning and Development staff prepared an 18 question survey (Appendix A) that was available online through the Survey Monkey website. Paper versions were available and distributed to the Port St. John Community Center and the District 1 Commissioner's office. Information regarding the community survey including a web link to access the online questionnaire was posted on the District 1 Commissioner's social media page (i.e., Facebook) on August 16th. The survey was shared on social media by some of the Citizens Committee members.

A total of 739 responses were collected between August 15 and August 26, 2019. Most (737) were collected through the online Survey Monkey site. Community survey results were provided to the Citizens Committee and are summarized below.

Top two important issues indicated on the survey for meeting resident's needs were Schools (70%) and Neighborhood services: banks, post-offices, doctor's offices, convenient stores for daily activities (58%). Entertainment/Restaurant choices (48%) and more recreational choices (44%) ranked 3rd and 4th highest, respectively.

Survey respondents selected shaded playgrounds (62%) and bike lanes (55%) as the top two Parks and Recreation amenities they would like to see in Port St. John. Two-thirds of respondents indicated in favor of a non-motorized (kayak) launch area on the Indian River Lagoon.

Police, Fire, Waste management, and Improved drainage services ranked the highest (over 80% each) on the survey for improving the street and neighborhood environment in PSJ, with improvement of sidewalks, street lighting and traffic congestion next highest (over 70%).

Preservation of the Indian River Lagoon (90%) is a very important issue in Port St. John according to survey responses, as well as preservation of green space and native plants (75%) and coordinating land uses that are in harmony with the character of the community (72%). Almost 60% of respondents indicated they did not want large discount or home improvement stores like Lowes or Walmart to develop. It is important to note that at least 38 people commented that they did not want another Dollar Store in Port St. John.

POPULATION, DEMOGRAPHICS AND HOUSING

Brevard County was founded in 1844 by Theodorus W. Brevard. The County's first recorded population was 139 in 1850. As of 2018, Brevard County's estimated population is 583,563, with a projected 2020 population of 598,500.¹⁶

Population

The Port St. John Study Area encompasses the Port St. John Census Designated Place (CDP) along with portions of several Census Tracts, including 621.04, 621.06, 621.08, 621.09, and 712. For the purpose of evaluating the demographic makeup of the Study Area, the Port St. John Census Designated Place (CDP) plus Census Tract 621.04 was utilized because these areas appear to capture the majority of developed area within the Study Area as can be seen in the Census Tract Boundary Map (**Map 2**, page 21). It is important to note that census tract data for the Port St. John area is only available beginning with the 2000 Census. Prior to 2000, only data for the Port St. John CDP was collected by the decennial census and was utilized in this demographic analysis to best represent the Study Area's population.

Historical and current population data has been used to evaluate the pace of growth within the study area. The percent of change calculation is a simple mathematical concept that represents the degree of change over time by making a comparison between two values expressed as a percent increase. **Table 1** on page 20 examines the population and change over time within Florida, Brevard County, and Port St. John.

From 1980 to 2010, Florida's population almost doubled, growing by 97%. With that said, the pace of growth has begun to level out, steadily declining over the last several decades. Brevard County's population increased at almost exactly the same rate as the state, growing 99% over the same 30-year period.

In 1980, the population within the Port St. John CDP was 1,837. By 2010, the population bloomed to 12,267, or a 568% growth over the 30-year period evaluated – a rate that was almost 6 times higher than the State or County growth rate. The Port St. John CDP experienced a 386% increase for the 10-year period between 1980 and 1990, but since that time the rate of growth has decreased significantly.

Between 1990 and 2000, the Port St. John CDP was still experiencing moderate growth at a rate of 36%, but the pace of growth had declined by 350% from the prior 10-year period. From 2000 to 2010, the growth rate slowed to 1%, while Brevard County and Florida continued to grow at 14% and 18% respectively.

The rapid population growth in the Port St. John area from 1980 to 1990 appears to coincide with the Space Transportation System (STS) program that launched thirty-two

¹⁶ BEBR – Projections of Florida Population by county, 2020-2045, with Estimates for 2018, accessed November 2019, <https://www.bibr.ufl.edu/population/data>.

(32) space shuttle flights during the decade and brought high-paying tech jobs to Brevard.

The Kennedy Space Center (KSC) went through several layoff periods with the first major workforce reduction occurring at the end of the Apollo program in 1972.¹⁷ A smaller layoff period occurred in 1986 after the explosion of the space shuttle Challenger when a temporary two and a half year launching hiatus resulted in ten (10) percent reduction in the shuttle workforce (approximately 1,110)¹⁸; however, KSC “closed out the 1980s as busy as ever”, launching five shuttle missions in 1989.¹⁹ Another significant layoff period (~6-9,000) began in 2010 near the end of the Space Shuttle program as the Kennedy Space Center reduced its workforce and repurposed facilities and infrastructure to support NASA’s Space Launch System and a variety of commercial launch vehicles in the next decade.²⁰

Currently, development is occurring in the Port St. John area as reflected in new residential permits issued during the past few years. In 2017, Brevard County building permits were issued for forty-eight (48) new residential, detached single-family construction in the 32927 zip code. In 2018, building permits were issued for ten (10) residential manufactured homes and fifty-eight (58) new residential, detached single-family homes in the 32927 zip code. Source: Brevard County Planning and Development Department.

Table 1. Population Change

Population Change							
	Florida (total population)	% change	Brevard (total population)	% change	PSJ CDP (total population)	% change	PSJ CDP + Census Tract 621.04 (total population)
1980 Census (USCB)	9,746,961		272,959		1,837		
1990 Census (USCB)	12,937,926	33%	398,978	46%	8,933	386%	no data
2000 Census (USCB)	15,982,378	24%	476,230	19%	12,112	36%	18,657
2010 Census (USCB)	18,801,310	18%	543,376	14%	12,267	1%	19,256 3%
2017 ACS estimates (USCB)	20,278,447	8%	568,183	5%	11,489	-6%	19,217 0%
2018 estimates (BEBR)	20,840,568	3%	583,563	3%	no data		no data
2020 projection (BEBR)	21,517,600	3%	598,500	3%	no data		no data

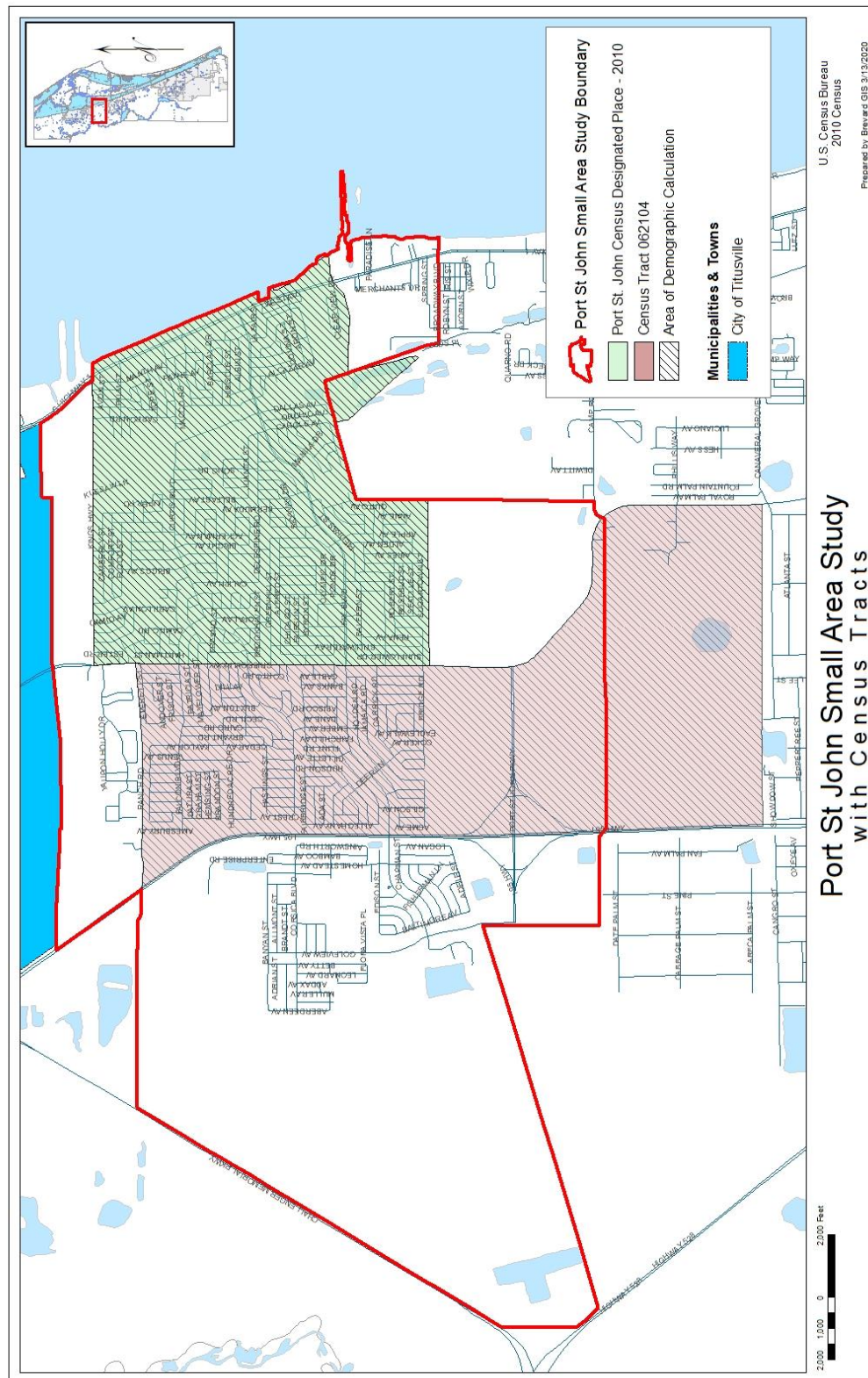
Sources: United States Census Bureau (USCB) and Bureau of Economic and Business Research (BEBR)

¹⁷ NASA, Spaceport News, June 29, 2012, accessed November, 2019, https://www.nasa.gov/centers/kennedy/pdf/664283main_jun29-2012.pdf.

¹⁸ NY Times, “NASA Cutting Work Force At Space Center In Florida”, September 5, 1986, accessed November 2019, <https://www.nytimes.com/1986/09/05/us/nasa-cutting-work-force-at-space-center-in-florida.html>.

¹⁹ NASA, Kennedy Space Center Historical Timeline, June 29, 2012, accessed November 2019, <https://www.nasa.gov/centers/kennedy/about/history/timeline/80s-decade.html>.

²⁰ NASA, Spaceport News, June 29, 2012, accessed November, 2019, https://www.nasa.gov/centers/kennedy/pdf/664283main_jun29-2012.pdf.



Map 2. Census Tract Boundary

Demographics

EMPLOYMENT:

According to five year estimates provided by the US Census Bureau's American Community Survey (ACS) for 2013-2017, the top occupational industry category for the civilian employed population in Port St. John was Educational Services, Health Care, and Social Assistance. The next highest employment industry during that time period in Port St. John was Retail Trade (**Figure 7**).

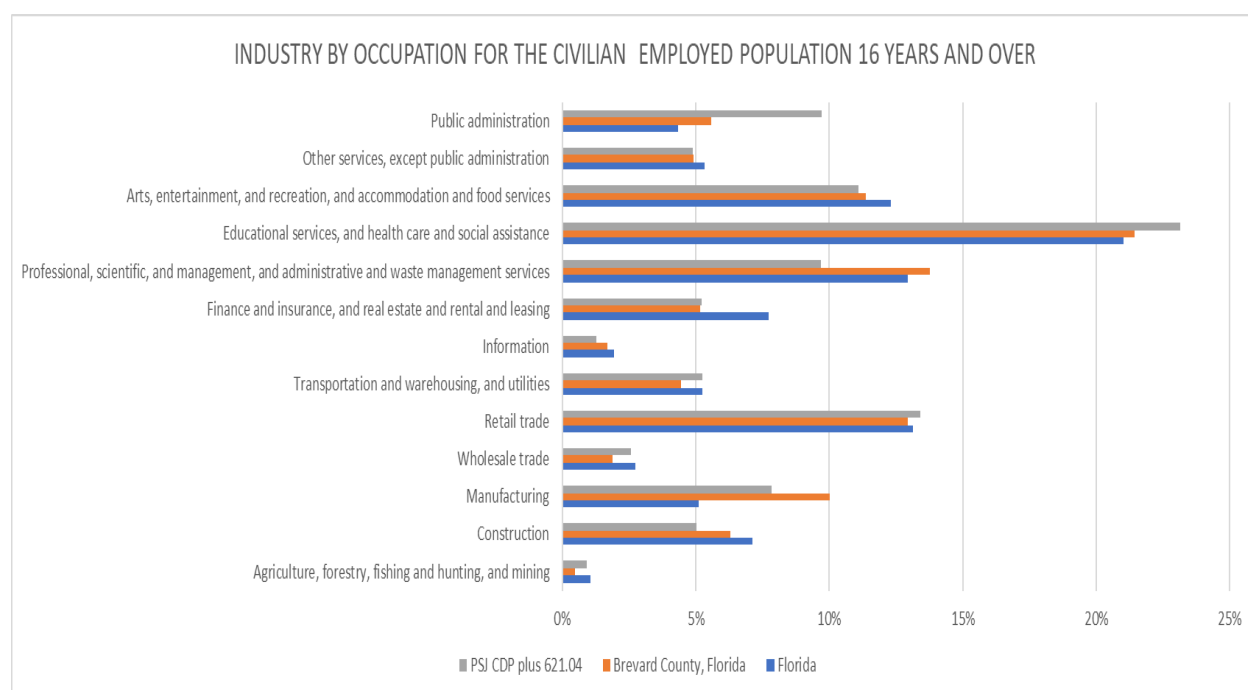


FIGURE 7. Source: C24050 INDUSTRY BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER, Universe: Civilian employed population 16 years and over, 2013-2017 American Community Survey 5-Year Estimates.

AGE-SEX:

US Census Bureau's ACS estimates for 2013-2017 indicate the population in Port St. John appears to be a younger community compared to Brevard County as a whole. The median age of residents in Port St. John is 43.0 years, while Brevard County's median age is 47.1 years. The higher median age in Brevard County reflects the larger number of retirees in the County.

Port St. John also appears to have a more diverse range of ages living in the community compared to Brevard County and the State of Florida. One noticeable difference is that the Port St. John community contains a smaller proportion of retirees (residents aged 65 years or older) than Brevard County or Florida. In fact, compared to Brevard County, Port St. John has a larger 30 to 60 year old population. Port St. John also has a higher

percentage of 20 to 24 year old community members and children (9 and younger) in its population compared to the County. This indicates that the Port St. John area is a family oriented, working community and less of a retirement destination than other areas of Brevard County.

While the State of Florida and Brevard County both have slightly less males than females, 49% and 51%, respectively, Port St. John estimates reflect an even split at 50% for each gender.

Households

Household is defined as set forth in Florida Statutes 196.075, “a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.” As shown in **Table 2**, census data indicates the household count in the Port St. John CDP has changed from 3,191 in 1990 to 4,709 in 2010 for an increase of 48% during that 20-year period which was just slightly higher than Brevard County and the State of Florida. However, the majority of that increase in the Port St. John area occurred during the first decade (1990 – 2000). The 10-year period between 2000 and 2010 showed a much smaller increase of approximately 10% in households in the Port St. John area, while Brevard County and the State of Florida increased by 16% and 17% respectively.

According to five year estimates provided by the US Census Bureau's ACS for 2013-2017, most households moved into their Port St. John homes between 2000 and 2014.

Table 2. Household Change

	Household Change							
	Florida (total households)	% Change	Brevard (total households)	% Change	PSJ CDP (total households)	% Change	PSJ CDP + Census Tract 621.04 (total households)	% Change
1990 Census	5,134,869		161,365		3,191		no data	
2000 Census	6,337,929	23%	198,195	23%	4,307	35%	6,545	
2010 Census	7,420,802	17%	229,692	16%	4,709	9%	7,263	11%

Source: United States Census Bureau (USCB)

Housing Types

A single-family dwelling is defined as a private residence building used or designed for use as a home or residence, in which the use and management of all sleeping quarters and all appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one family unit. Typically, all rooms within the building must have internal access and the building shall have only one kitchen and one electrical meter. Multi-family dwelling units are defined as a residential building designed for or occupied by more than two families, with the number of families in residence not exceeding the number of dwelling units provided.

A mobile home means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. Ch. 320, and is built

on an integral chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. Ch. 320. Further, all regulations contained in F.S. Ch. 319 shall apply.

Manufactured home shall have the same meaning as "manufactured home" in Florida Statutes 320.01(2) (b). Manufactured Home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

There are various types of zoning classifications in Port St. John, which define the minimum floor area of the living area. Single-family dwelling units can vary from 750 square feet to 2000 square feet. Multi-family dwelling units include duplexes and apartments. Duplexes require a minimum floor area of 1,150 square feet with a minimum of 575 square feet per unit. One bedroom apartments require a minimum floor area of 500 square feet, two bedrooms - 750 square feet plus 100 square feet for each additional bedroom, and efficiencies - 400 square feet.

According to ACS housing characteristics data, the Port St. John area consists predominately of single, detached residential housing with most structures having been built between 1980 and 1989.

Household Ownership

One measurement of a community's stability is the amount of housing that is owner-occupied. This generally implies a strong vested interest in the community. Residents who own their homes take pride in their property, which is outwardly reflected in the upkeep and maintenance of homes and neighborhoods. The percentage of homeowners versus renters is known as homeownership rate. The homeownership rate is derived by the number of owner-occupied units divided by the total number of occupied household units.

In addition to homeownership, a rental component is an essential aspect of a vital housing market. There are many reasons why individuals need or desire to rent, such as younger couples saving for their first home, individuals without children, or working professionals with a preference for a management company to be responsible for building and outdoor maintenance. The demand for rental housing does not diminish when limited apartments are available. Instead, the market reacts by landlords purchasing single-family homes and then leasing them as rental units. For this reason, a component of well managed rental communities rather than individually managed single-family housing rental units is desirable.

Table 3. Housing Units

Housing Units															
	2000						2010						Percent change 2000-2010		
	Brevard		PSJ CDP		PSJ CDP +		Brevard		PSJ CDP		PSJ CDP +		Brevard	PSJ CDP	PSJ CDP +
	totals	% of total	totals	% of total	Census Tract 621.04	% of total	totals	% of total	totals	% of total	Census Tract 621.04	% of total			
Total housing units	222,072		4,544		6,841		269,864		5,183		7,922		22%	14%	16%
Owner Occupied	147,885	75%	3,738	87%	5,764	88%	168,841	74%	3,995	85%	6,269	86%	14%	7%	9%
Renter Occupied	50,310	25%	569	13%	781	12%	60,851	26%	714	15%	994	14%	21%	25%	27%
Vacant	23,877	11%	237	5%	296	4%	40,172	15%	474	9%	659	8%	68%	100%	123%
Source: United States Census Bureau (USCB)															

As **Table 3** demonstrates, total housing units in the Port St. John CDP plus Census Tract 621.04 area increased 16% from 2000 to 2010. As of 2010, 86% of the 6,269 housing units in the area were owner occupied, compared to 88% in 2000, decreasing slightly in the Study Area and Brevard County as a whole.

Renter occupied housing units in the Study Area increased slightly between 2000 and 2010, whereas Brevard saw relatively no change with regards to percentage of housing units used as rental properties. Overall, renter occupied housing units in the Port St. John CDP plus Census Tract 621.04 increased by 27% from 2000 to 2010, whereas Brevard County saw an increase of 21%.

Although the percentage of vacant housing units increased twofold in the Port St. John area between 2000 and 2010, the 9% vacancy rate in the Port St. John CDP plus Census Tract 621.04 area in 2010 was still lower than the 15% vacancy rate within Brevard County as a whole.

Table 4. Median Household Income

Median Household Income				
	Florida	Brevard	PSJ CDP	PSJ CDP + Census Tract 621.04 (averaged)
2010 ACS	\$ 47,661	\$ 49,523	\$ 56,953	\$ 59,442
2011 ACS	\$ 47,827	\$ 50,068	\$ 57,294	\$ 59,856
2012 ACS	\$ 47,309	\$ 49,099	\$ 56,188	\$ 59,110
2013 ACS	\$ 46,956	\$ 48,039	\$ 50,228	\$ 55,206
2014 ACS	\$ 47,212	\$ 48,483	\$ 52,733	\$ 54,823
2015 ACS	\$ 47,507	\$ 48,925	\$ 49,042	\$ 52,388
2016 ACS	\$ 48,900	\$ 49,914	\$ 49,371	\$ 55,892
2017 ACS	\$ 50,883	\$ 51,536	\$ 57,530	\$ 61,666

Source: United States Census Bureau, American Community Survey (ACS): 2010-2017

As **Table 4** demonstrates, as of 2017, the median household income, defined as half of households making less than this amount and half making more, was \$61,666 in the Port St. John CDP plus Census Tract 621.04. The data indicates the median household income has been significantly higher than Florida's and Brevard County's between the years of 2010 to 2017. Most recently, the median household income in the Port St. John CDP plus Census Tract 621.04 was 20% higher than Brevard County and 21% higher than Florida as

a whole. This trend indicates that the average household income in the Port St. John area is reflective of the large percentage of the Port St. John population in their peak earning years (ages 45-54) and also possibly associated with growth in aerospace manufacturing and other high paying technology jobs within Brevard County.

Trends in Brevard and Port St. John

Since 1844, Brevard County has proven to be an attractive place to live. With a projected 2020 population of 598,500, it can be expected that the Port St. John Study Area will see its share of growth. Between 1980 and 1990, Port St. John experienced its highest growth in population. Port St. John population growth was nearly 6 times higher than the County and the State of Florida between that 10-year time period; however, growth in the Port St. John CDP has slowed considerably since that time as the CDP area has built out.

Owner occupied housing represents 86% of the housing units in Port St. John area, having a greater percentage of homesteaded properties than the County overall. Areas with high homeownership rates typically demonstrate stability and social solidarity. Furthermore, the Port St. John area consistently has a higher median household income when compared to the County and the State, which implies that the area is likely to continue to maintain stable conditions. Port St. John's "small-town" appeal, access to the Indian River Lagoon, and convenient location within the county, make it great place to live.

LAND USE AND ZONING

General Pattern of Land Use

The Port St. John Study Area contains a mix of commercial and residential development. The Study Area is predominately made up of single-family residential with most commercial land uses in close proximity to U.S. 1. An examination of the general land use pattern is critical to understanding what zoning classifications are appropriate.

Future Land Use

Originally established in 1988, the purpose of the Future Land Use Map (FLUM) is to delineate Brevard County's vision of how the communities within it are developed and maintained. The FLUM is required as part of the Comprehensive Plan authorized by Chapter 163, Florida Statutes. The FLUM identifies the goals of development of an area by assigning each parcel of land in Brevard County a Future Land Use designation, which defines and establishes densities (the number of residential dwelling units in a given land area per acre) and intensities (amount of nonresidential development per acre). Density is an important characteristic in relationship between land use, transportation and Level of Service (LOS) standards.

Port St. John has experienced a number of density reductions and land use changes in the last few decades. **Maps 3 and 4** (pages 29 and 30) and the narrative below demonstrate the changes over time.

The 1988 Brevard County Comprehensive Plan was prepared in accordance with Chapter 163, Part II, Florida Statutes, "The Local Government Comprehensive Planning and Land Development Regulation Act of 1985", and Florida Administrative Code Rule 9J-5, "Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance". The 1988 Brevard County Comprehensive Plan replaced the County Comprehensive Plan which was adopted in July of 1981 as mandated by the Local Government Comprehensive Planning Act of 1975. Residential density established in 1988 is shown on **Map 3**, page 29.

On November 21, 1991 a Port St. John Small Area Plan (SAP) was completed by County staff at the direction of the Brevard County Board of County Commissioners. From the SAP, a list of recommendations was prioritized. The amendments that were proposed by Brevard County Staff and Adopted by the County Commission based upon these recommendations (92A.3.1-3.9) resulted in changes to the Density Map reducing density by 35,668 dwelling units over 5,412 acres. Commercial uses were concentrated along the US 1 corridor and were reduced by 84 acres. Heavy/light industrial areas were reduced by 35 acres as this land was converted to residential and planned industrial park uses. Planned industrial parks were utilized to better buffer existing industrial and residential areas. Additional density reductions of 624 dwelling units over 800 acres were adopted in 1992 (92B.6.1-6.2). Refer to **Map 3**, page 29.

In 2001, Brevard County received approval by the Department of Community Affairs (DCA) through the Evaluation and Appraisal Report (EAR), to amend the Future Land Use Map. Prior to the Future Land Use Map Amendment in 2001, the County utilized both a Density Map and a Future Land Use Map. When this amendment was completed, the County had combined the two maps into one map calling it the Future Land Use Map which created twenty-two (22) different Future Land Use (FLU) categories (see **Map 4**, page 30).

In 2006, Brevard County Board of Commissioners adopted Comprehensive Plan Amendment 2006A.2 to update the Future Land Use Map and Future Land Use Element to depict publicly owned conservation lands and federal lands. The amendment consisted of two sub-portions:

Plan Amendment 2006A.2.1

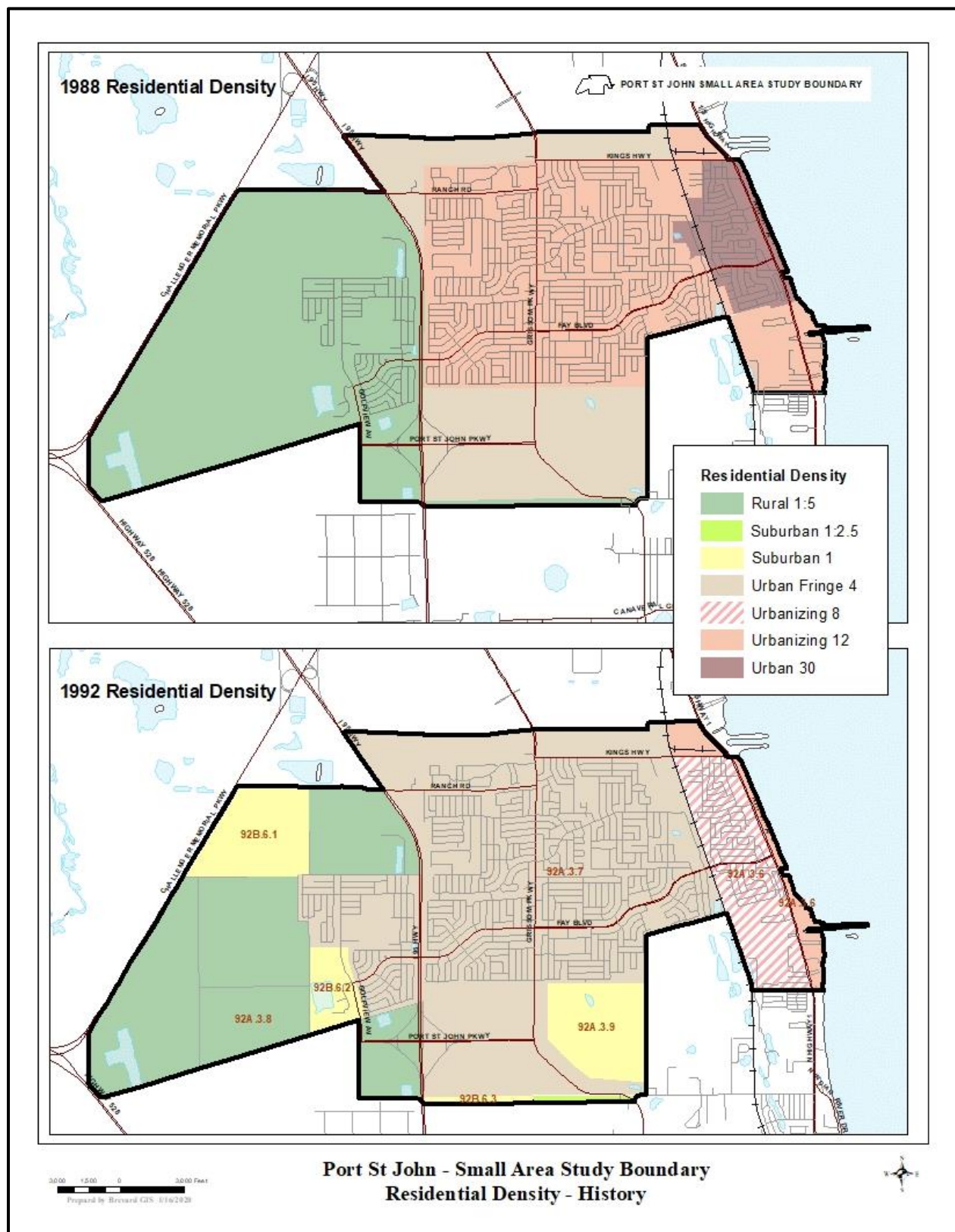
A proposal initiated by Brevard County to change the Future Land Use Map series designation from various Future Land Uses to Public Conservation, Municipal Conservation and Federal Lands on approximately 105,000 acres of property. These lands are distributed county-wide and include acreage within the Port St. John study area.

Plan Amendment 2006A.2.2

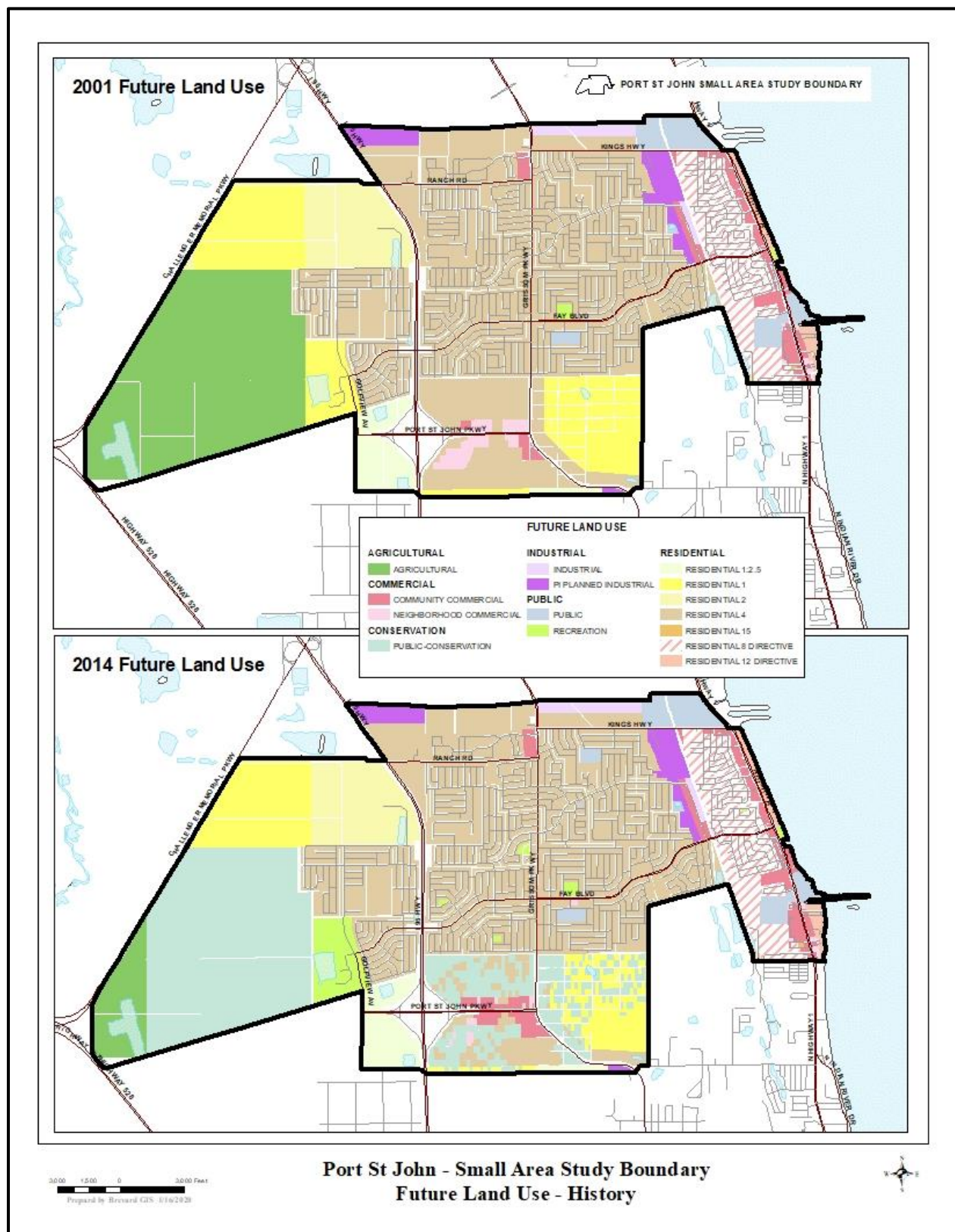
A proposal was initiated by Brevard County to amend Policy 5.1 and add Objective 16 and Policy 16.1 within the Future Land Use Element of the Comprehensive Plan. These proposed modifications created one new Future Land Use designation; Federal Lands. This amendment also provided language that state Federal Lands shall not be subject to authority by Brevard County.

Several additional small scale (<10 acres) and large scale (>10 acres) comprehensive plan amendments have been adopted by Brevard County since the inception of the Future Land Use Map in 2001. FLU changes through 2014 are shown on **Map 4** on page 30.

The current (December 2019) adopted Future Land Use Map for the Port St. John area is provided as **Map 5** on page 32 of this report. **Table 5** on page 31 lists all Future Land Use Map designations for the Study Area and provides a breakdown of total acreage and vacant acreage. Zoning Land Use Map designations for the Study Area as of December 2019 are shown in **Table 6** on page 34 of this report.



Map 3. Residential Density - History: 1988 and 1992



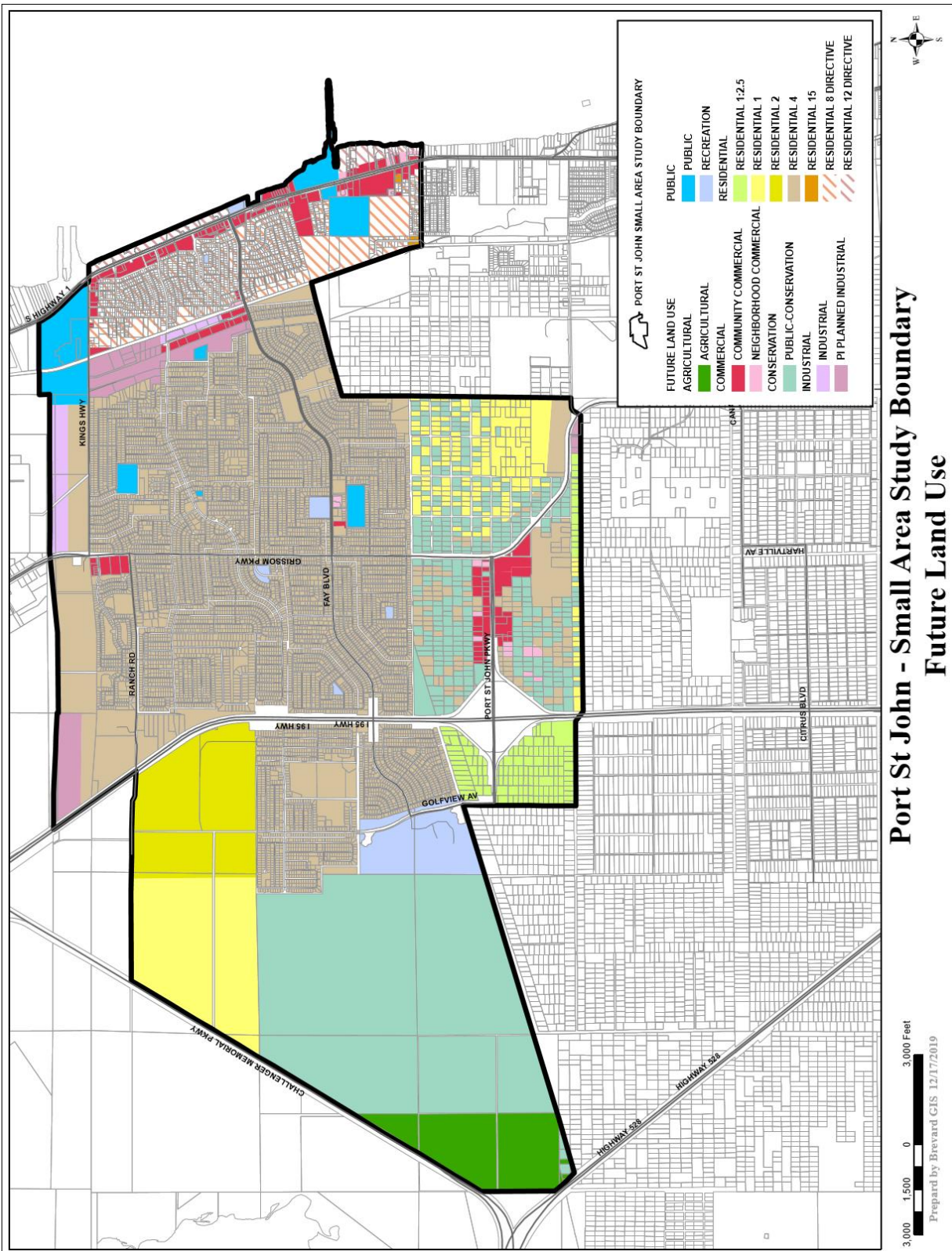
Map 4. Future Land Use History: 2001 and 2014

Table 5. All Future Land Use Map Designations for Study Area

Future Land Use Designation		Total Acreage	% of Total Acreage	Vacant Acreage	% of Future Land Use Designation Vacant
Residential Land Uses		5182	61.30%	1255	82.52%
RES 1:2.5	Residential 1:2.5	222	2.63%	195	12.81%
RES 1	Residential 1	732	8.66%	214	14.04%
RES 2	Residential 2	416	4.93%	0	0.00%
RES 4	Residential 4	3293	38.95%	764	50.25%
RES 15	Residential 15	3	0.04%	0	0.00%
RES 8_DIR	Residential 8 Directive	449	5.32%	81	5.34%
RES 12_DIR	Residential 12 Directive	66	0.78%	1	0.08%
Commercial Land Uses		284	3.35%	117	7.69%
CC	Community Commercial	252	2.98%	100	6.57%
NC	Neighborhood Commercial	31	0.37%	17	1.11%
Industrial Land Uses		261	3.08%	101	6.66%
IND	Industrial	79	0.93%	31	2.01%
PI	Planned Industrial	182	2.15%	71	4.65%
Conservation Land Uses		2007	23.74%	2	0.16%
PUBCONS	Public-Conservation	2007	23.74%	2	0.16%
Public Facilities & Recreation Land Uses		445	5.26%	41.8	2.75%
PUB	Public Facilities	240	2.84%	42	2.75%
REC	Recreation	205	2.42%	0	0.00%
Agricultural Land Uses		275	3.26%	3	0.22%
AGRIC	Agriculture	275	3.26%	3	0.22%
Total under County Jurisdiction		8454	100%	1520	100%

Source: Brevard County Planning & Zoning Office December 2019

Note: Vacancy derived from State of Florida Department of Revenue Use Codes



Map 5. Adopted Future Land Use

The Port St. John Study Area is estimated to include 8,454 acres. Overall 1,520 acres, or 17.98% of the land in the Study Area remains vacant. Residential Future Land use designations represent 5,182 acres, or 61.30% of the Study Area. Of the Residentially designated land, Residential 4 FLU is the most represented designation at 3,293 acres, or 38.95% of the Study Area, with density limited to four units to the acre. Within Brevard County, there are eight FLU designations, Residential 30 being the highest which allows up to 30 dwelling units per acre. Presently in Port St. John, Residential 15 is the highest FLU designation, allowing up to 15 dwelling units per acre.

Residential Future Land Use	Maximum Density
Residential 15	15 dwelling units per acre
Residential 12 Directive	12 dwelling units per acre
Residential 8 Directive	8 dwelling units per acre
Residential 4	4 dwelling units per acre
Residential 2	2 dwelling units per acre
Residential 1	1 dwelling unit per acre
Residential 1:2.5	1 dwelling unit per 2.5 acres

Residential development potential in Port St. John is limited by 29.01% of the Study Area being made up of Conservation, Public Facilities, and Recreation Land Uses, accounting for almost one third of all acreage in the Study Area.

Commercial and industrial development (non-vacant) is mostly located along US 1 and when combined, constitutes a mere 3.86% of the Study Area. Of the 284 acres of land in Port St. John designated as Commercial FLU, 41.21% remains undeveloped. Of the 261 acres of land with Industrial FLU designations, 38.89% remains undeveloped in the Study Area.

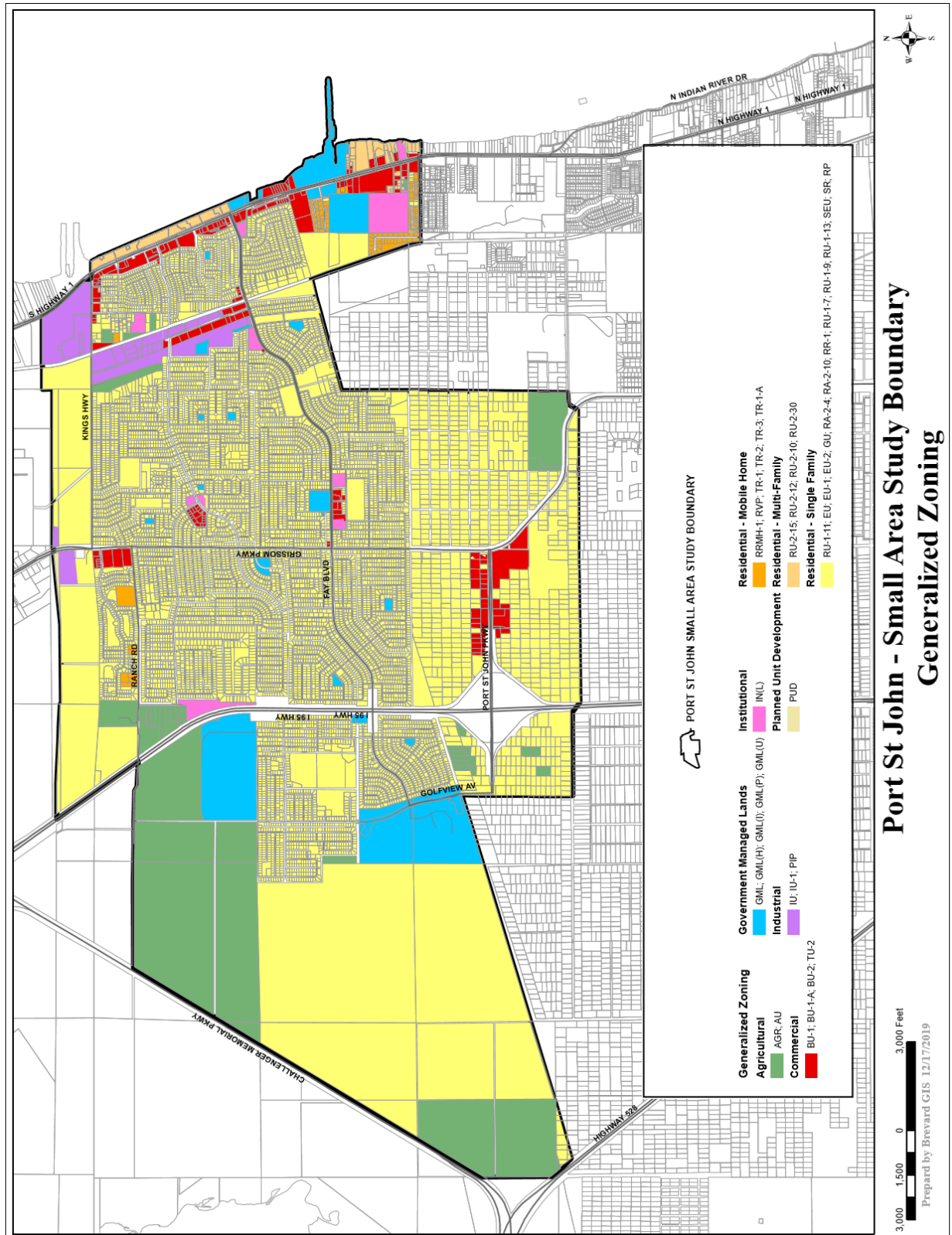
Per Policy 2.16 of the Future Land Use Element of the Brevard County Comprehensive Plan, the allocation of commercial acreage in the Future Land Use Map is periodically reviewed as part of the Evaluation and Appraisal Report (EAR) submitted to the State of Florida Department of Economic Opportunity (DEO, formerly DCA) every seven years as required by Chapter 163 of the Florida Statutes. Evaluation of commercial allocations is based upon the following minimum criteria: commercial development trends; the types, intensities, locations, and land areas of commercial land use designations; and commercial acreage allocations shall consider all commercial development, whether within or outside of commercial land use designations.

Zoning

Table 6. All Zoning Land Use Map Designations for Study Area

Zoning Classification		Total Acreage	% of Total Acreage	Vacant Acreage	% Vacant of Zoning Class.
Unimproved, Agricultural & Residential Zonings		7289	86.31%	1270	83.52%
GU	General Use	2951	34.94%	796.12	52.37%
AGR	Agriculture	6	0.08%	0	0.00%
AU	Agricultural Residential	1139	13.48%	34.71	2.28%
RR-1	Rural Residential	14	0.17%	3.82	0.25%
EU-2	Estate Use Residential	1	0.02%	0.68	0.04%
RU-1-7	Single-Family Residential	293	3.47%	30.58	2.01%
RU-1-9	Single-Family Residential	2285	27.06%	263.23	17.32%
RU-1-11	Single-Family Residential	371	4.39%	100.29	6.60%
RU-1-13	Single-Family Residential	98	1.16%	29.96	1.97%
RA-2-10	Single-Family Attached Residential	1	0.01%	0	0.00%
RP	Residential Professional	3	0.03%	0.19	0.01%
SR	Suburban Residential	127	1.51%	10.06	0.66%
Multiple-Family Residential Zonings		69	0.82%	4	0.25%
RU-2-10	Medium-Density Multiple-Family Residential	23	0.27%	3.29	0.25%
RU-2-12	Medium-Density Multiple-Family Residential	12	0.14%	0.46	0.03%
RU-2-15	Medium-Density Multiple-Family Residential	34	0.41%	0	0.00%
Mobile Home Residential & Rec. Vehicle Park Zonings		63	0.74%	14	0.91%
RRMH-1	Rural Residential Mobile Home	20	0.24%	9.80	0.64%
TR-1	Single-Family Mobile Home	23	0.27%	3.11	0.20%
TR-1-A	Single-Family Mobile Home	0	0.01%	0	0.00%
TR-2	Single-Family Mobile Home	17	0.20%	1.00	0.07%
TR-3	Mobile Home Park	2	0.02%	0	0.00%
PUD Zonings		5	0.06%	0	0.00%
PUD	Planned Unit Development	5	0.06%	0	0.00%
Commercial Zonings		258	3.06%	105	6.88%
BU-1-A	Restricted Neighborhood Retail Commercial	18	0.22%	4.73	0.31%
BU-1	General Retail Commercial	155	1.83%	53.29	3.51%
BU-2	Retail, Warehousing and Wholesale Commercial	52	0.61%	15.22	1.00%
TU-2	Transient Tourist Commercial	34	0.40%	31.30	2.06%
Industrial Zonings		192	2.27%	87	5.72%
PIP	Planned Industrial Park	101	1.19%	80.51	5.30%
IU	Light Industrial	91	1.08%	6.40	0.42%
Special Zonings		569	6.74%	41	2.72%
GML	Government Managed Lands	196	2.32%	0	0.00%
GML(H)	Government Managed Lands High-Intensity	0	0.00%	0	0.00%
GML(I)	Government Managed Lands Institutional	0	0.00%	0	0.00%
GML(P)	Government Managed Lands Parks & Conservation	193	2.28%	0	0.00%
GML(U)	Government Managed Lands Utility	92	1.09%	40.92	2.69%
IN(L)	Institutional Use Low	88	1.04%	0.46	0.03%
Total under County Jurisdiction		8445	100%	1520	100%

Source: Brevard County Planning & Zoning Office December 2019



Map 6. Zoning Map

Land uses are divided by residential, commercial and industrial districts. Zoning districts function for the purpose of defining a list of rules. These rules typically establish a list of land uses permitted in each district and a series of development standards governing lot size, building height, and required setback provisions. The Port St. John Study Area encompasses a variety of zoning classifications requiring as much as 5 acres down to 5,000 square feet per parcel.

Residential Zoning classifications make up 87.7% of the Study Area. Typically made up of single-family homes, the total acreage of unimproved, agricultural & residential zonings is 7,289 acres or 64.94% of the Study Area, of which 17.42% remains undeveloped.

The zoning classification having the most acreage in the study area is General Use (GU), which makes up 34.94% of the Study Area and about 40% of the Unimproved, Agricultural & Residential Zonings. The GU zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends. Of the GU Zoned acreage in Port St. John, 26.98% remains undeveloped. Additionally, a large percentage of the study area is classified as Single-Family Residential RU-1-9 zoning (27.06%). The RU-1-9 zoning classification encompasses lands devoted to single-family residential development of a spacious character. The RU-1-9 zoned acreage in Port St. John that remains undeveloped is only 11.52%.

Original Agricultural Residential (AU) zoning for Brevard County was established May 2, 1958 [Lot sizes were required to be a minimum lot size of 5,000 square feet, having a minimum width of 50 feet and a minimum depth of 75 feet]. On March 6, 1975, AU zoning classifications were required to be an area of not less than one acre, having a minimum width of 125 feet and a minimum depth of 125 feet. After 1975, AU requirements were amended to a minimum lot size of two and one-half acres, having a minimum width of 150 feet and a minimum depth of 150 feet. Lots are determined as "Nonconforming lots of record" if they do not meet today's standards and had been recorded or platted prior to or on March 6, 1975.

Multi-Family Residential Zonings make up only 69 acres and 5.42% of that land remains vacant. While a majority of the land zoned for Mobile Home Residential and Recreational Vehicle Park (63 acres) is utilized, 22.17% remains vacant.

Five acres of land in Port St. John is zoned Planned Unit Development (PUD) which may contain mixed uses; however, none of this designated zoning remains undeveloped.

Commercial and Industrial Zoning classifications account for 5.33% of the total land area. However, about 40% of commercial land is vacant and approximately 45% of industrial land is vacant. Conservation, Public Facilities and Recreation are considered Special Zoning and account for 6.74% of the Study Area's lands.

INFRASTRUCTURE AND SERVICE DEMAND

Transportation Network

TRAFFIC VOLUMES

The Space Coast Transportation Planning Organization (SCTPO) maintains a traffic count database to monitor traffic volumes on arterial and collector roadways in Brevard County. Within the study area, the SCTPO performs annual traffic counts for seventeen roadway segments. Within the Study Area, existing traffic volumes were reviewed to evaluate the current operating conditions of the overall roadway network. **Table 7** provides a summary of the 2018 Annual Average Daily Traffic (AADT) and current Maximum Acceptable Volume (MAV) published by the SCTPO on May 31, 2019.

Table 7. Port St. John 2018 AADT Summary Table

Roadway	Segment		2018 AADT	MAV	% MAV	LOS
	From	To				
FAY	GOLFVIEW	HOMESTEAD	3,157	15,600	20%	D
FAY	HOMESTEAD	DEER	6,743	15,600	43%	D
FAY	DEER	GRISSOM	8,775	15,600	56%	D
FAY	GRISSOM	AREQUIPPA	13,094	33,800	39%	D
FAY	AREQUIPPA	CAROLE	12,856	33,800	38%	D
FAY	CAROLE	US 1	15,670	33,800	46%	D
GRISSOM	CANAVERAL GRVS	CAMP	9,140	17,700	52%	C
GRISSOM	CAMP	PORT ST. JOHN PKWY	10,288	17,700	58%	C
GRISSOM	PORT ST. JOHN PKWY	BRIDGE	14,147	17,700	80%	C
GRISSOM	BRIDGE	FAY	12,667	17,700	72%	C
GRISSOM	FAY	CURTIS	9,678	15,600	62%	D
GRISSOM	CURTIS	KINGS HWY	11,161	15,600	72%	D
GOLFVIEW	PORT ST. JOHN PKWY	FAY	5,680	15,600	36%	D
KINGS HWY	GRISSOM	US 1	5,064	15,600	32%	D
PT ST JOHN PKWY	I-95	GRISSOM	11,028	39,800	28%	C
US 1	BROADWAY BLVD.	FAY	28,470	41,790	68%	C
US 1	FAY	KINGS HWY.	25,038	41,790	60%	C

The MAV indicates the maximum traffic volumes allowed based on the Level of Service (LOS) desired. Comparing the AADT with the MAV, **all segments of the major roadway network are currently operating at an acceptable level of service** (see **Table 7**). The 10 year AADT data collected by the SCTPO is summarized in **Table 8** (page 38) and shows a 76% increase in traffic volumes for Port St. John Parkway from I-95 to Grissom Parkway; however, traffic volumes for most other roadways within the study area have decreased.

Table 8. Port St. John 10 Year AADT Summary Table

Roadway	Segment		AADT									
	From	To	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
FAY	GOLFVIEW	HOMESTEAD	2,770	2,660	2,740	-	2,680	-	2,880	-	3,160	-
FAY	HOMESTEAD	DEER	7,900	7,250	6,990	6,780	-	6,460	-	6,640	-	6,740
FAY	DEER	GRISSOM	10,400	9,720	9,470	9,350	8,920	9,150	8,770	10,890	9,390	8,780
FAY	GRISSOM	AREQUIPPA	-	12,830	-	12,380	-	12,830	13,400	13,590	-	13,090
FAY	AREQUIPPA	CAROLE	13,880	-	13,410	-	12,230	-	12,350	-	12,860	-
FAY	CAROLE	US 1	17,310	16,280	16,520	15,570	15,230	14,510	15,020	15,340	15,700	15,670
GRISSOM	CANAVERAL GRVS	CAMP	9,710	8,940	9,320	8,980	8,960	9,010	9,490	8,660	9,360	9,140
GRISSOM	CAMP	PORT ST. JOHN PKWY	10,720	10,160	10,760	9,940	9,620	10,120	9,430	10,140	10,550	10,290
GRISSOM	PORT ST. JOHN PKWY	BRIDGE	13,050	12,890	13,680	12,670	12,720	13,840	NC	14,940	13,920	14,150
GRISSOM	BRIDGE	FAY	11,800	11,290	11,750	11,380	12,130	12,390	12,740	13,700	12,070	12,670
GRISSOM	FAY	CURTIS	11,080	-	10,940	-	9,870	-	9,600	-	9,680	-
GRISSOM	CURTIS	KINGS HWY	-	11,410	-	11,010	-	10,430	-	13,710	-	11,160
GOLFVIEW	PORT ST. JOHN PKWY	FAY	-	4,640	-	4,610	-	4,830	-	-	5,570	5,680
KINGS HWY	GRISSOM	US 1	4,940	-	4,710	-	4,300	-	4,060	-	5,060	-
PT ST JOHN PKWY	I-95	GRISSOM	8,440	8,410	8,570	8,210	8,890	9,960	10,550	10,370	10,990	11,030
US 1	BROADWAY BLVD.	FAY	31,190	29,750	30,660	28,620	27,830	25,530	27,110	27,820	29,560	28,470
US 1	FAY	KINGS HWY.	29,920	27,480	26,860	26,580	25,320	23,960	25,870	27,610	27,240	25,040

The surrounding roadway network adjacent to Port St. John exhibits similar growth characteristics as shown in **Table 9**. The roadways are below the maximum allowable volume and are operating at an acceptable LOS, with the exception of the segment of SR 407 from SR 528 to I-95 which is exceeding the MAV by 13%. This segment of roadway is maintained by the Florida Department of Transportation (FDOT).

Table 9. Adjacent Roadway Network 10 Year AADT Summary Table

Roadway	Segment		AADT										MAV
	From	To	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
SR 407	SR 528	I-95	6,360	6,660	6,990	6,340	6,140	6,830	7,220	8,750	9,150	9,970	8,820
SR 407	I-95	SHEPARD DR	7,060	6,630	6,500	6,320	6,290	7,460	7,660	9,190	8,980	10,090	24,200
US 1	CAMP	BROADWAY BLVD.	31,400	29,310	28,210	27,760	27,080	24,890	24,300	28,130	29,170	29,210	41,790
US 1	KINGS	SR 405	24,890	23,500	23,630	22,770	20,730	20,250	20,890	22,830	22,810	23,690	41,790
GRISSOM	KINGS HIGHWAY	SHEPARD	10,480	10,010	9,890	-	8,970	-	9,320	-	10,080	-	30,400
GRISSOM	CANAVERAL GRVS	CAMP	9,710	8,940	9,320	8,980	8,960	9,010	9,490	8,660	9,360	9,140	17,700
CAMP	GRISSOM	US 1	2,920	2,800	2,650	2,450	2,290	2,370	2,150	2,670	2,730	2,690	15,600

PUBLIC WORKS TRANSPORTATION CONSTRUCTION

The Brevard County Transportation Construction Management Program is part of the Public Works Department and oversees the design, acquisition, and construction of all Public Works Capital Improvement Projects (CIP), such as new roadways, road widening, turn lanes, sidewalks, and traffic signals. Current CIP projects in Port St. John include Grissom Parkway and Fay Boulevard intersection safety improvements and Curtis Boulevard improvements.

Safety Improvements at the intersection of Grissom Parkway and Fay Boulevard will include the replacement of the existing span wire signal with mast arm signal supports; installation of lighting at each corner of the intersection; replacement of existing sidewalk curb ramps; and upgrading pedestrian crossings. Construction cost for this project is estimated at \$550,000, and a preconstruction meeting is to be scheduled in November 2020.

Improvements at Curtis Boulevard include new concrete sidewalk construction on the west side of Curtis Boulevard from Fay Boulevard to Song Drive for a cost of \$276,000;

evaluating street lighting (\$33,000 estimated initial cost to install); and future intersection improvements at Fay Boulevard and Curtis Boulevard.

PUBLIC WORKS ROAD MAINTENANCE

The Road and Bridge Program in the Brevard County Public Works Department administers the maintenance of all County roadways, drainage structures, ditches and canals, and the design, installation, and maintenance of landscaping projects on County roads and facilities. Additionally, the Road and Bridge Program is responsible for bridge operation/maintenance and emergency response throughout unincorporated Brevard County.

During fiscal year 2018-2019, over 20 miles of road resurfacing was completed in Brevard County Commission District 1, with 13 of those miles located in Port St. John. Roads resurfaced in Port St. John include the following:

Aledo	Carillon Av	Kimball Av
Ancona Rd	Carter St	Kings Highway
Andover St	Cinema St	Mace Av
Anecia	Dill Av	Mayflower St
Ann Catherine Ct	Dodge Rd	Melody St
Bamboo Av	Doreen Rd	Milton Av
Barbara Rd	Falcon Blvd	Miraflores Av
Bartow Av	Freeport Rd	Patricia St
Bridge Rd	Frisco St	Patrick Ln
Briggs Av	Grissom Parkway	Walton Av

Currently in fiscal year 2019-2020, there are 18 miles of resurfacing projects funded in District 1 with 11 miles to be completed in Port St. John. Road resurfacing planned in Port St. John* (June 2020) include the following:

Airlift St	Bright Av	Fairfax St
Bayfront Rd	Buxton Av	Greenhill St
Bentley Rd	Caliph Av	Haddington Dr
Bismarck Rd	Camden Av	Huber St
Bonanza St	Carlowe Av	Hunt Rd
Boston Rd	Depot Av	Sunflower Dr
Bowie Ct	Everglades St	W Baker Cir

*Note: At the time of this Study, Public Works noted that the final plan was in progress, and that additional roads were to be added.

PUBLIC WORKS DRAINAGE MAINTENANCE

Road and Bridge performs drainage maintenance to improve drainage and reduce flooding in Brevard County. In Port St. John, drainage maintenance projects target fifteen (15) phases/areas, and include ditch/outfall clearing during wet season; swale rehabilitation during dry season; and replacement of failing metal pipes and concrete gutters. **Map 7** on page 41 shows the Phase 1 and Phase 2 areas in Port St. John and the types of drainage maintenance projects that have been completed or are planned to be completed.

PUBLIC WORKS TRAFFIC OPERATIONS

The Brevard County Public Works Department's Traffic Operations Program oversees all signage, signalization, and striping throughout the unincorporated areas of the County, including the maintenance of 350 traffic signals, 130 school zone flashers, and approximately 600 streetlights. The Program's traffic system is monitored in real-time through an Intelligent Transportation System (ITS) that is managed and operated at the county government center in Viera.

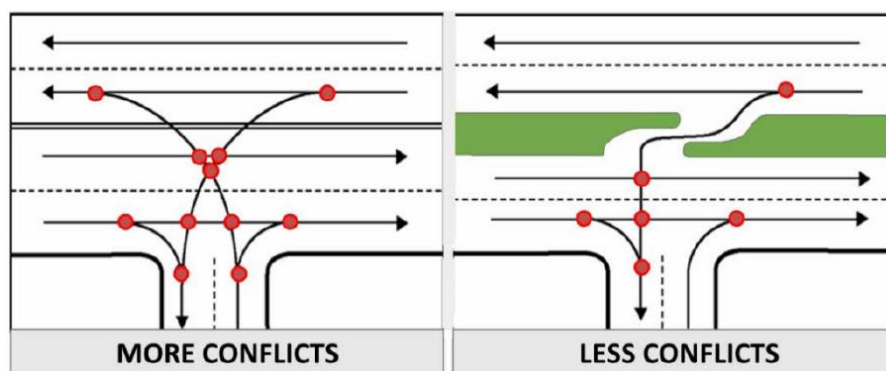
Traffic Operations is currently addressing the needs of an aging population in Brevard by installing larger print on signs and LED (light-emitting diode) lighted signs. Additional Traffic Operations initiatives include the following:

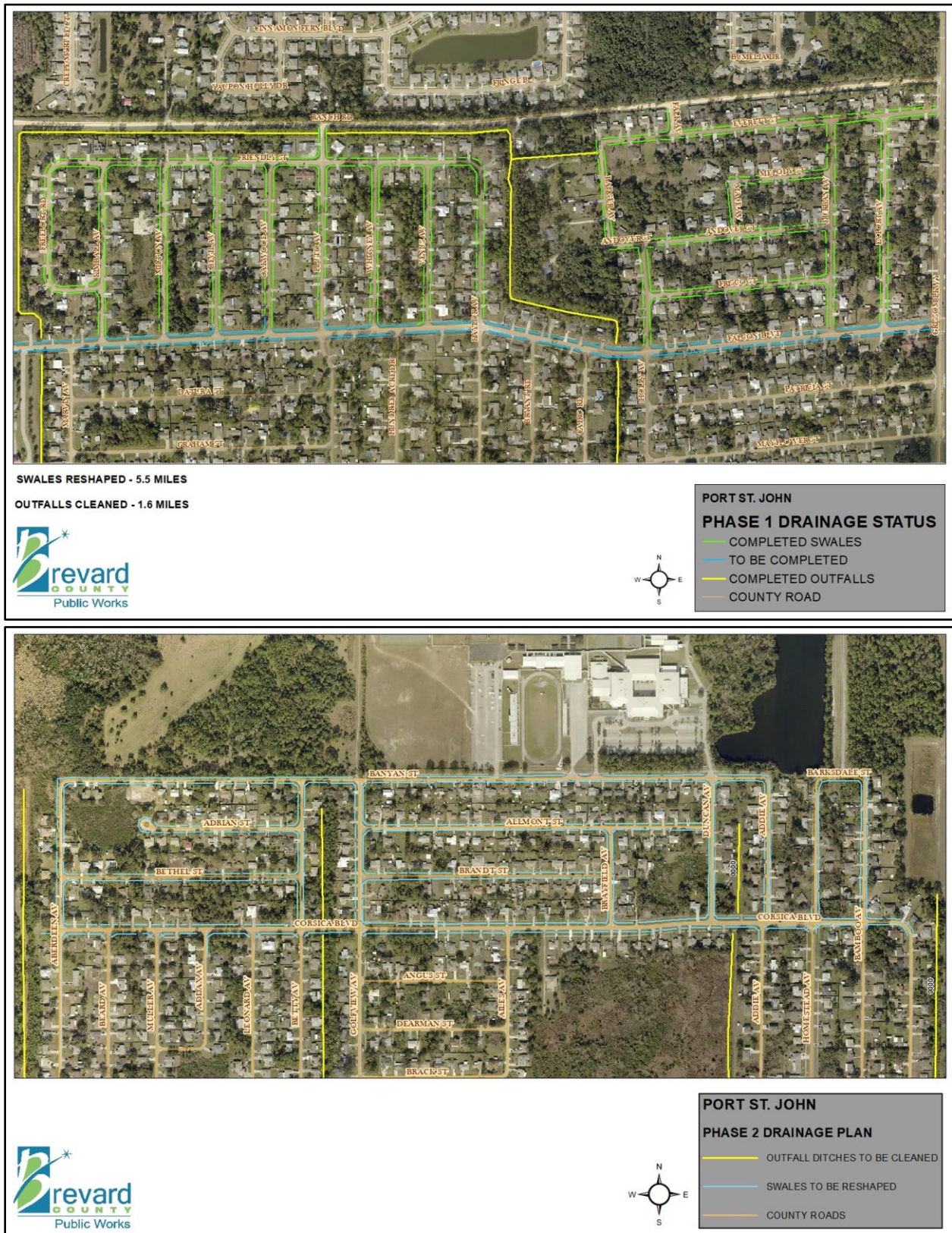
- Traffic Signal Re-timing
- Uninterruptible Power Sources
- Intelligent Transportation Systems
- Traffic Management Center, for centralizing control of traffic signals
- Improve travel time, minimize delays

PUBLIC WORKS TRAFFIC ENGINEERING

Traffic studies are conducted to determine traffic engineering needs in regards to Speed Limits, Stop Sign Warrants, Speed Humps, Sign Installations, Pavement Markings, Left and Right Turn Lanes, Pedestrian Crossings, Traffic Signal Warrants, and Street Lighting. Currently, a traffic safety study is taking place at Curtis Boulevard and Fay Boulevard.

"Draft" Study recommendations include changing to a Directional Median Opening at this intersection to reduce conflict points. Refer to diagram below showing how Directional Median Openings result in less intersection conflicts. Note: Directional Median opening depicted on right. Diagram provided by Brevard County Public Works.





Map 7. Public Works Phase 1 and 2 Drainage Plan – Port St. John

Stormwater

The Brevard County Stormwater Program was created in 1990 by the Board of County Commissioners to prevent flooding and address stormwater related pollution problems. Although regulations implemented in 1978 as part of the County's growth management required stormwater treatment for all newly developed subdivisions and commercial sites, many areas in Brevard County had already been developed and had little or no stormwater treatment facilities. As additional measures were required to store water runoff volumes to reduce flooding of downstream properties in these areas and to treat stormwater runoff to reduce pollutants carried to surface waters, Brevard County adopted an ordinance in 1990 establishing a Stormwater utility, thereby providing a dedicated source of funding for the Stormwater Program.

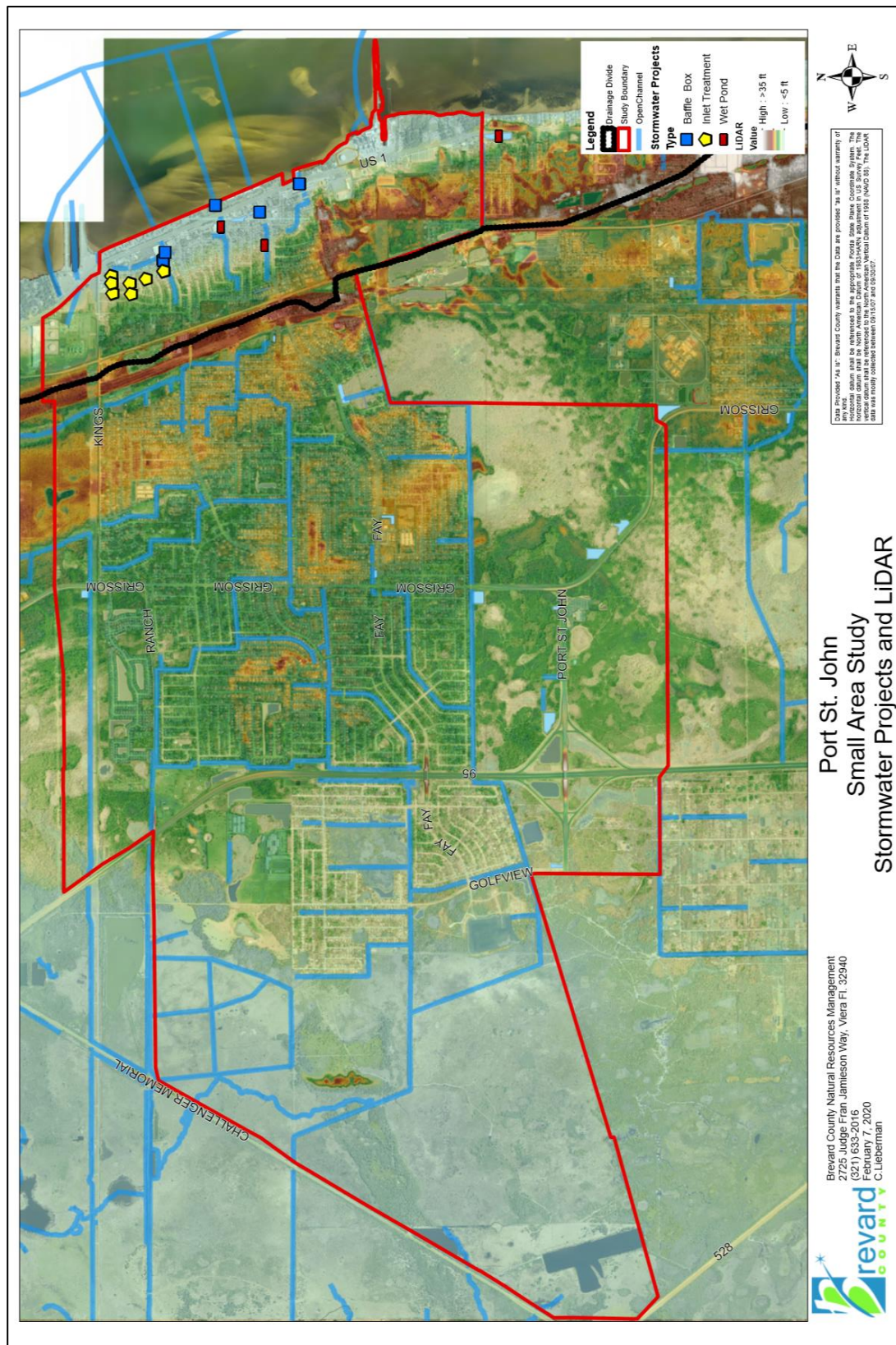
Today, the Stormwater Program is part of the Natural Resources Management Department and has proven to be a leader in stormwater management in the state of Florida. The program is comprised of four sections: Stormwater Utility, Stormwater Engineering and Design, Water Quality, and National Pollutant Discharge Elimination System (NPDES) and Best Management Practice (BMP) Compliance.

According to the Department, thousands of individual outfalls in Brevard County drain untreated stormwater into either the Indian River Lagoon or St. Johns River. The Stormwater Program has numerous projects planned for the next several years that will help alleviate flooding issues in identified areas and provide treatment to stormwater before it reaches its final destination, the Indian River Lagoon or St. Johns River.

In Port St. John, the Stormwater Program has completed several drainage, flood abatement, and water quality projects. Project types constructed throughout the Study Area include: channel stabilization, culvert replacement, and sediment traps and baskets. In addition, the Stormwater Program has constructed a dry pond at Cottrell Avenue, a stormwater pond at Albin Street and drainage swales at Fay Lake Wilderness Park. Pending Stormwater Program projects in Port St. John include water quality and culvert improvements at Fay Lake Wilderness Park.

Map 8 on the following page (provided by Brevard County Natural Resources Department) shows locations of some of the stormwater projects described above as well as land elevations in the Port St. John Study Area as portrayed by Light Detection and Ranging (LiDAR) imaging. LiDAR was collected in 2007 and made available to the County in 2009. LiDAR is a method of collecting elevation information from an aircraft or ground vehicle and has been found to be quite accurate in Brevard County, even in areas with dense vegetation. As can be seen from the map it is quite detailed and is very useful for planning and evaluation purposes.

The land surface in Port St. John varies in elevation between a maximum of 52 feet and minimum of 0 feet in the North American Vertical Datum of 1988 (NAVD88), excluding the ponds and canals which can extend to minus 12 feet. A dividing ridge runs north-south which determines the direction of drainage to either the Indian River Lagoon to the east or the St. Johns River to the west of Port St. John (refer to **Map 8** on page 43).



Map 8. Stormwater Projects and LiDAR Elevation Map – Port St. John

Public Water and Wastewater

PUBLIC WATER SERVICE

Public water service is provided to the Port St. John area by the City of Cocoa Utilities. Currently, the City serves 8,534 residential customers and 170 commercial customers (i.e., meter connections) in Port St. John, and total monthly water consumption is over 43 million gallons each month (refer to **Table 10** below).

City of Cocoa Utilities Department has confirmed that they have existing capacity to meet the future needs of Port St. John. According to the City, the Dyal Water Treatment Plant (WTP) currently produces about 22 million gallons per day (mgd) and has the capacity and permits to treat 60 mgd. Safe well field management practices advise an operating rate that allows for well rotation to alleviate stress on the aquifer and provide down time for well and pump repair and maintenance. Such management practices allow Cocoa to operate the well field safely at 27.31 mgd for average flows. Cocoa supplements its ground water supply with surface water from the Taylor Creek Reservoir. The constructed capacity of the surface water treatment system is 24 mgd and it is currently equipped to deliver 12 mgd. Cocoa also supplements its ground water supply with an Aquifer Storage and Recovery (ASR) system. Last year Cocoa injected 0.32 billion gallons of treated water into the ASR wells and recovered 0.07 billion gallons. The current FDEP-permitted capacity of the Dyal WTP, 60 mgd, is greater than the predicted maximum day demand (MDD) through 2040. The installed treatment capacity of the current infrastructure at the Dyal WTP can achieve the predicted 2040 MDD.

Table 10. Water Generation in Port St. John

Description	# of Units	Average GPD	Total Consumption Monthly
Residential Customers	8,534	147.8	37,842,000
Commercial Customers	170	1,014.5	5,174,000
Total Current Demand			43,016,000
<i>Source: City of Cocoa Utilities Department</i>			

* Customers = meter connections.

PUBLIC WASTEWATER (SANITARY SEWER) SERVICE

The Brevard County Utility Services Department operates six wastewater treatment plants and three drinking water plants within the County, providing quality drinking water, reclaimed irrigation water, and wastewater services for its customers. The system operates 24 hours a day, seven days a week, and must meet numerous State and Federal regulations. The Utility is an enterprise operation, funded entirely from customer user fees.

One of the wastewater treatment plants owned and operated by Brevard County Utility Services is located in Port St. John. The Port St. John plant treats 490,000 gallons of wastewater per day, and is currently operating at approximately 80% of its permitted

hydraulic capacity. Although there are no capacity issues servicing the existing 1,500 customers in Port St. John, sewer service is not available for a majority of the Study Area at this time. Much of Port St. John is outside the Utility's sewer service area (refer to Map 9 on page 46).

The wastewater treatment plant in Port St. John treats influent wastewater to Florida Department of Environmental Protection (FDEP) Standards, as a condition of the Utility's Operation Permit, and has two effluent disposal alternatives: Reclaim water customers or deep well injection. The Port St. John plant provides reclaimed water to 12 customers located in the vicinity of Curtis Boulevard.

Within the north central portion of the Study Area, one residential subdivision (Cypress Woods, approximately 28 acres) is serviced by the City of Titusville's Water Resources Department for sanitary sewer.

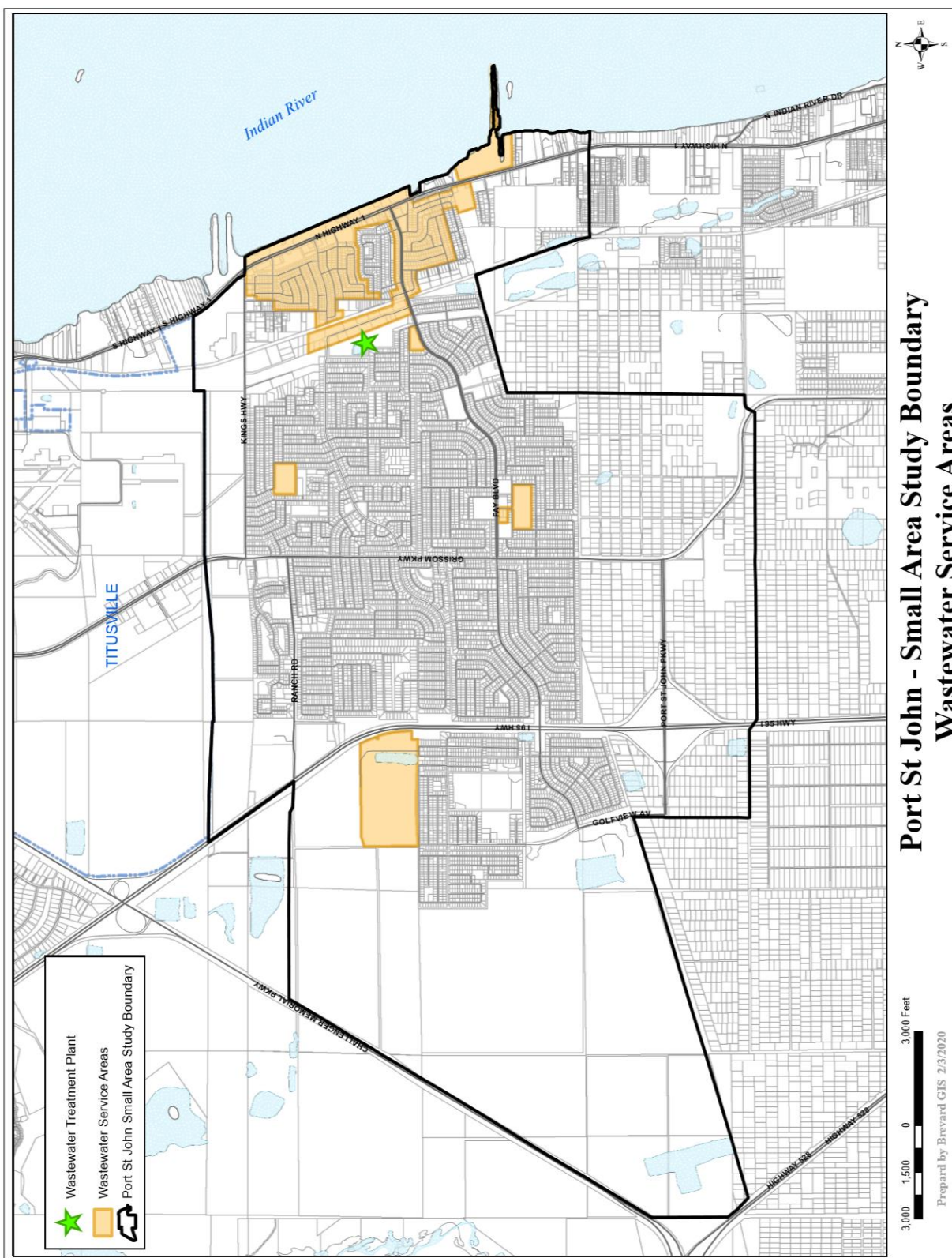
SEPTIC

Where sewer is not available and vacant parcels in the study area are developed, an Onsite Sewage Treatment and Disposal Systems (OSTDS) Construction Permit must be obtained. The Florida Department of Health (DOH) regulates OSTDS, commonly known as septic systems. Permitting and inspections of all OSTDS are handled by the County Health Department's Environmental Health Section. All parcels where sewer systems are not available as defined in Section 381.0065(2) (a), Florida Statutes, may apply to the department to install a septic system. All septic systems must be installed meeting all requirements of Section 381.0065, Florida Statutes (F.S.) and Chapter 64E-6, Florida Administrative Code (F.A.C.). Additionally, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required for areas in Brevard County that are included within the Indian River Lagoon septic overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay (refer to Septic Overlay Map on page 65).

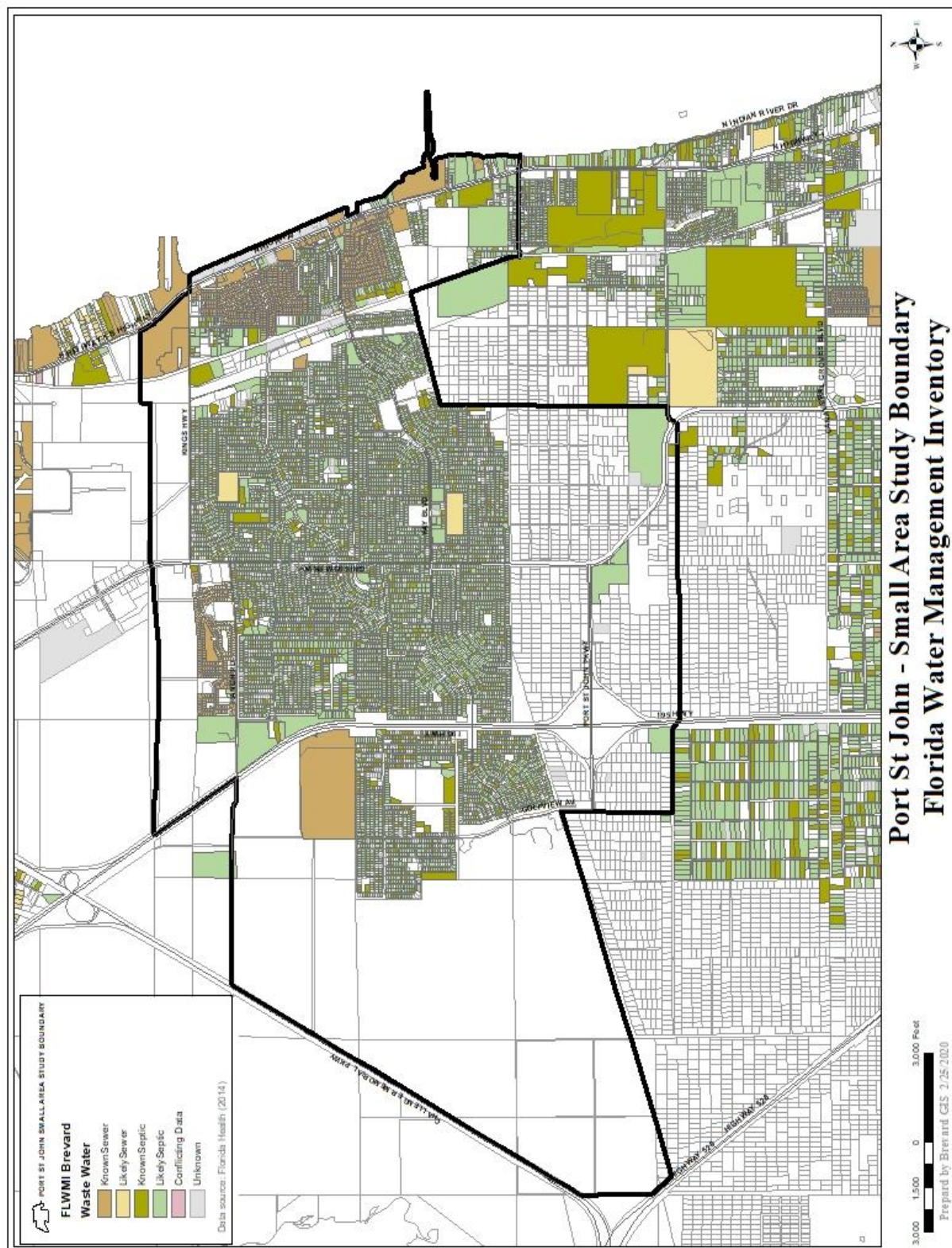
The Florida Department of Health's Florida Water Management Inventory (FLWMI) has identified 9,244 parcels possibly served by septic systems in the 32927 zip code (refer to **Table 11** below). The FLWMI map of the study area (**Map 10** on page 47) was created from DOH data and shows parcels known or likely to have septic systems. The map also shows parcels known or likely to be serviced by sanitary sewer. More information about the FLWMI can be found on the Florida Department of Health's website at: <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/flwmi/index.html>

Table 11. FLMWI septic data for 32927 zip code

FLWMI Septic Systems in zipcode 32927	count
Known Onsite Septic Systems	1,427
Likely Onsite Septic Systems	7,666
Somewhat Likely Onsite Septic Systems	151
Total possible septic systems	9,244



Map 9. Brevard County Utility Services Wastewater Service Area – Port St. John



Map 10. Septic Systems (OSTDS) locations and Sewer Service locations in Port St. John

Parks and Recreation

PUBLIC PARKS

Brevard County Parks and Recreation Department manages numerous parks and facilities, providing residents and visitors a variety of recreational opportunities throughout the County. In addition to managing 108 parks, 3 campgrounds, 3 golf courses, 6 nature centers, 42 beach access sites, and 13 school athletic sites, the Department oversees more than 18,000 acres of Environmentally Endangered Lands (EELs) sanctuaries and conservation areas. Land management activities conducted by the Department serve to mitigate fire and flooding. Parks and Recreation community centers also serve as shelters and multi-agency coordination centers during disasters.

In Port St. John, Brevard County Parks and Recreation Department manages and maintains six park sites. The section below describes the location, size and amenities of each park within the Study Area.

Fay Lake Wilderness Park - 6300 Fay Boulevard

Fay Lake Wilderness 192.7-acre community park located at the west end of Fay Boulevard. This park offers access to a 27-acre fishing lake with fishing piers and launch area for small non-motorized boats. Facilities include two playgrounds, pavilions, and a dog park.

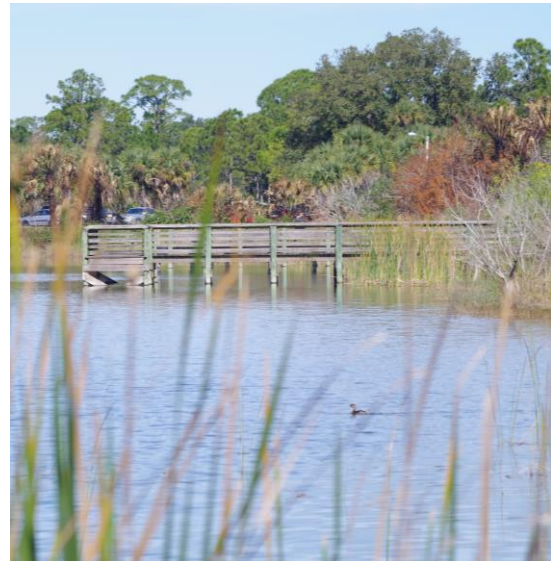


Photo of Fishing Pier at Fay Lake Wilderness Park. Source: K. Shropshire

Fay Park - 6315 Depot Avenue

Located at the intersection of Fay Boulevard and Depot Avenue is the 11.1-acre Fay Park. This park is a center of activity for the Port St. John area and features family picnic shelters with grills near a playground and restrooms. Athletic facilities include a concession building, basketball court, tennis and racquetball courts. Tennis Courts open 8:00 a.m. to 10:00 p.m. daily.

Friendship Park - 1055 Barclay Drive

Friendship Park is a 0.96-acre neighborhood park located north of Fay Boulevard off of Barclay Drive. The public park is shaded by palm and pine trees and includes a small green area, playground equipment and a park bench to serve the local Port St. John community. At the time of this Study, Friendship Park is closed due to damage caused by recent hurricanes and is in the process of being repaired. No scheduled reopen date has been set. The Parks and Recreation Department will provide updates on the progress of the park reopening on their website at <https://www.brevardfl.gov/ParksRecreation/> in the North Area Parks Section.

Nicol Park - 6660 N Cocoa Boulevard (US Hwy 1)

Nicol Park is a 5.03-acre community river park that is easily accessible from North U.S. Hwy 1. This park offers picnicking at picnic shelters with grills, benches, and an attractive playground for children. Facilities include restrooms and a drinking fountain. Shoreline fishing is a popular activity at this park, and a paved walkway invite leisurely strolls. Nicol Park is a great site to view a rocket launch. The park and restrooms will stay open to the public when a launch is scheduled after normal hours.

Port St. John Boat Ramp - 6650 N Cocoa Boulevard (US Hwy 1)

The popular 1.17-acre Port St. John Boat ramp is conveniently located near the Fay Boulevard and U.S. 1 intersection and provides boat access to the Indian River Lagoon. The park is open 24 hours a day, and can accommodate 40 cars and boat trailers. It is a great site to sit and relax by the water, and also serves a nice viewing location for launches out of Kennedy Space Center.

Port St. John Community Center - 6650 Corto Road

Port St. John Community Center is a 5.48-acre community park located on Corto Road off of Grissom Parkway. This facility features a large activity room, kitchen and stage popular for rentals, fitness classes and youth programs. The center also includes two activity rooms with two pool tables, a ping pong table and foosball table. Additionally, the center has a computer room that is open to the public for use and an arts and craft room. Outdoor features include a playground and basketball court. The Port St. John Community Center also serves as a hurricane shelter during evacuations. For information on evacuation and how to receive emergency alerts, visit Brevard County Emergency Management's website at <https://www.brevardfl.gov/EmergencyManagement/>.



Photo of the Port St. John Community Center.
Source: Brevard County Parks and Recreation Department

In addition to the 216.4 acres of public parks in the Study Area, Brevard County owns ten (10) vacant lots scattered throughout Port St. John that were originally owned by General Development Corporation and subsequently acquired by the County. Most of these vacant lots are wooded, providing a total of 14.89 acres of natural green space in the community.

Policy 1.3 of the Recreation and Open Space element of the Brevard County Comprehensive Plan establishes an acceptable level of service for Parks and Recreation as a total of 3.0 acres of developed County-owned or managed by agreement parks per 1,000 people living in the unincorporated areas of each Parks Operations Area. Port St. John is located in the North Area Parks Operations Area which has an acceptable

level of service with 1,048.91 acres park land per the Recreation and Open Space element.

CONSERVATION AND WILDLIFE

There are many properties within the Study Area that have been acquired through local, state, or federal programs and serve as conservation sanctuaries. Most of these sites have little or no public access, but function to conserve natural resources and biological diversity in the Study Area.

The Brevard County Environmentally Endangered Lands (EEL) Program was established in 1990 to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, passive recreation, and environmental education. This was made possible by citizens who voted to tax themselves up to \$55 million for the acquisition and maintenance of Brevard County's natural areas. Residents reaffirmed the EEL Program in 2004 under a second referendum to use the same tax that is currently being collected for the Beach and Riverfront Program to protect the natural habitats within Brevard County. This would be accomplished by the acquisition of environmentally sensitive lands through a willing-seller program for the purposes of conservation, passive recreation, and environmental education.

EEL Program properties are managed to conserve native habitats and the plants and animals that utilize them. Each sanctuary or management area has a site-specific comprehensive management plan developed by EEL staff and the selection and management committee. The EEL program strives to maintain a regional approach to managing the EEL Sanctuary Network through the guidance provided in the Sanctuary Management Manual and through management partnerships with local, state, regional, and federal conservation agencies and private-sector conservation programs.

The St. Johns National Wildlife Refuge (NWR), located on the floodplain of the Upper St. Johns River Basin, is administered by the U.S. Fish and Wildlife Service as part of the National Wildlife Refuge System. Established in 1971 to provide habitat for threatened and endangered species, the St. Johns NWR is comprised of two management units: the 2,016-acre Bee Line Unit (located within the Study Area) and the 4,241-acre State Road 50 Unit (located north of Port St. John near Titusville).

According to the 2011 Comprehensive Conservation Plan for the St. Johns NWR, at least 19 federal- and state-listed species and species of management concern are known to occur at the refuge. These include four federally listed (threatened) wildlife species: the wood stork (*Mycteria americana*); crested caracara (*Caracara cheriway*); eastern indigo snake (*Drymarchon corais couperi*); and American alligator (*Alligator mississippiensis*). Over 90 percent of the refuge consists of wetlands which support these and other imperiled species, as well as native wildlife diversity. Only 3 percent of the refuge's native habitat is upland.

EEL Program properties and St. Johns NWR lands that are located in the Port St. John Area are depicted as Public-Conservation areas on the Future Land Use Map of Port St. John (refer to **Map 5** on page 32).

Public Schools

As of 2017, there was an estimated 3,149 students ranging from ages five to nineteen years of age living within The Study Area²¹. Students residing in the Study Area attend either Atlantis, Challenger 7, Enterprise, or Fairglen Elementary Schools. Students in 7th through 12th grade attend either Space Coast Junior/Senior High School or Cocoa Junior/Senior High School. All of these public schools are located within the Study Area with the exception of Fairglen Elementary and Cocoa Junior/Senior High School.

When a new development application or building permit is submitted for review, the Brevard Public Schools under the Facilities Planning Department receives notification of the project for the purposes of completing a school concurrency review. The concurrency review is cumulative to ensure sufficient student capacity. Redistricting of schools occurs when a threshold is tripped, however, none of the schools mentioned have exceeded any thresholds with the current development. Refer to **Table 12** below.

Table 12. Projected School Enrollment and Capacity.

Table recreated from data provided in Brevard County School Board 2019-2020 Student Accommodation Plan. Source: Brevard County School Board Facilities Services, 2019.

Palm Beach County School Board Meeting Notice, 2023-24

School Years 2018-19 to 2023-24

Student Enrollment Projections and School Capacity Analysis (Total Factored Capacity)

School Information and Capacity					Current Year	Projected Student Membership						Current Year	Projected Capacity in Use				
School Information				Total Capacity		(Note 4)							(Note 5)				
School	Type	Grades	Utilizati on Factor (Note 1)	2018-19 Student Stations (Note 2)		2018-19 Factored Capacity (Note 3)	2018-19 Actual	2019- 20	2020- 21	2021- 22	2022- 23		2023- 24	2018- 19 Actual	2019- 20	2020- 21	2021- 22
Atlantis	Elementary	PK-6	100%	739	739	713	693	668	669	658	641	97%	94%	90%	91%	89%	87%
Challenger 7	Elementary	PK-6	100%	573	573	571	577	541	526	518	502	100%	101%	94%	92%	90%	88%
Enterprise	Elementary	K-6	100%	729	729	599	620	605	615	632	643	82%	85%	83%	84%	87%	88%
Fairglen	Elementary	PK-6	100%	789	789	681	675	680	705	732	745	86%	86%	86%	89%	93%	94%
Space Coast	Jr / Sr High	7-12	90%	2,063	1,857	1,586	1,590	1,588	1,556	1,513	1,507	85%	86%	86%	84%	82%	81%
Cocoa	Jr / Sr High	PK, 7-12	90	**2,280	2,052	1,577	1,582	1,670	1,762	1,882	1,929	89%	77%	81%	86%	92%	94%

Notes:

Note 1: Utilization Factors are established by the Florida Department of Education's (FDOE) State Requirements for Educational Facilities (SREF).

Note 2: Permanent Student Stations for 2018-19 are based on the information contained in the FDOE Florida Inventory of School Houses (FISH) database on 10/10/2018.

Note 3: Factored Capacity is calculated by multiplying Satisfactory Student Stations by the Utilization Factor. Total Factored Capacity is the addition of the Permanent Factored Capacity plus the Relocatable Factored Capacity.

Note 4: Projected Student Membership figures based on Finance 2019-20 Budget Projections combined with Growth Management Projections for 2020-21 to 2022-23.

Note 5: Projected Capacity in Use is calculated by dividing the Projected Student Membership by the 2018-19 Total Factored Capacity (See Note 2 exceptions).

** An addition at Cocoa Jr/Sr High school adds 300 student stations for the 2019-2020 school year.

School Capacity Analysis data shows that Challenger 7 Elementary is projected to exceed capacity by four students in 2019-20; however five-year projections indicate enrollment will decrease, and Challenger 7 Elementary is projected to be at only 88% of capacity by 2023-24.

²¹ U.S. Census Bureau, American Community Survey (ACS), 2017.

SAFETY AND EMERGENCY MANAGEMENT

Fire Rescue

Brevard County Fire Rescue (BCFR) is the largest fire and emergency medical service (EMS) provider in the County providing emergency services from 32 fire stations. Emergency response resources include 18 class-A fire engines, 5 ladder trucks, 31 ambulances, 3 special operations units and other command and wildfire units. All primary emergency response units are capable of providing patient care at the paramedic level (ALS). Each year, over 50,900 emergency medical patients are cared for and transported to area hospital. More information about Brevard County Fire Rescue can be found on their website at brevardfire.us.

The Port St. John area is served by BCFR Engine 26: the station is located at 6655 Carole Avenue. The fire station is staffed 24/7 with three firefighters; the engine provides advanced life support (ALS) emergency medical care at the paramedic level. Initial fire engine response to building structure fires is Engine 26, Engine 29 (3950 Canaveral Groves Blvd.), Truck 24 (2280 Columbia Boulevard, TVL), Truck 13 (City of Titusville), Engine 28 (if staffed by the volunteers). Rescue 26, housed at station 26, is the primary ambulance dispatched to transport emergency medical patients to the area hospitals.

Engine 26's primary response area consists of US1 from Broadway Blvd on the South to Golden Knights Blvd on the North, Grissom Pkwy from Willow Creek Blvd on the North to Bridge Road on the South and West to all of the area West of I-95 off of Fay Blvd. and Golfview. They are second due to the Canaveral Groves area.

BCFR includes additional fire rescue services such as a Special Operation Team for hazardous materials and technical rescue responses, Fire prevention, 911 Dispatch and Ocean Rescue. Additionally, safety information can be found on the department's website at www.brevardfire.us.

Table 13. Calls for Service in Station 26's Area for 2019

Type of Call	Total for Engine 26	Average On Scene Time
Total Medical/EMS Calls	1,957	13:14
Total Fire Calls	123	47:39
Other Type Calls	340	8:46
Total Calls	2,420	14:38
Fire Alarms	77	8:50
Brush Fires	29	36:15
HAZMAT	19	18:24
Miscellaneous Fires	2	38:03
Structure Fires	24	111:33
Vehicle Fires	7	61:17
Average Turn Out Time	00:01:16	
Average Response Time	00:05:30	

Source: Brevard County Fire Rescue

Law Enforcement

The Brevard County Sheriff's Office North Precinct provides the north Brevard area unincorporated law enforcement services. The Precinct is located at 2290 Columbia Boulevard in Titusville. Furthermore, the North Precinct also has a Port St. John Substation located at 6305 Depot Avenue in Cocoa. The North Precinct covers zones 14, 15, and 16 and has a service responsibility of Port St. John, which encompasses north to Kings Highway, south to Port St. John Parkway, east to the Indian River and west to Challenger Memorial Parkway. In addition, a new zone (Zone 19) was created in Port St. John in January 2020, which encompasses north to Fay Boulevard, south to Camp Road, east to the Indian River and west to Grissom Parkway. The Table below depicts calls for service in both 2018 and 2019 for Zones 14, 15, and 16 of the North Precinct and the percentage change in calls over that time.

Table 14. Percent of Increase/Decrease North Precinct Calls for Service – Zones 14, 15, & 16

Zones 14, 15, & 16			% Change
Type of Call	2018	2019	2018-2019
Assist Motorist/Disabled Vehicle	291	277	-5%
Battery	751	990	32%
Burglary	103	76	-26%
Burglary Vehicle	120	124	3%
Fraud/Forgery	153	145	-5%
Injured/Ill Person	1,894	1,821	-4%
Intoxicated Driver	17	28	65%
Narcotics	147	117	-20%
Reckless Driving	588	548	-7%
Robbery	9	3	-67%
Sex Offense	53	37	-30%
Shooting in Area	68	64	-6%
Theft	246	204	-17%
Traffic Enforcement	235	309	31%
Traffic Stops	3,613	3,542	-2%
Vehicle Stolen	60	49	-18%

These do not represent all of the calls for service, but many of the categories that directly affect the residents within the Study area. The residents' complaints about speeding vehicles and traffic violations are also reflected in the number of citations and traffic stops performed by the Sheriff's Office. Out of the 16 types of calls within the area, 12 of the types of calls depict a decrease between the years 2018 and 2019 by as much as 67%. Calls related to burglaries decreased by 26% and 4 out of the 16 types of calls depict a percentage increase between 2018 and 2019. The North Precinct's General Crimes Unit has been aggressive in the ability to solve burglary related crimes.

The North Precinct has taken an active role in reducing the amount of crime while also taking in consideration the need to assist the public in their needs no matter what the event may be.

Emergency Management

Brevard County Emergency Management is responsible for the disaster preparedness of all residents in the County. This department provides communication and coordination of emergency services before, during, and after a disaster and has three divisions: Emergency Management Operations, Public Safety Radio Systems, and Enhanced 9-1-1 Administration/Address Assignment. The mission of the Emergency Management Department is to provide Brevard County residents, businesses and industries, non-profit organizations, and local governments the education and support necessary to reduce the loss of life and human suffering; to minimize property damage; and to protect environmentally sensitive areas from all types of disasters through a comprehensive, risk-based, all-hazard emergency management program.

Brevard County implements emergency response actions in two ways: through field operations and through support operations conducted by the activated County emergency support functions (ESFs) operating from the County's Emergency Operations Center (EOC). Brevard County Emergency Management serves as the coordinating group for County agencies, municipal governments, and community organizations during pre-disaster planning and programming, as well as during actual emergency response and disaster recovery operations. Each ESF is managed by a primary agency that is assisted by several designated support agencies.

Brevard County Emergency Management is the lead organization "in-charge" through the coordination and direction of the Policy Group and ESF recommendations. The Policy Group is responsible for major, county-wide policy and planning decisions during and after disasters. This group includes the:

- County Commission Chairperson
- County Manager
- County Emergency Management Director
- County Public Safety Director
- County Fire Chief
- County Attorney
- County Sheriff
- Superintendent of Brevard Public Schools
- Space Coast Public Management Assoc. Rep.

In the event of an emergency, Brevard County Emergency Management is the official source of information on evacuation orders and shelter openings. Maps 11 and 12 (on pages 55 and 56, respectively) show evacuation zones and evacuation routes in Port St. John. Brevard County Emergency Management also provides information on disaster preparedness and options to receive emergency alerts on their website at <https://www.brevardfl.gov/EmergencyManagement/> or call 321-637-6670 for more information.

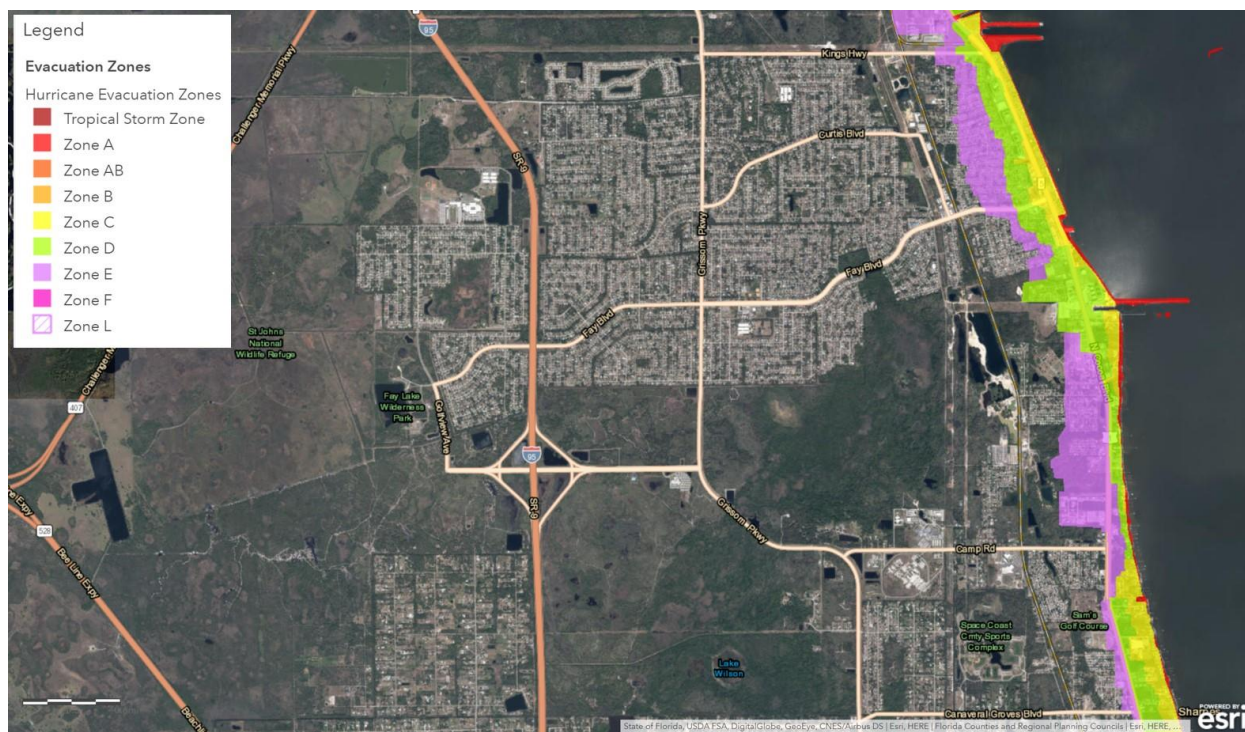
Evacuation

Most coastal Florida counties have designated evacuation zones because they are susceptible to storm surge from tropical storms and hurricanes. All residents within evacuation zones should be aware of their primary and alternate evacuation routes. It is important that local emergency management always be consulted regarding evacuation orders during an emergency. Brevard County Emergency Management provides information on how to register to receive emergency alerts on their website at <https://www.brevardfl.gov/EmergencyManagement/> or call 321-637-6670 for more information.

EVACUATION ZONES

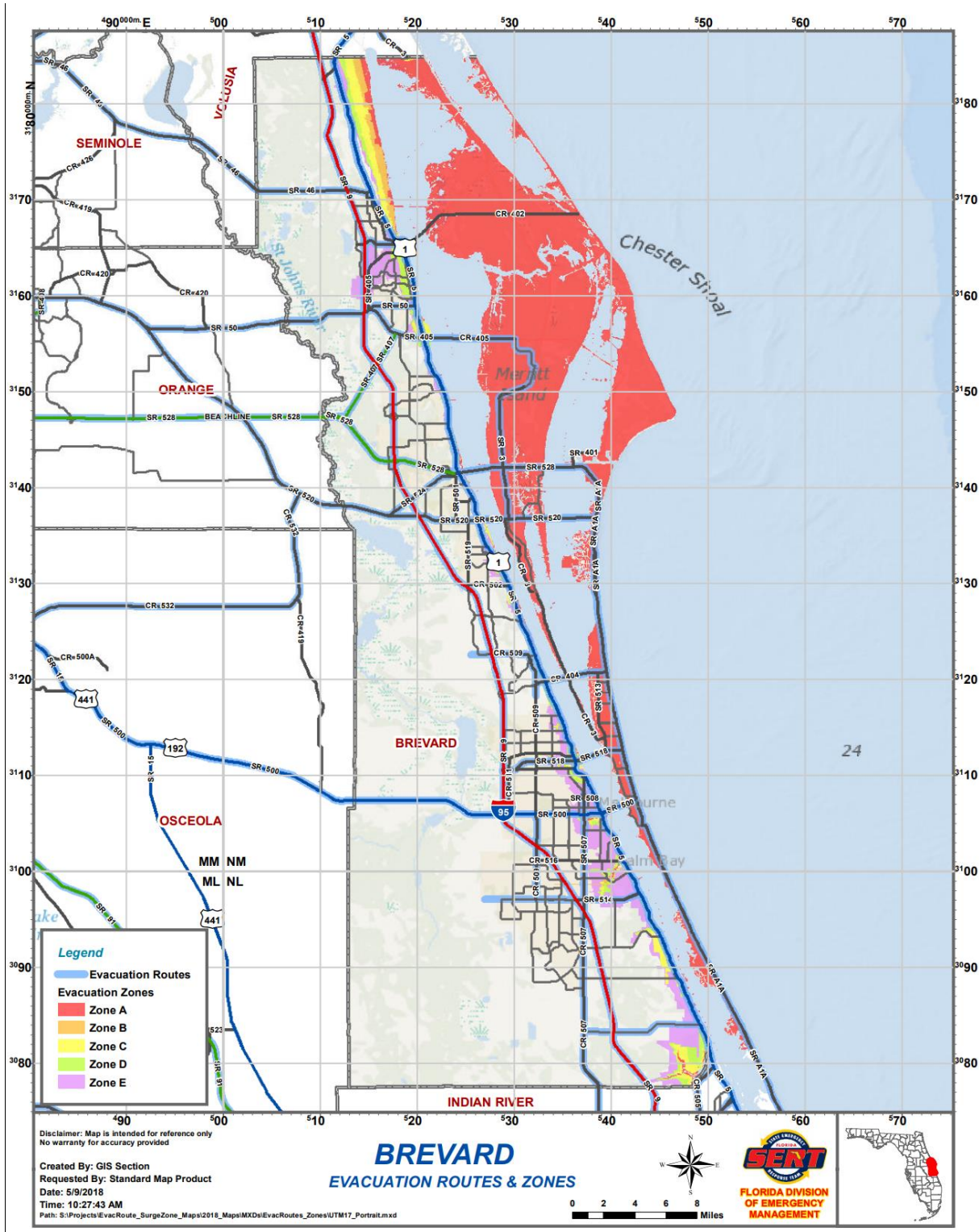
Zone A (Red): When an Atlantic-approaching hurricane threatens Brevard County, a mandatory evacuation will be called for Zone A, which includes the barrier islands, Merritt Island and some mainland low-lying areas. Evacuation zones for Port St. John are shown below (**Map 11**). In addition, those who live in mobile or manufactured homes, or in low-lying or flood-prone areas are also vulnerable and should also evacuate, whether on the mainland or the barrier islands.

County-wide evacuation route and zone maps (**Map 12** on page 56) are based upon the most up-to-date regional evacuation studies and are intended for general reference. Additional information and address specific (Know Your Zone) evacuation zones and evacuation routes can be found at the Florida Division of Emergency Management's website at <https://www.floridadisaster.org/planprepare/disaster-preparedness-maps/>.



Map 11. Evacuation Zones in Port St. John.

EVACUATION ROUTES



ENVIRONMENTAL AND ECOLOGICAL FACTORS

Coastal High Hazard Area / Storm Surge

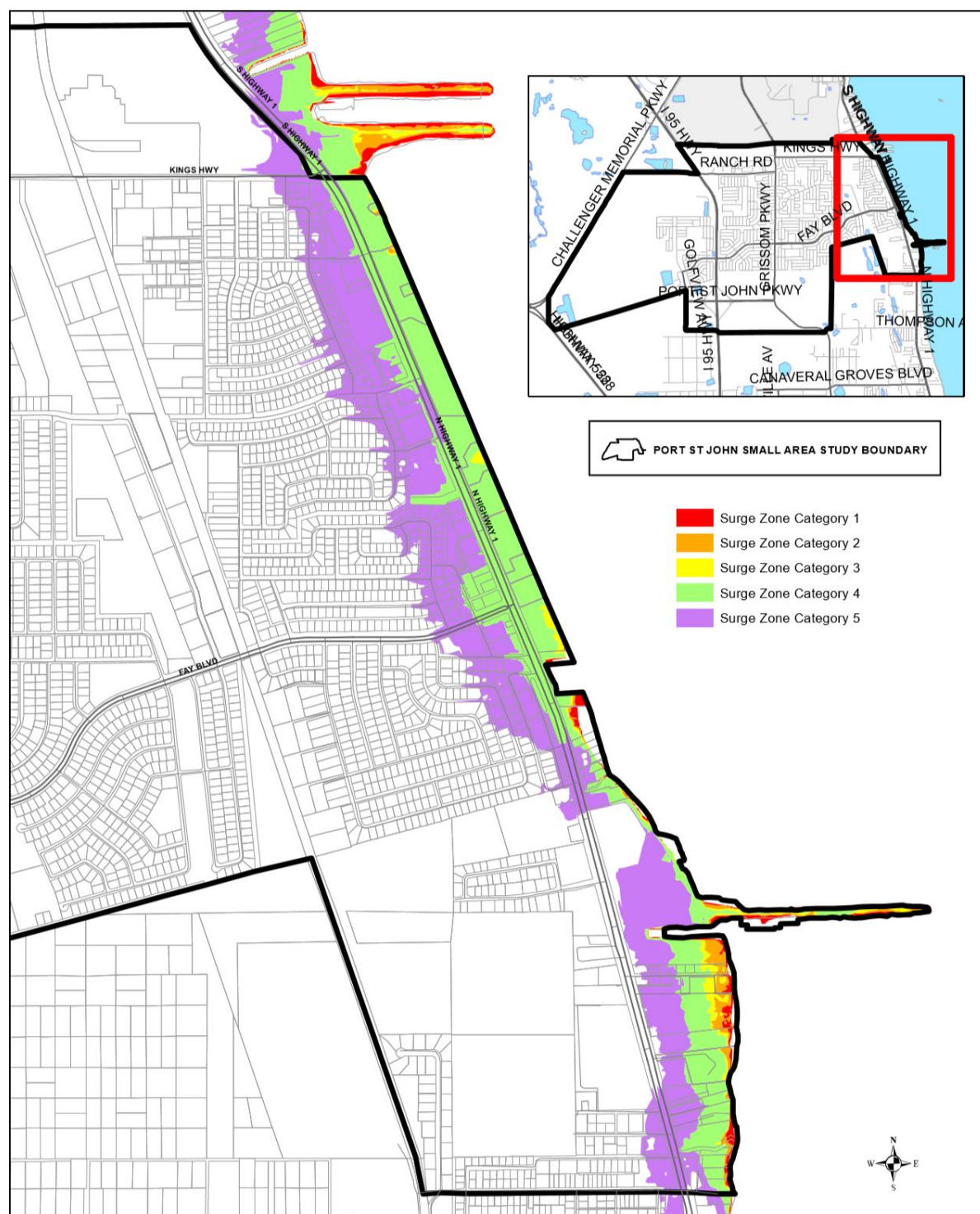
Brevard County has lands designated as Coastal High Hazard Areas (CHHA's), which are defined in Florida Statutes Chapter 163.3178(2)(h) as areas below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Objective 7.0 of the Coastal Management Element in Brevard County's Comprehensive Plan seeks to limit densities within the coastal high hazard zone and direct development outside of this area. The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area per Policy 7.6 of the Coastal Management element.

Within the designated Coastal High Hazard Areas, the County does not support or finance new local transportation corridors nor locate sewer and water transmission lines except where there are no other cost-feasible alternatives. If County utility lines are relocated for any purpose, they are relocated outside of the Coastal High Hazard Area, except where there is no cost-feasible alternative.

Public facilities, except recreational facilities, will not be located by Brevard County within the Coastal High Hazard Area, except where there are no cost-effective alternatives. The County will continue to implement the Transfer of Development Rights program, which has been established to transfer density from transfer districts within the coastal high hazard area to receiving districts outside of the Coastal High Hazard Area.

In 2015, the State Legislature amended Chapter 163.3178(1) (f) to enumerate requirements of a redevelopment component in the Coastal Management Element. The County is currently in the process of amending the Coastal Management Element of the Comprehensive Plan to address how to minimize or eliminate inappropriate and unsafe development in the Coastal High Hazard Areas when opportunities arise.

The storm surge map (**Map13** on page 58), created as part of the Statewide Regional Evacuation Study (SRES) Tide Atlas series published in 2010, identifies those areas subject to potential storm surge flooding from the five categories of hurricane on the Saffir Simpson Hurricane Wind Scale as determined by NOAA's numerical storm surge model, SLOSH. Areas that flood from the surge of a Category 1 hurricane are designated as Coastal High Hazard Areas. Designated CHHAs in Port St. John are shown as red areas in Surge Zone Category 1 on **Map13** (page 58).



Port St John - Small Area Study Boundary
Storm Surge - Coastal High Hazard Area

Map 13. Storm Surge map

FEMA Flood Zones and Flood Hazard Areas

The Federal Emergency Management Agency (FEMA) produces flood maps, known as Flood Insurance Rate Maps (FIRMs), that support the National Flood Insurance Program (NFIP) and provide the basis for community floodplain management regulations and flood insurance requirements. On Flood Insurance Rate Maps, flood hazard areas are identified as a Special Flood Hazard Area (SFHA), commonly referred to as “flood zone”.

The FEMA Flood Insurance Rate Map (**Map 14** on page 60) depicts the Special Flood Hazard Area within the Port St. John Study Area. These “flood zone” areas are labeled as Zone A and Zone AE and are referred to as the base flood or 100-year flood.

Definitions of the FIRM zones identified within the Study Area on **Map 14** are as follows:

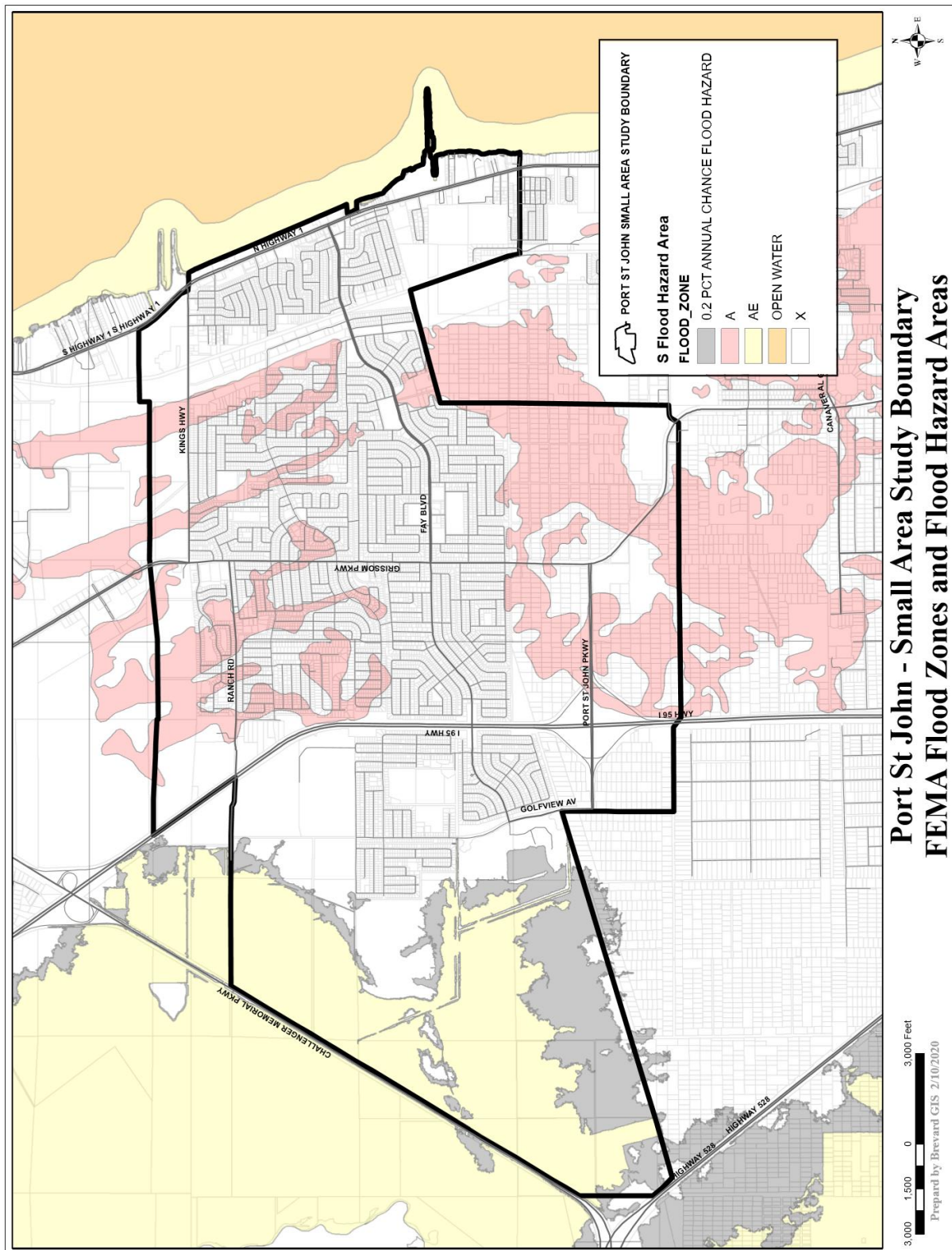
- Zone A – An area inundated by 1% annual chance flooding, for which no Baseline Flood Elevations (BFEs) have been determined
- Zone AE – An area inundated by 1% annual chance flooding, for which Baseline Flood Elevations (BFEs) have been determined
- Zone 0.2 PCT ANNUAL CHANCE FLOOD HAZARD - An area inundated by 0.2% annual chance flooding (or 500-year) flood hazard
- Zone X – An area of minimal flood hazard

While a large portion of the developed area in Port St. John is located outside the Special Flood Hazard Area and labeled as Zone X (area of minimal flood hazard), a majority of the western boundary of the Study Area is within SFHA Zone AE, and subject to inundation by the 1 percent annual chance flood event. Similarly, much of the southern border of the Study Area is within SFHA Zone A, including a section of Port St. John Parkway, and is also subject to the 1 percent annual chance flood. Mandatory flood insurance purchase requirements apply to both Zone AE and Zone A.

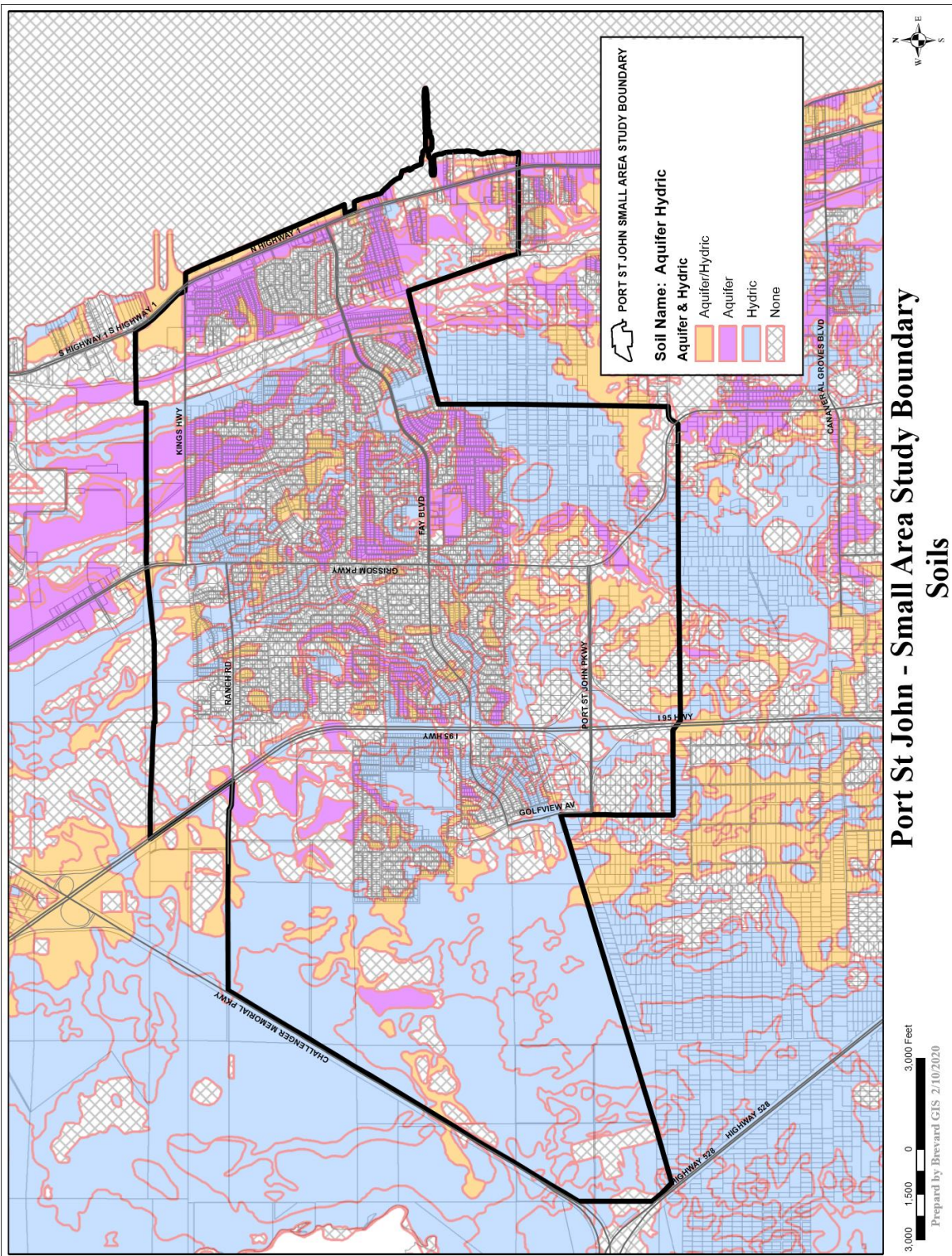
Additional information on flood hazard mapping and flood zone information for specific addresses can be viewed on the FEMA Flood Map Service Center website at <https://msc.fema.gov/portal/home>.

Soils

The Study Area contains mapped aquifer recharge soils and hydric soils as shown on the USDA Soil Conservation Service Soils Survey map (**Map 15** on page 61). Areas containing these soils may be subject to development and impervious restrictions as defined in Brevard County's Conservation Element Policy 10.2, the Aquifer Protection Ordinance (89-12), and the Wetlands Protection Ordinance (2000-47).



Map 14. Flood Zones and Flood Hazard Areas



Map 15. Soils map

Wetlands

The natural wetlands of Port St. John tend to be located in the same locations as the flood zones (**Map 14** page 60) and hydric soils (**Map 15** page 61); which all correspond to the lower elevations. The National Wetlands Inventory map (**Map 16** on page 63) depicts the following wetlands types in the Study Area:

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake

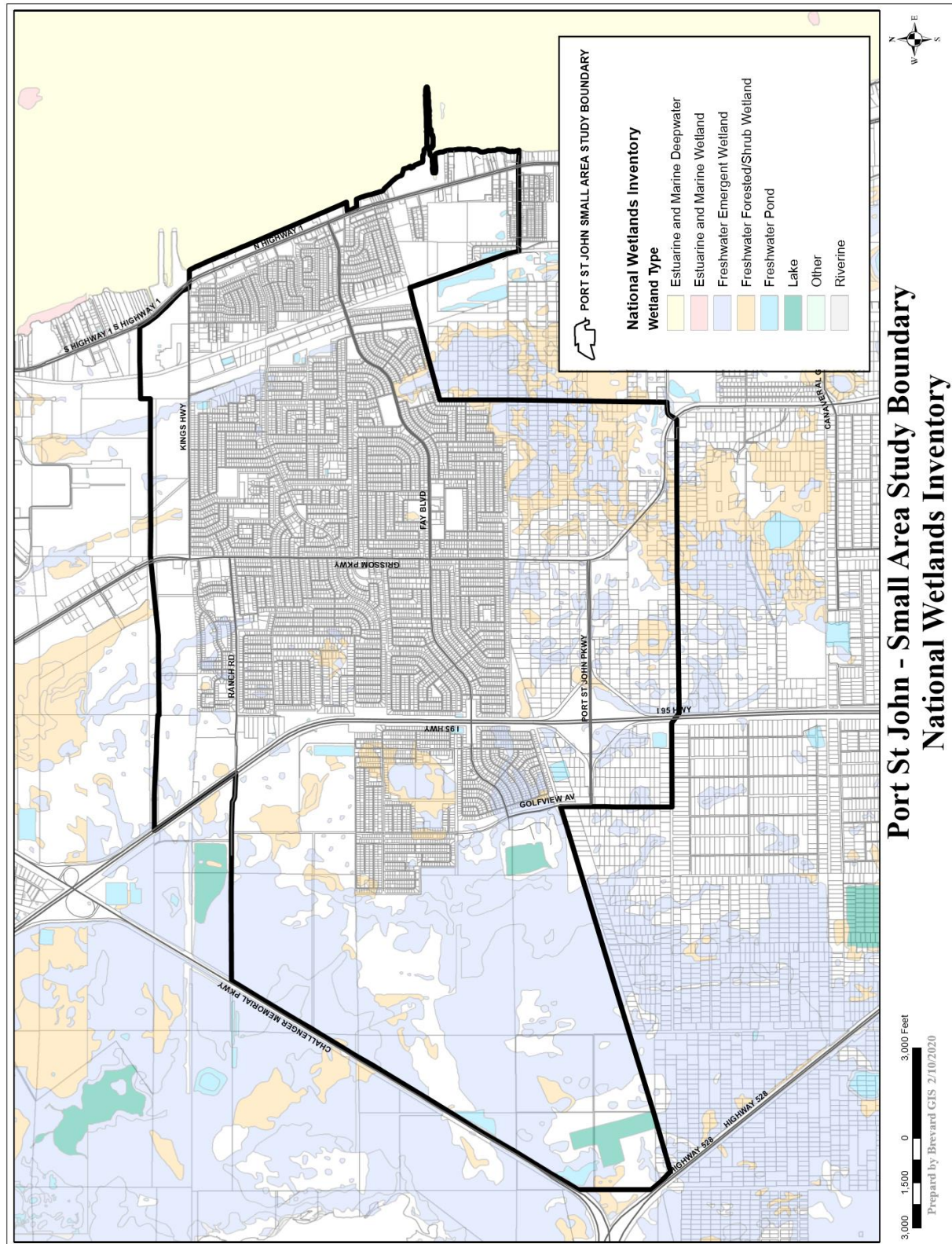
Confirmation of wetlands would require field verification, and may be larger or smaller than depicted on **Map 16**. Objective 5 of the Conservation Element of the Brevard County Comprehensive Plan is to preserve, protect, restore, and replace wetlands to achieve no net loss of functional wetlands in Brevard County after September, 1990. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority.

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 9/9/88, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

Section 62-3694(c)(3) contains criteria for commercial and industrial development within wetlands. Per 62-3694(c)(3), commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided in 62-3694(c)(3) for (a) I-95 interchanges, (b) mitigation qualified roadways, (c) abutting properties, and (d) access to uplands. Where the state does not require a buffer, wetland buffers shall be established in accordance with section 62-3694(c)(10). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives. Where the state does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in section 62-3696.

The Conservation Element identifies six (6) Mitigation Qualified Roadway segments in the Port St. John area of unincorporated Brevard County:

- U.S. Highway 1 from Titusville City Boundary to City of Cocoa Boundary
- Grissom Parkway from Titusville City Boundary to City of Cocoa Boundary
- Port St. John Parkway from I-95 interchange area to Grissom Parkway
- Kings Highway from U.S. Highway 1 to approximately 325 feet west of Kuesaw Lane
- Curtis Boulevard from Fay Boulevard to approximately 210 feet east of Song Drive
- Fay Boulevard from Carole Avenue to Adobe Avenue



Map 16. National Wetlands Inventory (NWI) map

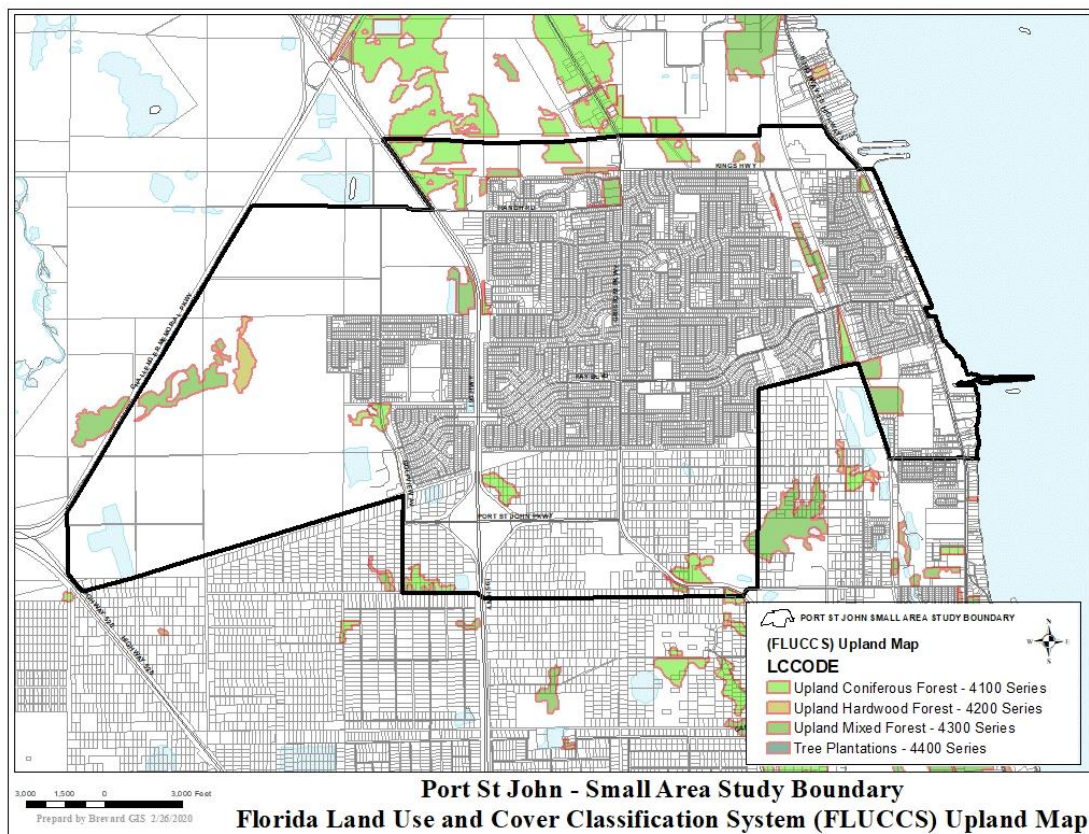
Land Use and Cover – Upland FLUCCS

The Study Area contains the following mapped polygons of Florida Land Use and Cover Classification System (FLUCCS) Upland Forest 4000 series codes:

- 4100 Upland Coniferous Forest
- 4200 Upland Hardwood Forest
- 4300 Upland Mixed Forest
- 4400 Tree Plantations

Heritage Specimen trees (greater than or equal to 24 inches in diameter) are included in 4000 series FLUCCS codes and may reside in the Port St. John area. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen trees. In addition, per Section 62-4341(18), Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas.

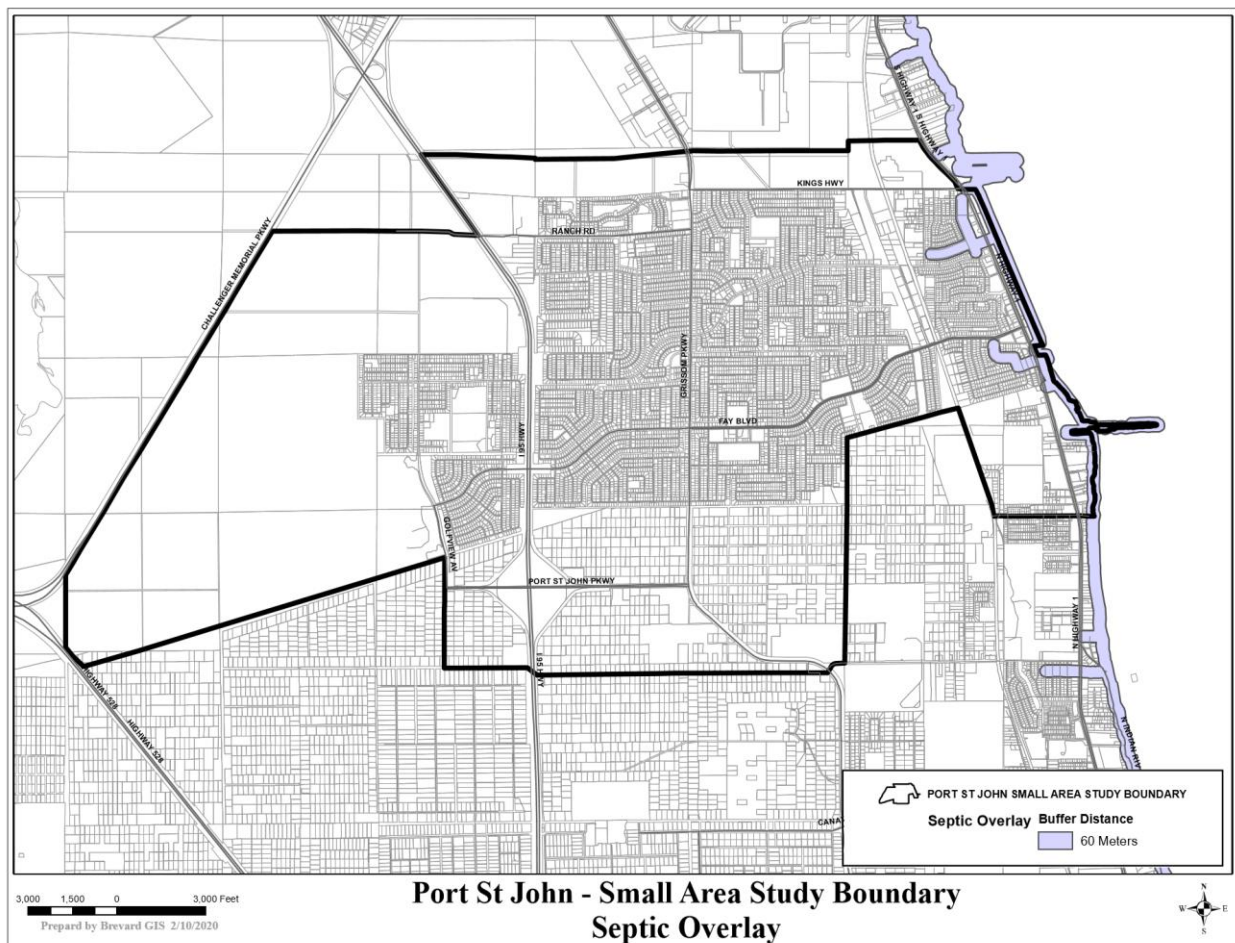
The Upland FLUCCS map (**Map 17** below) depicts the mapped upland forest areas in Port St. John.



Map 17. Florida Land Use Cover and Forms Classification System - Upland map

Indian River Lagoon – Septic Overlay

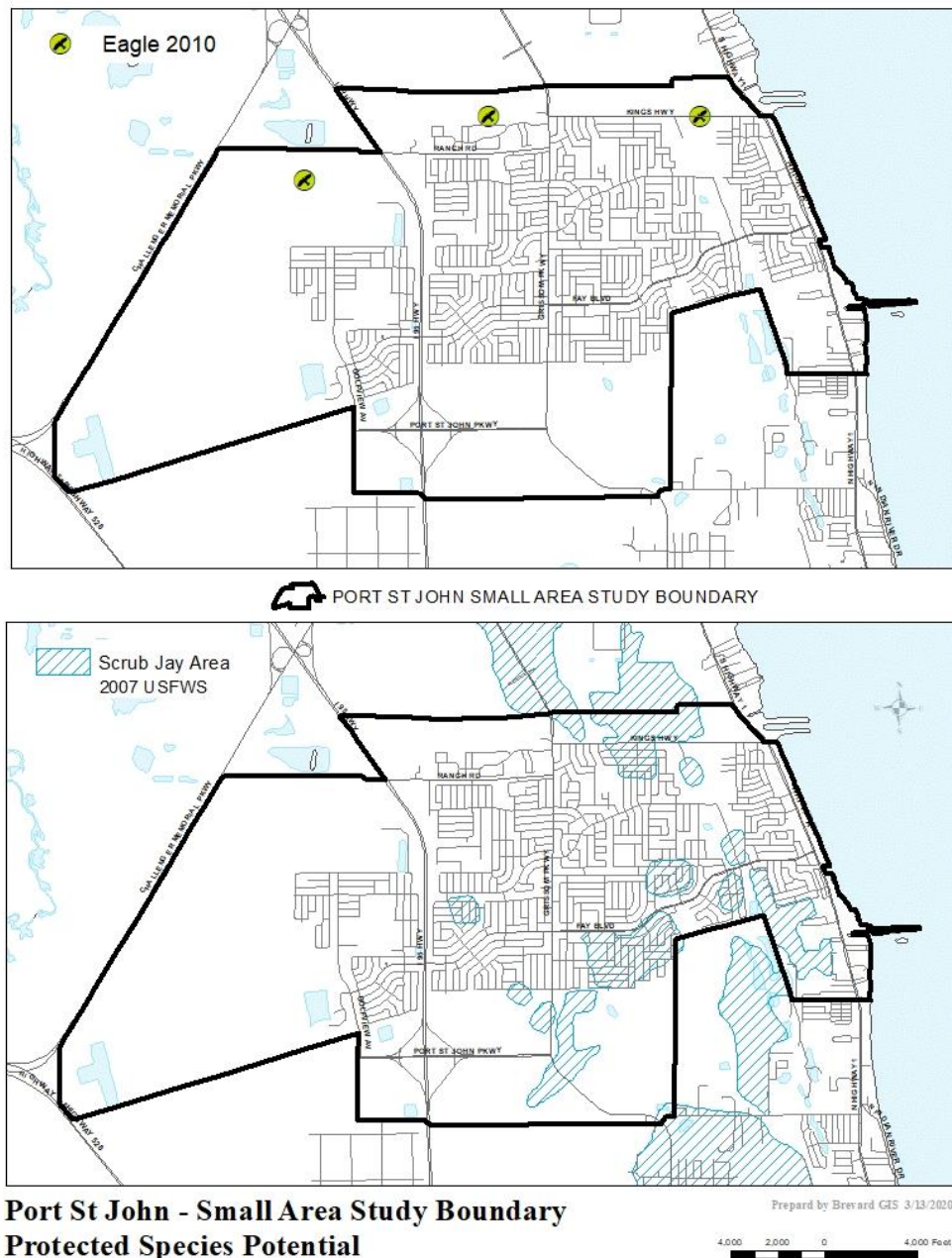
In October 2018, the Board of County Commissioners approved septic tank restrictions to protect the Indian River Lagoon (IRL) from harmful nitrogen inputs by prohibiting the installation of new conventional septic tanks along the beachside, on Merritt Island, and in mainland areas close to the IRL and its tributaries. Portions of the Study Area are within the restricted areas as shown on the Nitrogen Reduction Septic Overlay (**Map 18**) below. Per Chapter 46, Article II, Division IV of the Brevard County Code, no building permits shall be issued or site plans approved after May 22, 2018, for properties located within the overlay area unless the property is being serviced by a central sewage treatment facility or an Onsite Sewage Treatment and Disposal System (OSTDS) is used that meets or exceeds a 65 percent reduction in total nitrogen and complies with Florida Statutes 381.0065, Chapter 64E-6, Florida Administrative Code, and Chapter 46 of Brevard County Code.



Map 18. Nitrogen Reduction Septic Overlay map

Protected Species Potential

Map 19 (below) shows areas of potential Scrub Jay occupancy, as well as locations of Eagles Nests as mapped by U.S. Fish and Wildlife Service (USFWS) in 2010, indicating that federally and/or state protected species may be present on lands within the Study Area. Prior to any plan, permit submittal, or development activity, including land clearing, all necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or USFWS should be obtained, as applicable.



Map 19. Eagle Nests and Scrub Jay Areas map

CITIZENS COMMITTEE RECOMMENDATIONS

The Recommendations below are ranked in order of priority and were selected as the top recommendations by the Citizen's Committee for staff to present to the Brevard County Board of County Commissioners (BOCC).

Recommendation 1: Relocate Brevard County Fire Station from Fay and Carol Avenue to the west which is more to the center of Port St. John. Ideally, the land owned by Brevard County at or near Fay Avenue and Adams Place (Funding source could be a combined MSTU and MSBU within the boundary).

STAFF RESPONSE, FIRE RESCUE DEPARTMENT: Station 26, currently located at 6655 Carole Avenue in Port St. John, was built in 1988. Prior to that time, the area was served by Brevard County Fire Rescue via the building located at 4870 N. US Highway 1 which currently houses the Four Community Volunteer Fire Department. The recommendation to relocate Station 26 west to the area of Fay and Adams Place would gain approximately 1.4 miles or two minutes to the west. Brevard County Fire Rescue is a regional response system with a run area that includes US1 north to Golden Knights Boulevard and south to the area of Camp Road.

Brevard County Fire Rescue is currently taking a comprehensive look at the location of all fire stations from many aspects, including age, structural integrity, proper size for current staff requirements, and location within the run area to most efficiently serve a regional response area. This review of Fire Rescue operations will also take a look at expanding service as a response to community needs, for example the consideration of a Port St. John station west of I95.

Recommendation 2: Adjust the Port St. John Dependent Special District boundary (PSJ Advisory Board) to the north to match the Small Area Study boundary less any lands that are currently part of the City of Cocoa or the City of Titusville.

STAFF RESPONSE, PLANNING AND DEVELOPMENT: The geographical boundaries of the Port St. John Dependent Special District were established in 1996 by BOCC adoption of Brevard County Ordinance 96-30. The recommendation to expand the geographical boundaries of the Port St. John Dependent Special District would require BOCC approval and adoption of an ordinance.

Recommendation 3: Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 2.92 acres located on Fay Boulevard (tax account #s: 2309950, 2309949, 2309948). No changes to zoning recommended.

STAFF RESPONSE, PLANNING AND DEVELOPMENT: Changing the Future Land Use designation to NC on the parcels described in Recommendation #3 would establish consistency with the current zoning classifications. A Small Scale Comprehensive Plan Amendment would be required.

Recommendation 4: Change the Future Land Use designation from Residential 4 (RES 4) to Neighborhood Commercial (NC) on 0.30 acres located at the intersection of

Fay Boulevard and Grissom Parkway (tax account #: 2310247). No changes to zoning recommended.

STAFF RESPONSE, PLANNING AND DEVELOPMENT: Changing the Future Land Use designation to NC on the parcel described in Recommendation #4 would establish consistency with the current zoning classification. A Small Scale Comprehensive Plan Amendment would be required.

Recommendation 5: No changes recommended in the area of Fay Boulevard and US Highway 1. Current Future Land Use and Zoning designations are consistent.

Port St. John Small Area Study (SAS)

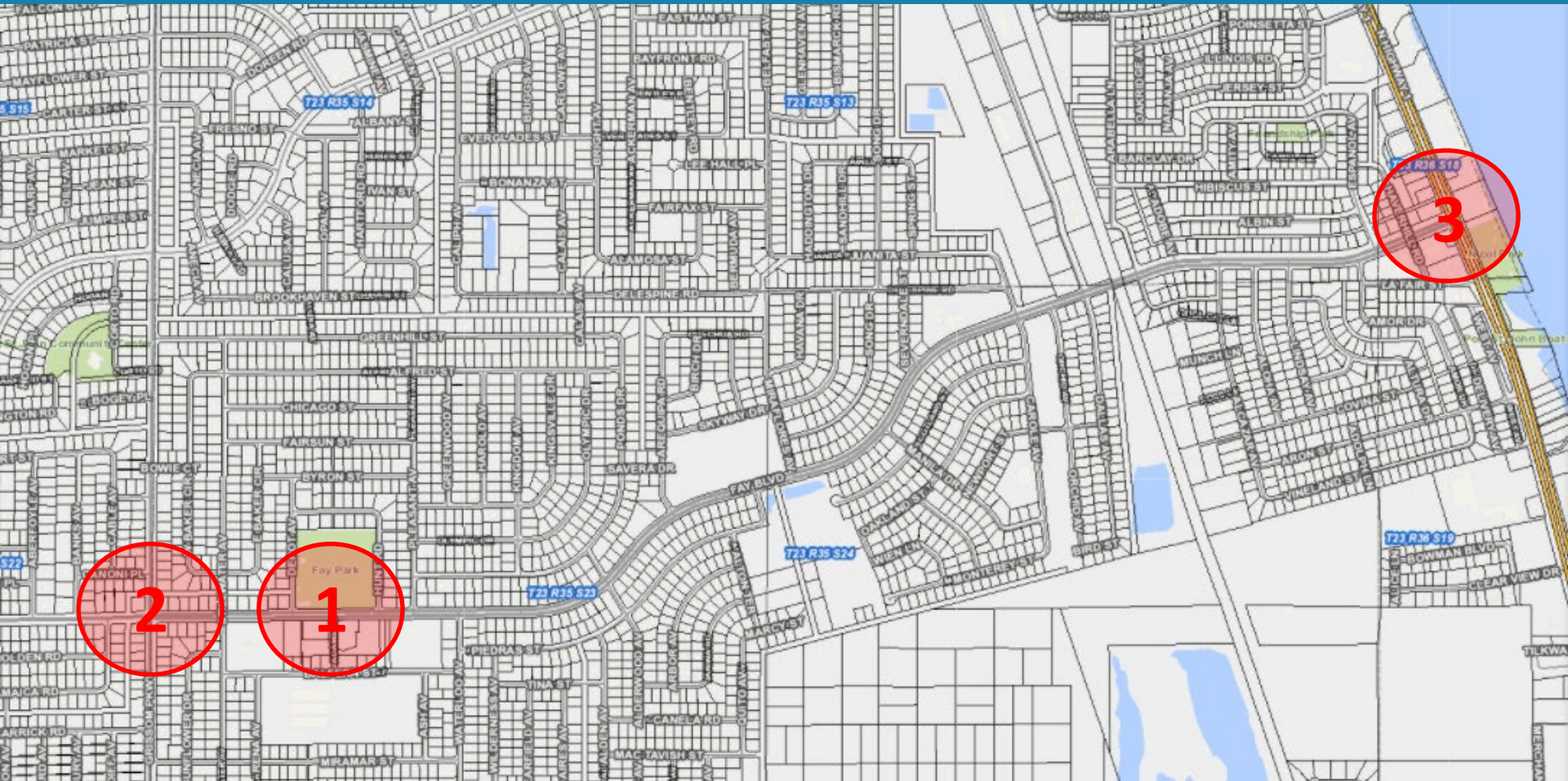


September 24, 2020

Recommendations

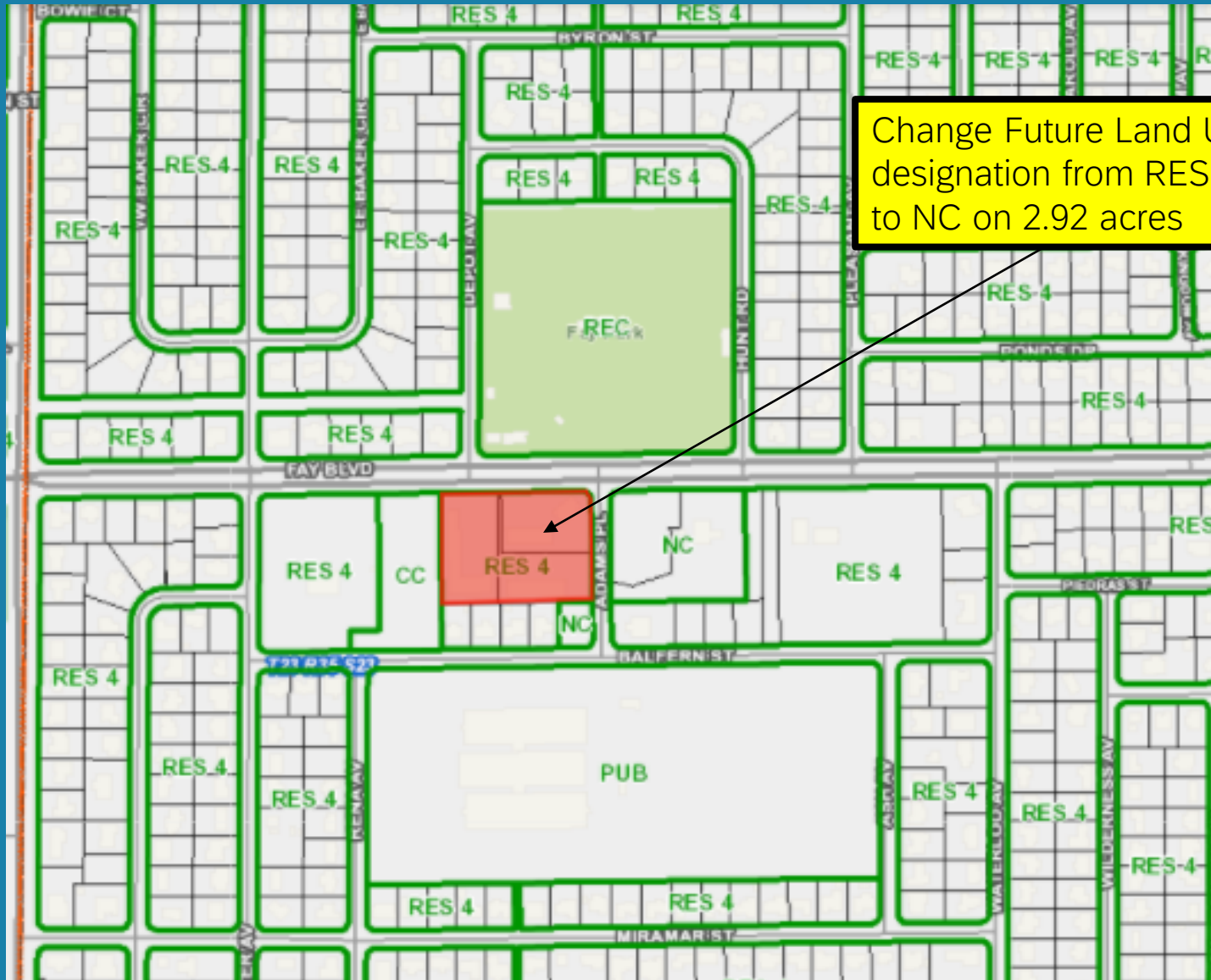
- Staff has identified three areas for consideration:
 - Fay Blvd. (Stillwater Ave. to Waterloo Ave.)
 - Intersection at Fay Blvd. and Grissom Pkwy.
 - Intersection at Fay Blvd. and US 1.
- Future Land Use and Zoning should be changed to meet the current development trends in the area and to correct inconsistencies.

Recommendations



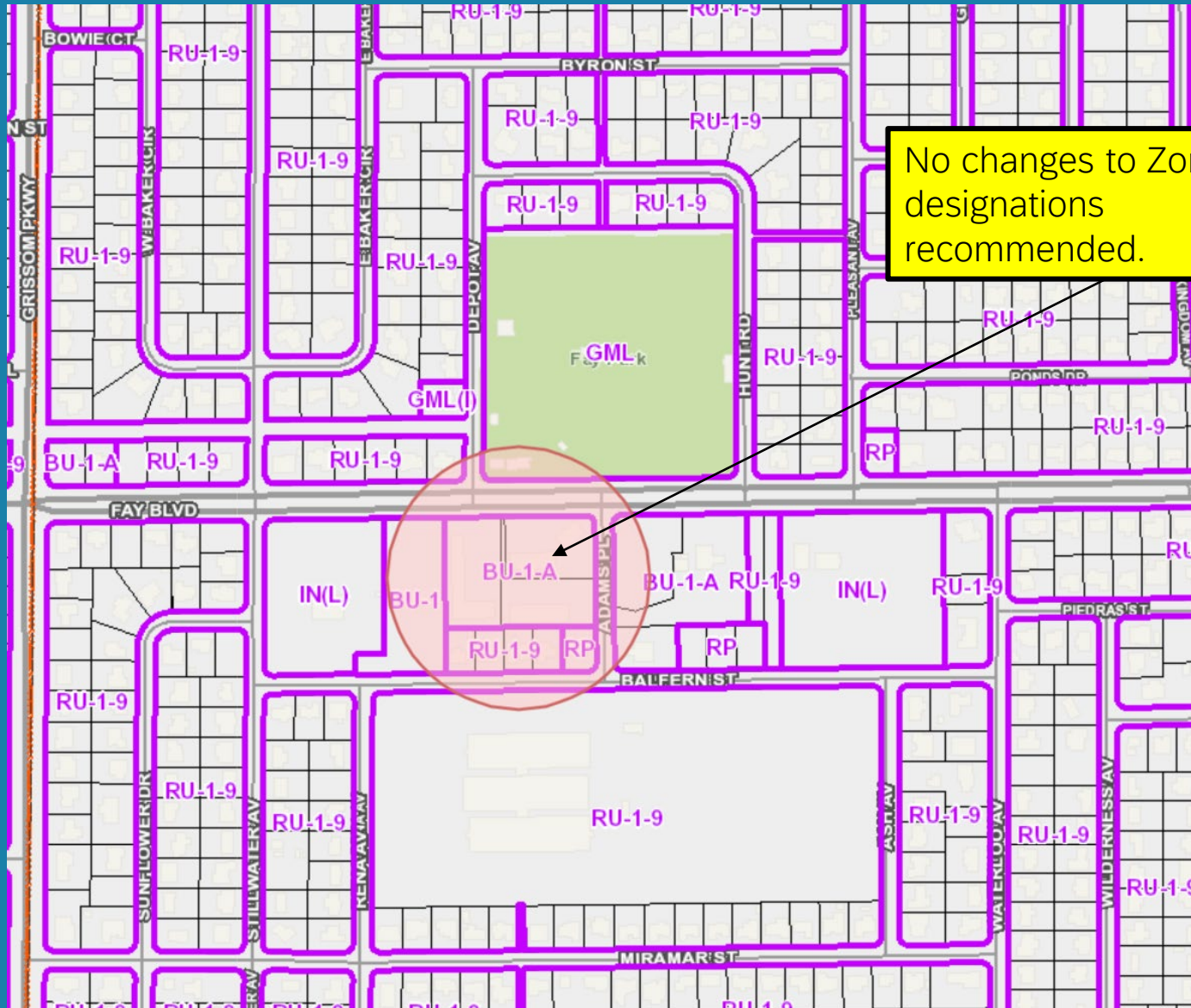
Map of three areas for consideration

Recommendation 1

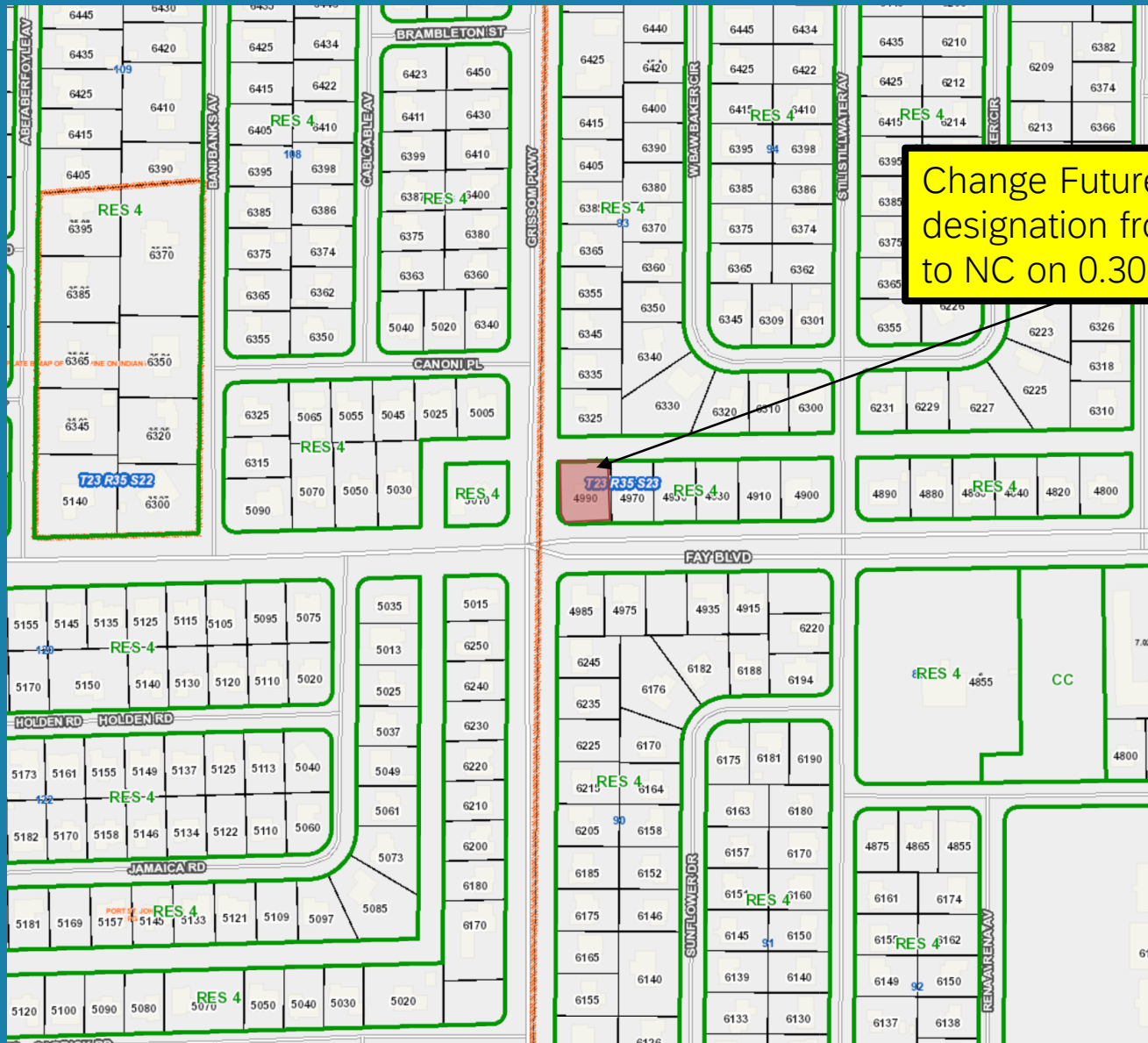


Change Future Land Use designation from RES 4 to NC on 2.92 acres

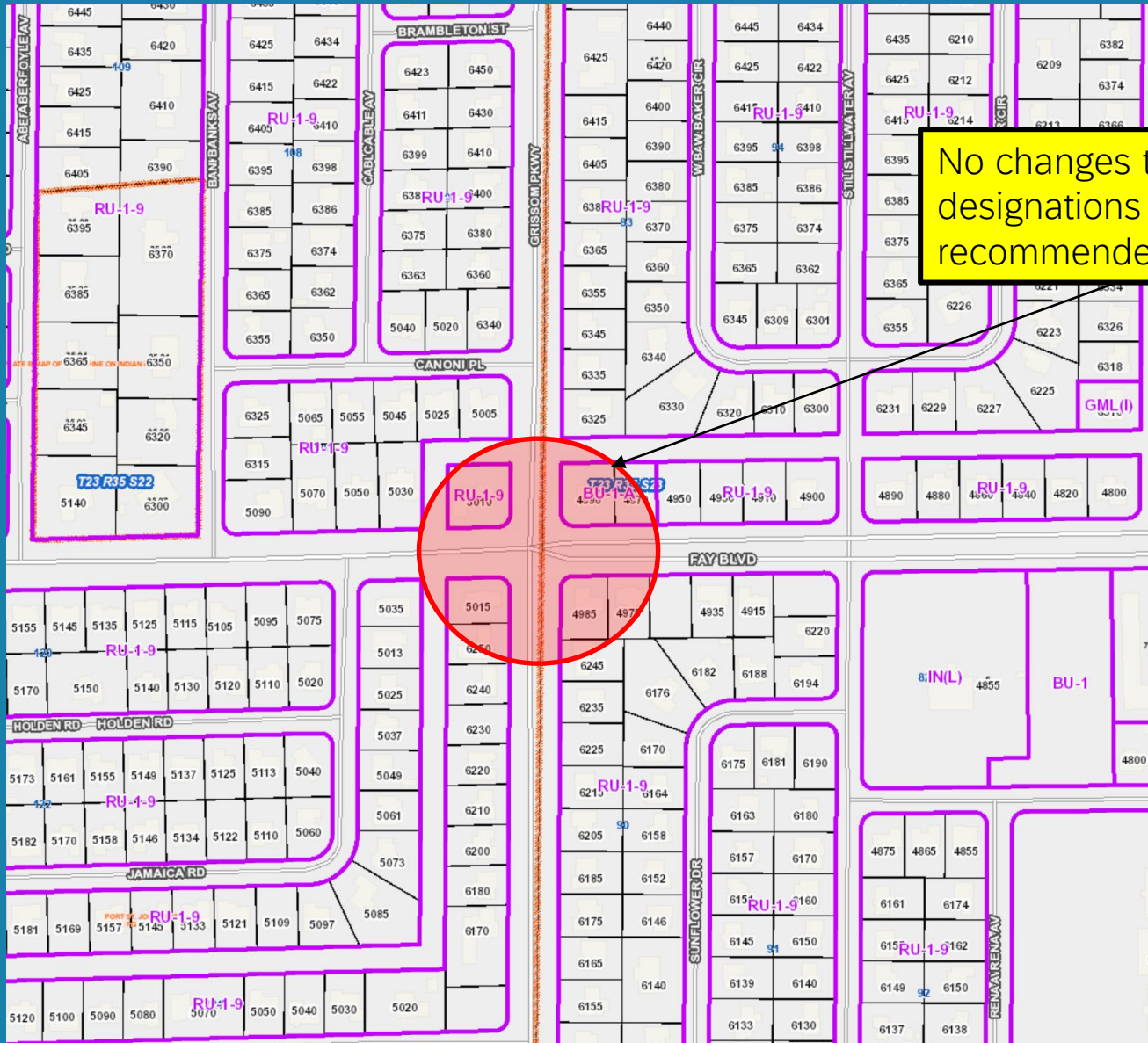
Recommendation 1



Recommendation 2

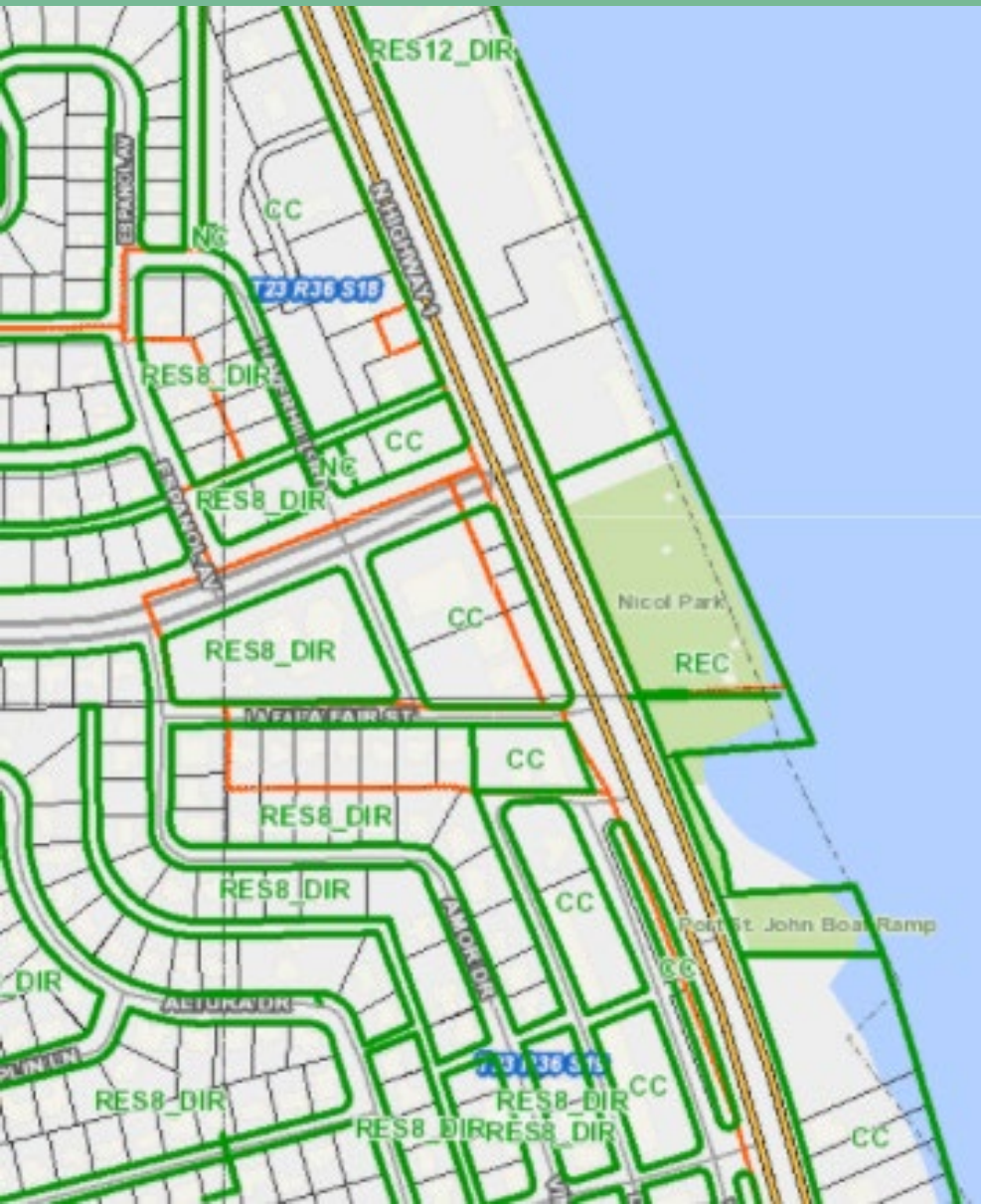


Recommendation 2



No changes to Zoning designations recommended.

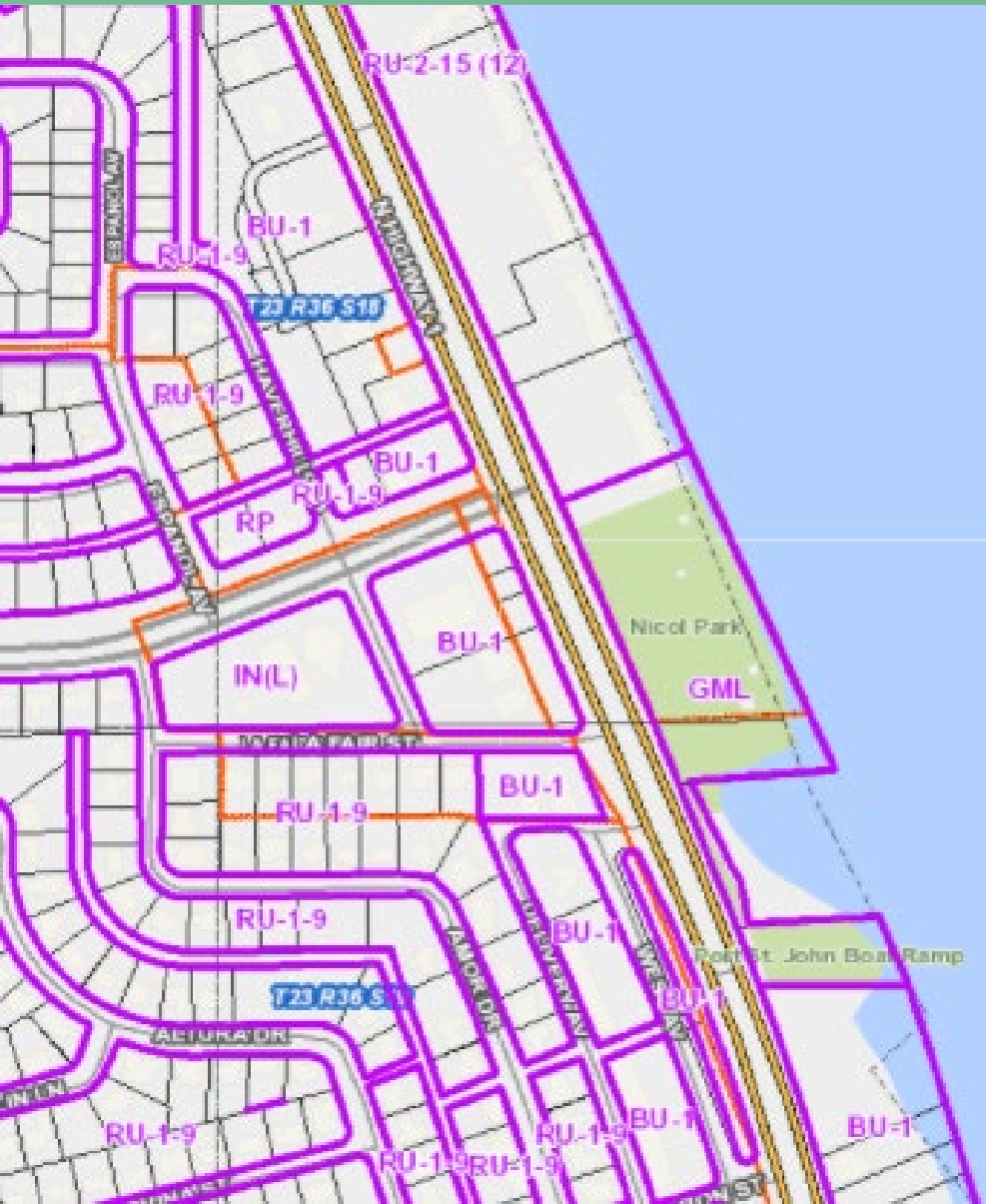
Recommendation 3



- No changes recommended in the area of Fay Blvd and US 1.
- Current FLU and Zoning designations are consistent.

		FLU
US 1 - north (from Fay Blvd to Kings Hwy)	East side US 1	RES 12 Dir
	West side US 1	CC
US 1 - south (from Fay Blvd to Broadway Blvd)	East side US 1	CC, NC, PUB, REC
	West side US 1	CC, PUB

Recommendation 3



- No changes recommended in the area of Fay Blvd and US 1.
- Current FLU and Zoning designations are consistent.

		ZONING
US 1 - north (from Fay Blvd to Kings Hwy)	East side US 1	RU-2-15
	West side US 1	BU-1
US 1 - south (from Fay Blvd to Broadway Blvd)	East side US 1	BU-1, BU-2, GML, RU-2-12, IN-L
	West side US 1	BU-1, BU-2, GML-U



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

2/22/2021

Subject:

Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Fiscal Impact:

FY 20/21: Advertising Costs

Dept/Office:

Natural Resources Management

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing on the extension of the 180-day moratorium on any new applications of biosolids to lands within Brevard County.

Summary Explanation and Background:

On October 8, 2019, in regular session, the Brevard County Commission approved Ordinance 19-20, a 180-day moratorium on any new permits that would expand the application of biosolids to lands in Brevard County. The Board directed staff to sample potential causes or contributing factors of lake pollution and report back to the Board in six months for re-evaluation.

On March 24, 2020, in regular session, the Board of County Commissioners voted in favor of holding a public hearing for the extension of the temporary biosolids moratorium. Ordinance 20-05, the 180-day extension of the temporary biosolids moratorium was approved by the Board of County Commissioners on April 7, 2020, in regular session. On October 6, 2020, in regular session, the another 180-day extension was passed as Ordinance 2020-18.

Biosolids legislation in Senator Mayfield's Clean Waterways Act (Senate Bill 712) was approved by the Legislature on March 12, 2020, and approved by Governor DeSantis on June 30, 2020. This legislation allows for the extension of county biosolids moratoria adopted prior to November 1, 2019. The Department of Environmental Protection is proceeding with rule revision and staff are closely monitoring the progress for revisions that consider the latest research in phosphorus pollution.

The moratorium is in response to a blue-green cyanobacteria, *Dolichospermum circinale*, bloom in Lake Washington in the summer of 2019, which generated questions about the safety of a primary drinking water supply for Brevard County. Toxin levels measured during the 2019 bloom were low and did not indicate human health concerns. Based on available data at that time, largest likely contributors were nutrients from the land application of biosolids and/or commercial fertilizer on agricultural lands upstream and west of the lake, state water management projects upstream of the lake, or commercial/industrial and residential development and

septic systems east of the lake.

County staff collaborated with the University of Florida, United States Department of Agriculture's Natural Resources Conservation Service, Brevard Soil and Water Conservation District, Florida Department of Environmental Protection, and St. Johns River Water Management District to develop a sampling plan. A multi-agency team collaborated to collect 50 soil samples from the ranch while Applied Ecology, Inc., with supervision from county and University of Florida staff, collected 11 water samples, and 3 grass tissue samples. Samples were tested for multiple forms of nitrogen and phosphorus, and other contaminants of emerging concern at Deer Park Ranch, upstream of and within Lake Washington, and in residential drainage canals entering Lake Washington from the east.

No manmade chemicals suggestive of human health concerns were found leaving Deer Park Ranch. While a few pharmaceuticals were found in plant tissue samples on the ranch, these were not found in water leaving the site. Metals leaving the site were low concentrations, below drinking water threshold values, assuming typical hardness values for local surface waters.

With regard to the principal purpose of the testing and the moratorium - nutrients - the soil and water samples both indicate that phosphorus from state-permitted land application of biosolids to cattle pastures is leaving Deer Park Ranch and entering the St. Johns River during periods of heavy rain. Soil data indicate that a long history of land applying biosolids on the ranch has exceeded the capacity of most pasture soils to hold phosphorus. The resultant release of excess phosphorus contributes to altered nitrogen to phosphorus ratios in local surface waters and associated increased risk of harmful algal blooms in Lake Washington. The Water Sampling Report and Soil Sampling Results are attached.

Clerk to the Board Instructions:

Brevard County Attorney
Ordinance Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

Ordinance Name: Biosolids Moratorium Extension ORDINANCE 2021 - _____		Ordinance Authors: Prepared by NRM & County Attorney's Office
Division Name: Natural Resources Management Dept.		Review Deadline: 02/22/21 LPA
Sent by: Anthony Gubler		
Dept./Office Director: Virginia Barker, Director Asst. Dir: Darcie McGee, Asst. Director, Environmental Protection		
Meeting Date: 02/22/21 LPA	(BCC) 03/09/21	Advertising Deadline: 02/12/21

SECTION II

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

X _____

AE 2/5/21

SECTION III

Sent for Review

Land Dev. _____Y _____N _____N/A

NRM X____Y _____N _____N/A

Other Dept./Office _____Y _____N _____N/A

Comments:

ORDINANCE NO. 2021- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AUTHORIZING AN EXTENSION OF TEMPORARY COUNTY-WIDE MORATORIUM FOR 180 DAYS FROM THE EFFECTIVE DATE; PROHIBITING THE LAND APPLICATION OF CLASS B BIOSOLIDS EXCEPT EXISTING PERMITTED ACTIVITIES; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, RESOLUTION OF CONFLICTING PROVISIONS; AREA ENCOMPASSED AND AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, counties have broad home rule powers to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county; and

WHEREAS, Class B biosolids are solid, semi-solid, or liquid materials resulting from the treatment of domestic waste from sewage treatment facilities that contain nutrients such as phosphorus and nitrogen; and

WHEREAS, Elevated levels of phosphorus and nitrogen have been a point of concern for estuaries and watersheds across the state, as correlative connections have been observed between elevated levels of phosphorus and nitrogen, algal blooms, and the growth of noxious vegetation; and

WHEREAS, the land application of biosolids has been identified as a potential explanation for toxic algae blooms that occurred in Blue Cypress Lake in 2018 and Lake Washington in 2019¹; and

WHEREAS, Lake Washington provides water supply for the City of Melbourne's potable water utility that supplies drinking water to approximately 170,000 residents in

¹ St. Johns Water Management District Update to the Biosolids Technical Advisory Committee, January 23, 2018. Patterns in Surface Water Phosphorus Concentrations and Biosolids Utilization in the Upper St. Johns River: January 2019 Update.

Melbourne, West Melbourne, Palm Shores, Satellite Beach, Indian Harbour Beach, Indialantic, Melbourne Beach and portions of unincorporated Brevard County; and

WHEREAS, preliminary analysis of available ambient water quality data by St. Johns River Water Management District indicates a potential, but not conclusive, relationship between the cumulative amount of phosphorus applied to land in biosolids and increasing phosphorus concentrations in downstream waters¹; and

WHEREAS, preliminary analysis by St Johns River Water Management District of available ambient water quality data for watersheds with lower levels of biosolids application do not indicate similar trends of increasing phosphate concentrations²; and

WHEREAS, watersheds receiving biosolids and experiencing increasing phosphorus concentrations in downstream waters are not showing increased turbidity or total suspended solids, reducing the likelihood that erosion is the source of increasing phosphorus concentrations¹; and

WHEREAS, watersheds receiving biosolids and experiencing increasing phosphorus concentrations in downstream waters are not showing increased total organic carbon, reducing the likelihood that natural export processes are the source of increasing phosphorus concentrations¹; and

WHEREAS, watersheds receiving biosolids and experiencing increasing phosphorus concentrations in downstream waters are not showing significant changes in land use, reducing the likelihood that development is the source of increasing phosphorus concentrations²; and

WHEREAS, the most prevalent land use within the watersheds at issue is agriculture and there are few other known sources of phosphorus loading large enough

² St. Johns Water Management District Update to the Biosolids Technical Advisory Committee, November 28, 2018. Patterns in Surface Water Phosphorus Concentrations and Biosolids Utilization in the Upper St. Johns River.

to potentially explain the increasing phosphate level trends in the Upper Basin of the St Johns River, including Brevard² and;

WHEREAS, other possible sources of increasing phosphorus in Lake Washington include septic systems on the east side of Lake Washington; water coming from flooded water management areas south of Highway 192 in Brevard and Indian River Counties that used to be crop land; and phosphorus applied to homeowner yards; and

WHEREAS, biosolids from Brevard County-operated wastewater treatment plants are safely disposed of in the lined County landfill while biosolids from multiple cities in Brevard are land applied; and

WHEREAS, biosolids being land applied in Brevard County and neighboring counties are primarily from South Florida where landfill costs are higher than the cost to truck biosolids to the Upper Basin of the St Johns River, with only 11% of biosolids applied within the Upper Basin produced by utilities within the Upper Basin²; and

WHEREAS, biosolids application in the Upper Basin tripled in 2013, continuing thereafter, in response to rule revisions to protect the Everglades becoming fully effective²; and

WHEREAS, the land application of biosolids has been restricted in neighboring counties and ecosystems to the south, such as the St. Lucie River watershed and the Lake Okeechobee watershed and a temporary moratorium in Indian River County, leaving the St. Johns River watershed in and adjacent to Brevard County as the next closest alternative up the east coast for the disposal and land application of Class B biosolids generated in South Florida; and

WHEREAS, phosphate concentrations are likely to continue to trend upward under existing state rules with increasing tonnage coming from outside the County but being applied in the Upper Basin of the St Johns River, adjacent to our drinking water supply²; and

WHEREAS, increasing phosphate levels increase the risk of algal blooms, especially taxa that produce toxins such as microcystins and saxitoxins²; and

WHEREAS, Lake Washington and large portions of the Upper Basin of the St. Johns River are classified by the Florida Department of Environmental Protection as Class I surface waters with a designated use for potable water supplies²; and

WHEREAS, portions of the Upper Basin of the St Johns River have been designated as impaired and local jurisdictions including Brevard County and its taxpayers are required to reduce total phosphorus loading from the sum of sources by as much as 52%³; and

WHEREAS, approximately \$250 million has been invested in state and federal Upper Basin restoration work to restore historic flows and levels²; and

WHEREAS, the land application activities of Class B biosolids is currently being conducted on property in Brevard County, within the watershed of the St. Johns River; and

WHEREAS, adding to the present nutrient levels in the St. Johns River Basin may further inflict damage to the local economy as well as the health, safety, and welfare of humans and wildlife in Brevard County and the State of Florida; and

WHEREAS, in 2018 the Department of Environmental Protection created a Biosolids Technical Advisory Committee to evaluate the current management practices and explore opportunities to better protect Florida's water resources and the Committee agreed to a list of recommendations in January 2019; and

³ Florida Department of Environmental Protection TMDL Report: Nutrient and DO TMDLs for the St. Johns River above Lake Poinsett (WBID 2893L), Lake Hell n' Blazes (WBID 2893Q), and St Johns River above Sawgrass Lake (WBID 2893X), April 2006

WHEREAS, in 2019 the Florida Legislature considered several bills to address concerns regarding biosolids and implement recommendations of the Technical Advisory Committee; and

WHEREAS, the Department of Environmental Protection is using the recommendations of the Technical Advisory Committee to draft rule revisions that are anticipated to be considered for Legislative ratification during the 2021 session; and

WHEREAS, the Board of County Commissioners ("Board") finds that the proper regulation of the land application of Class B biosolids is necessary and appropriate to protect potable water supplies as well as guide the future use, development, and protection of the land and natural resources in Brevard County; and

WHEREAS, the Board has determined that the temporary moratorium on new or expanding biosolids application, to allow time for the state to complete additional data analyses and their on-going rule revision process, is needed to protect water quality in Lake Washington, the St. Johns River watershed and surrounding water bodies, from adverse impacts potentially caused by the land application of Class B biosolids; and

WHEREAS, the owners of agricultural properties currently permitted to land apply Class B biosolids in Brevard County have implemented nutrient management plans and installed systems to collect drainage water and reuse it for irrigation, capturing and reusing some excess nutrients draining from the farmland; and

WHEREAS, the owners of agricultural properties currently permitted to land apply Class B biosolids in Brevard County have indicated a good faith willingness to voluntarily comply with most of the state's proposed provisions of Chapter 62-640 of the Florida Administrative Code for all placement of biosolids in Brevard County until the new provisions are implemented by the State of Florida; and

WHEREAS, applying biosolids to pastureland amends the soils and recycles organic nutrients that are removed from the land each year by cattle and the harvest of sod; and

WHEREAS, research has shown that organic sources of fertilizer such as biosolids are much less water soluble than commercial chemical fertilizer⁴; and

WHEREAS, the use of biosolids as fertilizer reduces the need for landfill space; and

WHEREAS, soil and water sampling indicate that the pasture land where Class B biosolids have been applied has exceeded its capacity to hold phosphorus and phosphorus is leaving those pasture lands and entering the St. Johns River during heavy rains⁵; and

WHEREAS, the Board enacted Ordinance 2019-20 imposing a 180-day temporary moratorium on any new Class B biosolids applications on October 8, 2019; and

WHEREAS, Section 403.0855(6), Florida Statutes (2020) allows for the extension of county moratoriums on the land application of Class B biosolids which were adopted prior to November 1, 2019; and

WHEREAS, The Board enacted Ordinance 2020-05 imposing a 180-day extension of the temporary biosolids moratorium on April 7, 2020; and

WHEREAS, The Board enacted Ordinance 2020-18 imposing a 180-day extension of the temporary biosolids moratorium on October 6, 2020; and

WHEREAS, the Board specifically finds that this extension to the temporary moratorium on the land application of Class B biosolids is necessary and appropriate to protect the public health safety and welfare of the citizens of Brevard County.

⁴ Silveira, M.L., G.A. O'Connor, Y. Lu, J. E. Erickson, C. Brandani and M. M. Kohmann, 2019. Runoff and Leachate Phosphorus and Nitrogen Losses from Grass-Vegetated Soil Boxes Amended with Biosolids and Fertilizer. *Journal of Environmental Quality*. doi; 10.2134/jeq2019.03.0106

⁵ Brevard County Sampling Report for the Land Application of Biosolids on Deer Park Ranch and Other Potential Impacts to Lake Washington Water Quality. Final Report 03-11-2020, Prepared by Applied Ecology, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA THAT:

Section 1. Recitals Adopted

Each of the recitals set forth above is hereby adopted and incorporated herein.

Section 2. Enactment Authority.

Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the County. The Board specifically determines that the enactment of this Ordinance is necessary to protect the health, safety and welfare of the residents of Brevard County.

Section 3. Temporary Moratorium.

Beginning on the effective date of this Ordinance and continuing for a period of 180 days, a moratorium is hereby imposed upon all properties within Brevard County on the land application of Class B biosolids, excepting existing permit holders and where determined to be preempted by state law or regulation.

Section 4. Expiration of Temporary Moratorium.

The temporary moratorium imposed by Section 3 of this Ordinance expires 180 days from the effective date of this Ordinance. The moratorium may be extended or terminated early by adoption of an ordinance or resolution of the Brevard County Board of County Commissioners.

Section 5. Exhaustion of Administrative Remedies.

A property owner claiming that this Ordinance, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of

vested rights shall not pursue such claim in court unless all administrative remedies have been exhausted.

Section 6. Severability.

If any part of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 7. Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Resolution of Conflicting Provisions.

In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulations, the more restrictive shall apply.

Section 9. Area Encompassed.

This Ordinance shall take effect COUNTYWIDE, within the municipal and unincorporated areas of Brevard County, Florida.

Section 10. Effective Date.

This Ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State. A certified copy of the Ordinance shall be filed with the State, within ten days of enactment.

DONE, ORDERED AND ADOPTED in Regular Session, this _____ day of _____, 2021.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rita Pritchett, Chair

(As approved by the Board on _____, 2021)

MARCH 11, 2020



BREVARD COUNTY SAMPLING REPORT
FOR THE LAND APPLICATION OF
BIOSOLIDS ON DEER PARK RANCH AND
OTHER POTENTIAL IMPACTS TO LAKE
WASHINGTON WATER QUALITY

TASK ORDER # 215260-20-001-01



APPLIED ECOLOGY, INC.
122 Fourth Ave, Suite 104 Indialantic, FL 32903

EXECUTIVE SUMMARY

Lake Washington is an important source of drinking water to numerous cities and towns in the Melbourne region. Between July and August of 2019, Lake Washington experienced an algal bloom of the toxin producing cyanobacteria *Dolichospermum circinale*. Links between biosolid applications and harmful algal blooms have been investigated elsewhere in Florida. On October 8th, 2019, the Brevard County Commission voted to place a six-month moratorium on the expanded application of biosolids. In support of Brevard County's Biosolid Moratorium, Brevard County Natural Resources Management (BCNRM) contracted with Applied Ecology, Inc. to conduct a limited survey to determine levels of nutrients, metals, and emerging contaminants in water and vegetation in and around Lake Washington, including the Deer Park Ranch. Results from this present study will be used by the Commission to guide further regulatory action.

In total eleven locations were sampled for surface water between December 18-19, 2019, including five residential sampling locations east of Lake Washington, one location in Lake Washington, one location in the St. Johns River between Sawgrass Lake and Lake Washington and two locations southwest (upstream) of Lake Washington near where Class B biosolid applications have occurred and two locations in Jane Green swamp upstream of where biosolids have not been applied. In addition, three sites in the Deer Park Ranch were selected to sample plant tissue for pharmaceuticals.

For metals, none of the samples exceeded the drinking water standards. Arsenic, copper, molybdenum, nickel and zinc results ranged between < 0.5 to 2.4 parts per billion (ppb), <0.93 to 4.2 ppb, <0.5 to 3.1 ppb, <0.62 to 0.71 ppb, and <4.3 to 10.8 ppb, respectively. The highest copper values were observed near the ranch, while the highest arsenic and molybdenum values were observed in drainage canals east of Lake Washington.

For nutrients, ammonia, total kjeldhal nitrogen, nitrate-nitrite, total nitrogen, orthophosphate, and total phosphorous concentrations ranged between < 0.035 to 0.18 parts per million (ppm), 0.64 to 1.7 ppm, <0.33 to 0.15 ppm, 0.64 to 1.8 ppm, 0.0043 to 1.9 ppm and 0.028 to 2.2 ppm, respectively. The highest total nitrogen (TN) values were observed within Lake Washington; however, none of the discrete samples exceeded the numeric nutrient criteria (NNC) applicable to this segment of the St. Johns River. The highest total phosphorus (TP) values were observed in waters flowing off the ranch. Additionally, individual TP samples above the annual geometric means of the NNC (0.12 ppm) were observed at two ranch sites and one canal site east of Lake Washington. Low TN to TP ratio, which may favor nitrogen-fixing cyanobacteria over other algae, were observed at the two Deer Park Ranch sites (ratios of 0.6 and 0.9). These ratios were markedly lower than all other sites (ratio ranges of 4.5 to 16.9).

In addition to nutrients and metals, three sites east of Lake Washington, one site in Lake Washington, one location in the St. Johns River between Sawgrass Lake and Lake Washington, and two ranch sites were tested for a full suite of perfluoroalkyl substances (PFAS). PFAS make up a large group of persistent anthropogenic chemicals used in industrial processes and

commercial products over the past 60 years. Two of the PFAS compounds tested under this study (PFOS and PFOA) have been identified as having potential human health and/or environmental impacts. Although all sites had detectable levels of PFAS, only one site located east of Lake Washington had quantifiable levels of PFOS. The PFOS concentration at this site (40 parts per trillion or ppt) exceeded the provisional Perfluorooctanesulfonic acid (PFOS) FDEP Human Health Surface Water Screening Levels (4 ppt). However, no samples exceeded the EPA Lifetime Drinking Water Health Advisory nor the FDEP Ecological Surface Water Screening Levels for Perfluorooctanoic acid (PFOA) or PFOS.

Concentrations of 58 pharmaceuticals and personal care products (PPCPs) were also analyzed in two water samples and three plant tissue samples from the ranch. No PPCPs were detected in any of the water samples. In plant tissues, one of the samples had no PPCPs detected, while two samples had quantifiable concentrations of the anti-inflammatory drug Naproxen (0.322 and 0.713 ppb) and the antibiotic Ciprofloxacin (9.84 and 35.6 ppb). Additionally, one of the plant tissue samples had quantifiable levels of Triclocarban (an anti-microbial) and quantifiable levels of Norfloxacin (an antibiotic).

PROJECT BACKGROUND

Lake Washington is an important source of drinking water to numerous cities and towns in the Melbourne region including Melbourne, Melbourne Beach, West Melbourne, Indian Lake, Indian Harbour Beach, Satellite Beach, Palm Shores, Melbourne Village, and other parts of unincorporated Brevard County. Between July and August of 2019, Lake Washington experienced an algal bloom of the cyanobacteria *Dolichospermum circinale*. During this bloom event, water samples from the lake had Saxitoxin/Paralytic Shellfish Toxins between 0.06 - 0.11 ppb, below the drinking water guidelines of 3 ppb. Associations between biosolid application and harmful algal blooms (HAB) have been made in other areas along the St. Johns River (SJR).

Blue Cypress Lake, located in Indian River County, experienced a prolonged HAB during 2018. The lake, like other areas in the SJR Basin, saw an increase in Class B biosolid application after 2013 when such applications were banned from Lake Okeechobee, St. Lucie River and Caloosahatchee River basins. Blue Cypress Lake also experienced an increase in phosphorus levels in the surface water.

The land application of biosolids as a fertilizer for agricultural land provides Total Nitrogen (TN) and Total Phosphorus (TP) at a different ratio than most crops require. This can lead to the overapplication and accumulation of phosphorus and increased leaching into surrounding waterbodies. This is partially mitigated by a nutrient management plan as required in Chapter 62-640, F.A.C. An imbalance in the TN:TP ratio in surface waters can lead to the proliferation of

nitrogen-fixing, and potential HAB forming, cyanobacteria (Downing and McCauley, 1992; Dolman *et al.*, 2012).

In addition to nutrients, biosolids can be a potential source of metals (Wuana and Okieimen, 2011). For this reason, Chapter 62-640.700(5)(a), F.A.C. regulates biosolids for maximum concentrations of arsenic (75 mg/kg), copper (4,300 mg/kg), molybdenum (75 mg/kg), nickel (420 mg/kg) and zinc (7,500 mg/kg) as well as four other metals that commonly occur in Class B biosolids.

PFAS make up a large group of persistent anthropogenic chemicals used in industrial processes and commercial products over the past 60 years. As a result of concerns for these emergent compounds, recommended health advisory levels and provisional screening values for perfluorooctanesulfonic acid (PFOS) and/or perfluorooctanoic acid (PFOA) have been developed by the EPA and FDEP. PFAS have been found in biosolids worldwide (Bossi *et al.*, 2008; Chen *et al.*, 2012). Despite ceases in production of many PFAS-containing products, their concentrations in biosolids do not appear to have decreased (Vankatesan and Halden, 2013).

Like PFAS, pharmaceuticals and personal care products (PPCPs) are persistent chemicals which can bioaccumulate and cause deleterious effects on human and ecosystem health (Xia *et al.*, 2005; Richmond *et al.*, 2017). PPCPs have also been found in biosolids across the world, and special focus has been given to the potential for these compounds to bioaccumulate (Wu *et al.*, 2015). Unlike PFAS, there are currently no guidelines or health advisory levels for PPCPs.

Deer Park Ranch is a major (3,270 acres) permitted site which has been accepting land application of biosolids for 25 years, having accepted about 7,484 tons of biosolids in 2018. Part of the ranch's runoff enters into the St. Johns River, which flows north into Lake Washington. On October 8th, 2019, the Brevard County Commission voted to place a six-month moratorium on the expanded application of biosolids. In support of Brevard County's Biosolid Moratorium, Brevard County Natural Resources Management (BCNRM) contracted with Applied Ecology, Inc. to conduct a limited survey to determine levels of nutrients, metals, and emerging contaminants in water and vegetation in and around Lake Washington, including the Deer Park Ranch. In addition to the study by Applied Ecology, Inc., BCNRM collaborated with the University of Florida's Institute of Food and Agricultural Sciences (hereafter called UF), St. Johns River Water Management District, Brevard Soil & Water Conservation District, United States Department of Agriculture's Natural Resources Conservation Service, and Florida Department of Environmental Protection to conduct a study of phosphorus concentrations in soils on the Deer Park Ranch property. This soil study included the sampling and analysis of 50 soil samples within 11 pastures receiving different levels of biosolids application within the ranch, including two control samples. Results from this soil study will also be used by the Commission to guide further regulatory action.

METHODS

In early December 2019, Applied Ecology, Inc. worked closely with County staff to determine sampling locations to analyze potential nutrient and pollutant contributions to Lake Washington from biosolid applications along Deer Park Ranch as well as residential areas east of Lake Washington (Figures 1 and 2).

In total eleven locations were sampled for surface water between December 18-19, 2019, including five residential sampling locations east of Lake Washington, one location in Lake Washington, one location in the St. Johns River between Sawgrass Lake and Lake Washington and two locations southwest (upstream) of Lake Washington near where Class B biosolid applications have occurred and two locations in Jane Green swamp upstream of where biosolids have not been applied. In addition, three sites in the Deer Park Ranch were selected to sample plant tissue for pharmaceuticals. It should be noted that there was a significant (more than 1 inch) rainfall event the day prior to the sampling event.

In addition to common water quality parameters (pH, temperature, specific conductance and dissolved oxygen), additional analytes tested included metals (arsenic, copper, molybdenum, nickel, and zinc), nutrients (ammonia, total kjeldhal nitrogen, nitrate-nitrite, total nitrogen, orthophosphate and total phosphorous), 24 different perfluoroalkyl substances (PFAS), and 58 different pharmaceuticals and personal care products (PPCPs).

On or near the Deer Park Ranch (Figure 1), two of the locations (Site 1 and 2) were receiving water from natural land use areas. These sites were sampled from the same creek and were analyzed for nutrients and metals. Another two locations (Sites 3 and 4) were located in separate drainage canals near fields used for cattle pasture and sod farming, which received high biosolid loadings and flow out of the ranch during high rainfall conditions. These sites were analyzed for nutrients, metals, PFAS, and PPCPs. Also, within the Deer Park Ranch, three locations in fields (Plant Tissue 1, 2, and 3) had vegetative tissues sampled for PPCPs. Downstream of the Deer Park Ranch, on the St. Johns River (SJR), one site (Site 12) downstream of Highway 192 was sampled for nutrients, metals, and PFAS. Due to flooded roads and lack of accessibility, Site 10 was not able to be sampled and thus dropped from the analysis.

East of Lake Washington (Figure 2), all samples were taken from unnamed canals, including one site located upstream (Site 6) and another downstream (Site 5) of treatment ponds (and firefighting training facility). Site 5 was analyzed for nutrients, metals, and PFAS, while Site 6 was analyzed for nutrients and metals. Three sites (Sites 7, 8, and 9) were also located on canals draining residential areas. Sites 7 and 8 were analyzed for nutrients, metals, and PFAS, while Site 9 was analyzed for nutrients and metals. One site (Site 11) was taken in Lake Washington, south of the Melbourne Water Treatment Plant uptake near where the canal from Site 8 empties. This site was sampled for nutrients, metals, and PFAS.

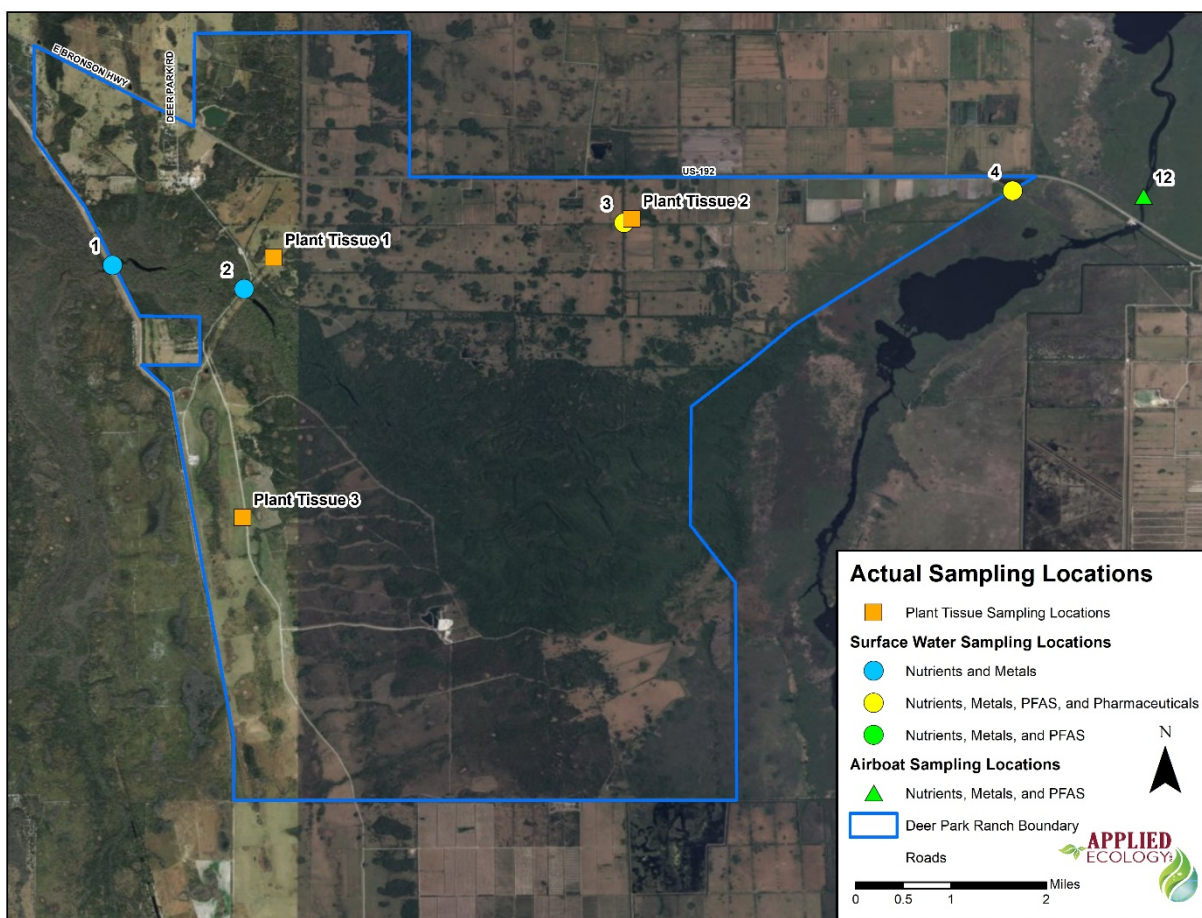


Figure 1. Site locations and parameters analyzed at five water quality and three plant tissue sites near the Deer Park Ranch where biosolids have been used for the last 25 years.



Figure 2. Sample locations and parameters analyzed at five water quality sites draining residential areas near Lake Washington and one site within Lake Washington.

All water quality sampling followed Florida Department of Environmental Protection (FDEP) Standard Operating Procedures (SOPs) FS 1000 and FS 2100. Water quality parameters measure *in situ* for Sites 1-4 were taken with a calibrated YSI, and Sites 5-12 were taken with a calibrated Ultrameter. All grab samples were collected using a peristaltic pump except for Site 2, which required a Van Dorn Sampler. For all sampling, precautions for cross-contamination were used, including for PFAS the use of new High-Density Polyethylene (HDPE) tubing to purge and collect surface water samples at each site as well as (for PFAS and PPCPs) a field blank.

Ammonia, Total Kjeldahl Nitrogen, Nitrate/Nitrite, and Total Phosphorus were collected in a 250 mL laboratory-provided container with sulfuric acid as preservative. Orthophosphate was collected in a 250 mL laboratory-provided container without preservative. Metals were collected in a 250 mL laboratory-provided container with nitric acid as preservative. Nutrient and metal samples were sent to Pace Analytical Services laboratory (Ormond Beach, FL) to process the following analytic measurements:

Nutrients

- EPA 350.1 - Ammonia
- EPA 351.2 - Total Kjeldahl Nitrogen (TKN)
- EPA 353.2 - Nitrate/Nitrite
- EPA 365.3 - Total Phosphorus (TP)
- EPA 365.1 - Orthophosphate

Metals

- EPA 200.8 – Arsenic (As), Copper (Cu), Molybdenum (Mo), Nickel (Ni) and Zinc (Zinc)

To sample for PFAS, two 125-mL aliquots were collected in a laboratory-provided container with no preservative, sealed, labeled, packed in ice, and shipped under chain-of-custody protocol to SGS Laboratories (Orlando, FL) for analysis of PFAS, including PFOA, PFOS, and 22 additional compounds using a modified EPA Method 537Mod.

To sample for PPCPs in water, two 500 mL aliquots were collected in a laboratory-provided container. For plant tissues, 40 to 50 g of vegetative tissue (Bahia grass at Site 1 and 3 and *Hemarthria* grass at Site 2) was collected in a laboratory-provided container. The samples were with no preservative, sealed, labeled, packed in ice, and shipped under chain-of-custody protocol to SGS Laboratories (Sidney, Canada) for analysis of 58 pharmaceuticals and personal care products using AXYS Method MLA-075 (modified EPA Method 1694).

See Appendix A for additional information regarding the sampling sites.

RESULTS

Surface Water Grabs

Applied Ecology, Inc. (AEI) went to 11 sites for surface water sampling. Field parameters collected *in situ* include the depth the sample/readings were taken in meters, air and water temperature (°C), the pH (SU), the dissolved oxygen percentage (DO), the specific conductance (µS/cm), total dissolved solids and oxidation-reduction potential, which are provided in Table 1. Complete corresponding field and calibration logs are included in Appendix B. The water was circumneutral with temperatures ranging between 17°C and 20.2°C. Specific conductance and total dissolved solids (TDS) ranged between 0.175-1.089 µS/cm and 371.7-765.3, respectively. The highest specific conductance and TDS were observed at Site 9 and may have been elevated at all spots due to precipitation preceding the sampling event.

Table 1. Field parameters measured during the surface water sampling for the Brevard County Biosolids Monitoring.

Site ID	Sample Date	Total Depth of Water (m)	Air Temp (°C)	Water Temp (°C)	pH (SU)	DO (%)	Specific Conductance (µS/cm)	Total Dissolved Solids (ppm)	Oxidation Reduction Potential (mV)	Sample Depth (m)
1	12/18/2019	> 2	17.6	20	7.76	22.3	0.1757	NA	NA	0.5
2	12/18/2019	> 2	16.6	20.2	7.07	37.1	0.1784	NA	NA	0.5
3	12/18/2019	0.3	14.5	19.9	7.24	56.5	0.3670	NA	NA	0.15
4	12/18/2019	NA	13.5	19.9	7.31	33.4	0.8460	NA	NA	0.5
5	12/19/2019	1.5	13.5	16.5	7.99	NA	0.9208	642.3	67	0.5
6	12/19/2019	1	19.5	19.5	7.48	NA	0.6889	471.1	102	0.5
7	12/19/2019	NA	18.8	19.4	7.77	NA	0.6605	451.4	112	0.5
8	12/19/2019	1	18.8	19	7.42	NA	0.9272	643.5	61	0.5
9	12/19/2019	0.25	18	17.1	7.47	NA	1.089	765.3	54	0.15
11	12/19/2019	>2	16.3	17	7.69	NA	0.7202	496.3	73	0.5
12	12/19/2019	>2	17.8	18.1	7.80	NA	0.5463	371.7	160	0.5

Metals

Applied Ecology, Inc. sampled 11 sites for metals (arsenic, copper, molybdenum, nickel, and zinc) and compared results to the applicable surface water criteria defined in Chapter 62-302, F.A.C. Hardness was not measured concurrently with metals, so low and high hardness values of 25 and 400 mg/L calcium carbonate (CaCO_3) as outlined in 62.302-530[1] were presented in Table 2 for illustrative purposes. For quality assurance, a field reagent blank was also collected, which exhibited concentrations below laboratory MDL values for all five metals. Complete laboratory analytical results from the one-time sampling for metals can be found in Appendix C.

No metals were detected at Site 1 (Table 2). Site 2 only had detectable levels of zinc, but it had the highest observed zinc concentrations (24.0 $\mu\text{g/L}$), more than twice as much as the next highest levels observed at Site 3 and Site 9 (10.8 $\mu\text{g/L}$). Site 3 had detectable values of all analytes except for nickel, with quantifiable levels of molybdenum (1.8 $\mu\text{g/L}$), zinc (10.8 $\mu\text{g/L}$), and the highest value of copper (4.2 $\mu\text{g/L}$). Although this copper value is above the low hardness criteria of 2.85 $\mu\text{g/L}$, it is unlikely to be an exceedance due to the historically high hardness values observed in other waterbodies in the area. All residential sites (Sites 5-9) had quantifiable values of molybdenum, which does not have applicable water quality standards. Additionally, residential sites 7-11 had quantifiable levels of arsenic (1.3 to 2.4 $\mu\text{g/L}$) well below the drinking water quality standard of 10 $\mu\text{g/L}$. In fact, all samples had metal concentration values below the drinking water quality standards in Chapter 62-550, F.A.C. assuming high water hardness values.

Table 2. Metal results (in µg/L) for the eleven sites sampled for the Brevard County Biosolids Moratorium Monitoring as well as the applicable FDEP criteria target levels (in µg/L) for each analyte as defined in Chapter 62-302, F.A.C. Samples with concentration values above the minimum detection level (MDL) but below the practical quantitation limit (PQL) are italicized, values above the PQL are bolded, and values above the applicable FDEP criteria target levels (in µg/L) are highlighted in grey.

Metals	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6	Site 7	Site 8	Site 9	Site 11 ⁴	Site 12 ⁴	FDEP Class I Criteria (Low)	FDEP Class I Criteria (High)	FDEP Class III FW Criteria (Low)	FDEP Class III FW Criteria (High)
Arsenic	0.50 U ¹	0.50 U ¹	0.64 I ²	0.54 I ²	0.76 I ²	0.67 I ²	1.80	2.00	2.40	1.30	0.52 I ²	10	10	50	50
Copper	0.93 U ¹	0.93 U ¹	4.20 5	0.93 U ¹	0.93 U ¹	1.00	0.93 U ¹	1.80	0.93 U ¹	1.40	0.93 U ¹	2.85	30.5	2.85	30.5
Molybdenum	0.50 U ¹	0.50 U ¹	1.80	0.50 U ¹	2.50	2.30	3.10	1.30	1.80	1.60	0.98 I ²	NA	NA	NA	NA
Nickel	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.62 U ¹	0.71 I ²	0.62 U ¹	16.1	168.5	16.1	168.5
Zinc	4.30 U ¹	24.0	10.8	4.30 U ¹	4.30 U ¹	5.30	4.30 U ¹	9.10	10.8 0	5.20	4.30 U ¹	37.0	387.8	37.0	387.8

¹ "U" qualified values indicate the analytical concentration is below laboratory MDLs; limits vary depending on parameter and sample

² "I" qualified values indicate the analytical concentration is greater than or equal to the MDL, but less than the PQL

³ Values from Chapter 62-304.530 F.A.C. Copper, nickel, and zinc are hardness based with "Low" being set to a hardness of 25 mg/L of CaCO₃ and "High" set to 400 mg/L of CaCO₃

⁴ Class I waters

⁵ Value could be above Class I most stringent criteria if hardness is considered low onsite (less than 25 mg/L of CaCO₃)

Nutrients

Applied Ecology, Inc. sampled 11 sites for the following nutrients: ammonia, total kjeldhal nitrogen, nitrate-nitrite, total nitrogen (TN), orthophosphate, and total phosphorous (TP). Results are summarized in Table 3. Complete laboratory analytical results from the one-time sampling for nutrients can be found in Appendix C.

The highest orthophosphate (1.9 mg/L and 0.86 mg/L) and TP (2.2 mg/L and 0.95 mg/L) values were observed at Site 3 and 4 respectively. The highest ammonia (0.18 mg/L) values were observed at Site 9, while Site 11 (within Lake Washington) had the highest values of TN (1.8 mg/L), total kjeldahl nitrogen (1.7 mg/L) and nitrate-nitrite (0.15 mg/L). Based on only two data points (Sites 6 and 5), the stormwater treatment ponds may be decreasing, TN, ammonia, total kjeldhal nitrogen, nitrate-nitrite, orthophosphate and TP by as much as 26.4%, 49.3%, 16.9%, 67.0%, 53.8%, and 26.3%, respectively.

Table 3. Nutrient results (in mg/L) for the eleven sites sampled for the Brevard County Biosolids Moratorium Monitoring and applicable FDEP criteria (in mg/L) for each analyte. Samples with concentration values above the applicable criteria are highlighted in grey.

Nutrient Analyte	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6	Site 7	Site 8	Site 9	Site 11	Site 12	FDEP NNC for Lake Washington	FDEP NNC for Streams
Total Nitrogen	0.980	1.000	1.300	0.820	0.640	0.870	0.860	0.970	1.200	1.800	1.300	1.91	1.54
Ammonia	0.035 U ¹	0.035 U ¹	0.060	0.035 U ¹	0.035 U ¹	0.069	0.035 U ¹	0.068	0.180	0.081	0.035 U ¹	NA	NA
Total Kjeldahl Nitrogen	0.980	1.000	1.300	0.800	0.640	0.770	0.860	0.830	1.200	1.700	1.300	NA	NA
Nitrate-Nitrite	0.033 U ¹	0.033 U ¹	0.058	0.033 U ¹	0.033 U ¹	0.100	0.033 U ¹	0.140	0.060	0.150	0.033 U ¹	NA	NA
Ortho-phosphate	0.035	0.028	1.900	0.860	0.004	0.009	0.007	0.086	0.055	0.050	0.077	NA	NA
Total Phosphorus	0.063	0.059	2.200	0.950	0.028	0.038	0.053	0.130	0.100	0.110	0.120	0.16	0.12
Nitrogen to Phosphorus Ratio (TN:TP)	15.6	16.9	0.6	0.9	22.9	22.9	16.2	7.5	12.0	16.4	10.8	NA	NA

¹ "U" qualified values indicate the analytical concentration is below laboratory minimum detection limits (MDLs); limits vary depending on parameter and sample

PFAS

Applied Ecology, Inc. (AEI) sampled seven sites for PFAS and compared the surface water PFOA and PFAS laboratory measured results to the 0.070 µg/L EPA lifetime drinking water health advisory (LDWHA) for PFOA and PFOS (Table 4). Additionally, AEI compared the results to FDEP provisional screening values for Human Health in Surface Water (HHSW) and Ecological Health in Surface Water (EHSW). For quality assurance, a field reagent blank was also collected, which exhibited concentrations below laboratory MDL values for all 24 PFAS compounds. Complete laboratory analytical results from the one-time sampling for PFAS can be found in Appendix D.

All sites had detectable levels of PFAS, with Perfluorobutanesulfonic acid (PFBS) and Perfluorobutanoic acid (PFBA) detected at all seven sites analyzed for PFAS. However, only four sites had quantifiable levels of PFAS. Sites 3 and 4, which are on Deer Park Ranch in canals that receive runoff from high biosolid loading areas, had quantifiable levels of PFBA (0.0164 and 0.0210 µg/L, respectively), Perfluoropentanoic acid (0.0230 and 0.0130 µg/L, respectively), Perfluorohexanoic acid (0.0121 and 0.0081 µg/L, respectively) and PFBS (0.0520 and 0.0360 µg/L, respectively). Even though many of the PFAS do not have current recommended health advisories or screening health advisories, there are recent toxicological studies that do indicate potential of other PFAS besides PFOA and PFOS, such as PFBS having development, thyroid, and kidney effects in adult and developing rats (Feng *et al.*, 2017). Site 8, which was in a canal that receives runoff from residential areas, had quantifiable levels of Perfluoropentanoic acid (0.0084 µg/L). Site 5, located downstream of the treatment ponds that also receives runoff from the Brevard County Fire Rescue Drill Yard and potentially other commercial and industrial land uses, had quantifiable levels of four PFAS: PFBA (0.0183 µg/L), Perfluorohexanoic acid (0.0095 µg/L), Perfluorohexanesulfonic acid (0.0377) and PFOS (0.0398 µg/L). This site was the only site to have quantifiable values of Perfluorohexanesulfonic acid and PFOS and was also the only site to exceed the provisional FDEP HHSW for PFOS (0.004 µg/L).

Site 7, which was located in a canal that receives runoff from residential areas, appears to have the lowest number of detections, only PFBS and PFBA were detected, but not in sufficient concentration to quantify. Sites 11 (Lake Washington) and 12 (St. Johns River) had 5 PFAS above detection limits, but not in sufficient concentration to quantify.

The following 14 PFAS were analyzed but not detected in any of the sample sites: Perfluorononanoic acid, Perfluorodecanoic acid, Perfluoroundecanoic acid, Perfluorododecanoic acid, Perfluorotridecanoic acid, Perfluorotetradecanoic acid, Perfluoropentanesulfonic acid, Perfluorononanesulfonic acid, Perfluorodecanesulfonic acid, Perfluorooctane sulfonamide, MeFOSAA, EtFOSAA, 4:2 Fluorotelomer sulfonate, 6:2 Fluorotelomer sulfonate and 8:2 Fluorotelomer sulfonate.

Table 4. Surface water PFAS analytical results (in µg/L) for Brevard County Biosolids Moratorium Monitoring and associated target cleanup levels (in µg/L) for each compound. Samples with concentration values above the minimum detection level (MDL) but below the practical quantitation limit (PQL) are italicized, values above the PQL are bolded. Values that exceeded the provisional FDEP Surface Water Screening Levels for Human Health (HHSW) or the US EPA Lifetime Drinking Water Health Advisory (LDWHA) are bolded and highlighted in grey.

PFAS Compound	Site 3	Site 4	Site 5	Site 7	Site 8	Site 11	Site 12	EPA LDWHA ³	FDEP HHSW ⁴	FDEP EHSW ⁵
Perfluorobutanoic acid (PFBA)	0.016	0.021	0.018	<i>0.006</i> <i>I²</i>	<i>0.011</i> <i>I²</i>	<i>0.011</i> <i>I²</i>	<i>0.010</i> <i>I²</i>	NA	NA	NA
Perfluoropentanoic acid (PFPeA)	0.023	0.013	<i>0.008</i> <i>I²</i>	<i>0.0023</i> <i>U¹</i>	0.008	<i>0.005</i> <i>I²</i>	<i>0.005</i> <i>I²</i>	NA	NA	NA
Perfluorohexanoic acid (PFHxA)	0.012	0.008	0.010	<i>0.002</i> <i>U¹</i>	<i>0.006</i> <i>I²</i>	<i>0.003</i> <i>I²</i>	<i>0.002</i> <i>I²</i>	NA	NA	NA
Perfluoroheptanoic acid (PFHpA)	<i>0.006</i> <i>I²</i>	<i>0.004</i> <i>I²</i>	<i>0.004</i> <i>I²</i>	<i>0.002</i> <i>U¹</i>	<i>0.003</i> <i>I²</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	NA	NA	NA
Perfluorooctanoic acid (PFOA)	<i>0.008</i> <i>I²</i>	<i>0.006</i> <i>I²</i>	<i>0.006</i> <i>I²</i>	<i>0.002</i> <i>U¹</i>	<i>0.004</i> <i>I²</i>	<i>0.003</i> <i>I²</i>	<i>0.003</i> <i>I²</i>	0.07	0.15	1,300
Perfluorobutanesulfonic acid (PFBS)	0.052	0.036	<i>0.008</i> <i>I²</i>	<i>0.002</i> <i>I²</i>	<i>0.006</i> <i>I²</i>	<i>0.005</i> <i>I²</i>	<i>0.006</i> <i>I²</i>	NA	NA	NA
Perfluorohexanesulfonic acid (PFHxS)	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	0.038	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>I²</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	NA	NA	NA
Perfluoroheptanesulfonic acid	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>I²</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	<i>0.002</i> <i>U¹</i>	NA	NA	NA
Perfluorooctanesulfonic acid (PFOS)	<i>0.003</i> <i>I²</i>	<i>0.003</i> <i>U¹</i>	0.040	<i>0.003</i> <i>U¹</i>	<i>0.008</i> <i>I²</i>	<i>0.003</i> <i>U¹</i>	<i>0.003</i> <i>U¹</i>	0.07	0.004	37
PFOA + PFOS	<i>0.011</i> <i>I²</i>	<i>0.009</i> <i>I², U¹</i>	0.046	<i>0.005</i> <i>U¹</i>	<i>0.012</i> <i>I²</i>	<i>0.006</i> <i>I², U¹</i>	<i>0.006</i> <i>I², U¹</i>	0.07	NA	NA

¹ “U” qualified value indicates that analytical concentration is below laboratory MDLs; limits vary depending on parameter and sample

² “I” qualified value indicated the analytical concentration is greater than or equal to the MDL, but less than the PQL

³ US EPA Lifetime Drinking Water Health Advisories

⁴ Provisional Florida DEP Surface Water Screening Levels for Human Health

⁵ Provisional Florida DEP Surface Water Screening Levels for Ecological Health

Pharmaceuticals and Personal Care Products (PPCPs)

Surface Water

Applied Ecology, Inc. sampled two sites for 58 PPCPs (Sites 3 and 4, located on the Deer Park Ranch). For quality assurance, a field reagent blank was also collected, which exhibited concentrations below laboratory MDL values for all 58 compounds. None of the surface water samples had detectable PPCPs. Complete laboratory analytical results from the one-time sampling for PPCPs in surface water can be found in Appendix E.

Vegetation Tissue

Applied Ecology, Inc. sampled three sites with high biosolid loadings for 58 PPCPs (Plant Tissue 1-3). Complete laboratory analytical results from the one-time sampling for PPCPs in plant tissue can be found in Appendix F.

Plant Tissue 1 and 3 were Bahiagrass (*Paspalum notatum*) and actively or recently used for cattle grazing while Plant Tissue 2 was *Hemarthria sp.* collected in a field that was fallowed at time of sampling. Additionally, Plant Tissue 3 is located near the designated biosolids storage area. No pharmaceuticals were detected in Plant Tissue 2 (Table 5). Plant Tissue 1 and 3 both had quantifiable concentrations of the anti-inflammatory drug Naproxen (0.322 and 0.713 ppb, respectively) and the antibiotic Ciprofloxacin (9.84 and 35.6 ppb, respectively). Additionally, Plant Tissue 3 had 0.324 ppb of Triclocarban (an anti-microbial) and the other had 55.3 ppb of Norfloxacin (an antibiotic).

The following PPCPs were not detected in any of the tissue samples: Bisphenol A, Furosemide, Gemfibrozil, Glipizide, Glyburide, Hydrochlorothiazide, 2-hydroxy-ibuprofen, Ibuprofen, Triclosan, Warfarin, Acetaminophen, Azithromycin, Caffeine, Carbadox, Carbamazepine, Cefotaxime, Clarithromycin, Clinafloxacin, Cloxacillin, Dehydronifedipine, Diphenhydramine, Diltiazem, Digoxin, Digoxigenin, Enrofloxacin, Erythromycin-H₂O, Flumequine, Fluoxetine, Lincomycin, Lomefloxacin, Miconazole, Norgestimate, Ofloxacin, Ormetoprim, Oxacillin, Oxolinic acid, Penicillin G, Penicillin V, Roxithromycin, Sarafloxacin, Sulfachloropyridazine, Sulfadiazine, Sulfadimethoxine, Sulfamerazine, Sulfamethazine, Sulfamethizole, Sulfamethoxazole, Sulfanilamide, Sulfathiazole, Thiabendazole, Trimethoprim, Tylosin, Virginiamycin M1 and 1,7-Dimethylxanthine.

Table 5. Plant tissue analytical results (in ng/g) for Pharmaceuticals and Personal Care Products as part of the Brevard County Biosolids Moratorium Monitoring. No detectable results were found for Plant Tissue 2.

PPCP Analyte	Plant Tissue 1	Plant Tissue 2	Plant Tissue 3
Naproxen	0.322	0.313 ND ¹	0.713
Triclocarban	0.313 ND ¹	0.313 ND ¹	0.324
Ciprofloxacin	9.84	2.54 ND ¹	35.6
Norfloxacin	27.1 ND ¹	5.86 ND ¹	55.3

¹ ND - Non detect

CONCLUSION

A total of eleven water quality stations and three plant tissue sites were sampled between December 18 and 19, 2019. None of the eleven sites sampled exceeded the drinking water standards for the metals arsenic, copper, molybdenum, nickel, and zinc. The two ranch sites of the eleven sites sampled were above the numeric nutrient criteria (which is an annual geometric mean) for total phosphorus. PFAS were detected in all seven sites sampled, with one non-ranch site exceeding the provisional FDEP Human Health Surface Water Screening Levels for PFOS. PPCPs were not detected in the two water quality samples tested. However, of the three plant tissues sampled, two had high enough concentrations of four PPCPs to be quantifiable. Currently, there are no governmental guidelines for PPCPs in plant tissue.

An objective of the present study was to analyze presence, quantities, and contributions of nutrients and pollutants (metals, PPCPs, and PFAS) to the St. Johns River (Site 12) and Lake Washington (Site 11) from areas of biosolid application (Sites 3 and 4 and Plant Tissues 1-3) and residential areas (Sites 5-9). It should be emphasized that this was a small-scale study, with only one sample taken from each site over a two-day period, therefore conclusions are limited. Furthermore, loads from these two different land use types cannot be calculated as flows were not measured so. However, the present study has produced some notable results.

For metals, the highest copper value was observed at a site near biosolid application, while the other site near biosolid application did not have detectable copper. Copper is frequently found in biosolids as it readily associates with organic matter and according to Chapter 62-640.700(5)(a), F.A.C. copper in Class B biosolids can have a maximum single sample concentration of 4,300 mg/kg. However, considering the two sites both receive runoff from high biosolid loading areas, the results are inconclusive. The highest zinc value was found downstream of a bridge in a natural land use area. This higher concentration than other sites could be related to the use of galvanized steel in the bridge's construction.

For nutrients, Site 5 generally had the lowest nutrient concentrations and is downstream of a treatment pond. The highest nitrogen species concentrations were observed in Lake Washington, with generally higher values observed in the residential areas compared to natural land use areas. Nitrogen loading is typically associated with higher density residential and commercial land uses, typical of the basin draining from the east of Lake Washington. The highest TP, orthophosphate, and TN:TP values were observed at the two sites draining biosolid application areas. Generally, biosolid TN:TP is below the preferable ratio needed for plant growth (*i.e.*, crops) and when biosolids are applied on a need for nitrogen basis, it leads to excessive phosphorus build-up. The lower TN:TP has been observed in other lakes receiving runoff from biosolids application areas and has resulted in the banning of Class B biosolid applications in Lake Okeechobee, St. Lucie River and Caloosahatchee River watersheds. It is generally accepted that it is this low TN to TP ratio that leads to the proliferation of nitrogen-fixing cyanobacteria.

Although PFAS were detected in all samples, the only sample exceeding the provisional FDEP Human Health Surface Water Screening Levels was at Site 5, which is downstream of a firefighting training facility and a mix of high density residential and industrial and commercial land uses. In addition, a few months preceding the sampling date, a brush fire occurred closely near the sampling location (*i.e.*, NE of the Eau Gallie/I-95 interchange), where different firefighting products might have been used. PFOS have historically been added to aqueous film forming foam (AFFF) used to fight fires. AFFF was phased out of production in 2003 but has been used in Florida training facilities as recently as 2017. Currently, Class B firefighting foam used in Brevard County for flammable liquids such as gasoline, oils, etc., typically still contain C6 Fluorosurfactants, which have better toxicological profiles than PFOS (a C8 fluorosurfactant) but do persist in the environment.

Site 5 had quantifiable levels of PFOS, PFHxA (C6 fluorosurfactant primary breakdown product), and PFHxS. Rotander *et al.* (2015) found that both PFOS and PFHxS levels were shown to be elevated in firefighters exposed to AFFF. Sites 3 and 4, both receiving runoff from high biosolid application areas, had quantifiable concentrations of PFBA, PFPeA, PFHxA, and PFBS. These four PFAS are commonly (60-100% of the time) found in biosolids and, despite many being phased out, continue to be observed in similar concentrations in biosolids (Venkatesan and Halden 2013).

While PPCPs were detected in two tissue samples extracted from areas where high intensity of biosolids were applied, no PPCPs were detected in the water samples leaving the ranch at Sites 3 and 4. The lack of detectable PPCPs in the surface water samples could be due to the dilution effect of a very high rainfall event immediately preceding the sampling effort. Additionally, the PPCPs were only detected in areas of recent or active grazing (Plant Tissue 1 and 3) and not on land amended with biosolids, but currently fallow (Plant Tissue 2). While both ciprofloxacin and norfloxacin are antibiotics commonly used on cattle, the landowner of the Deer Park Ranch confirmed that neither antibiotic had been used recently on his cattle. Naproxen is a nonsteroidal anti-inflammatory drug found in common pain-relieving medications (Topp *et al.*, 2008), also confirmed to not have been used onsite by the landowner. Furthermore, no evidence could be found that naproxen is ever used on bovines. Topp *et al.* (2008) showed that naproxen is rapidly mineralized in soils amended with biosolids while Lin and Reinhard (2005) found naproxen rapidly photodegrades after release into the environment. Therefore, recently applied biosolids is the likely source for this particular compound. Triclocarban, originally developed for the medical field, is an antimicrobial and antifungal compound that was formerly used in personal care products such as soaps and lotions. The product began being used in the 1960s but was phased out by the FDA in 2017. Several studies have found that triclocarban from biosolid-amended fields can bioaccumulate in plants (Wu *et al.* 2010; Sabourin *et al.*, 2012; Wu *et al.*, 2014) and the concentrations observed in Site 3 were on the lower end of the range published in these studies. However, studies show the biosolid amendment inhibit the bioavailability and plant uptake of triclocarban (Fu *et al.*, 2016), which means concentrations in soils are likely much higher. In

general, the highest concentrations of PPCPs and the sample that had the most PPCPs was Plant Tissue 3. A potential confounding factor is differential bioaccumulation in vegetative tissues since Plant Tissue 1 and 3 were Bahiagrass while Plant Tissue 2 was *Hemarthria sp.*

The results from this limited study, in conjunction with a soil study by an interagency team, will be used by the Brevard County Commission to guide further regulatory action regarding biosolid applications in Brevard County.

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SAMPLE ID	PASTURE ID	DEPTH	SOIL TYPE	RELATIVE LEVEL OF BIOSOLIDS APPLICATION	MOST RECENT APPLICATION	MEHLICH PHOSPHORUS (ppm)	CALCIUM (ppm)	ALUMINUM (ppm)	IRON (ppm)	WATER EXTRACTABLE PHOSPHORUS (ppm)	TOTAL PHOSPHORUS (ppm)	CAPACITY FACTOR or SOIL PHOSPHORUS INDEX (SPSC)	pH	SAMPLE ID
1	11	Shallow	Myakka fine sand	High	Apr-18	178	1640	3.08	2.71	22.87	255.51	-177	6.8	1
2	11	Medium	Myakka fine sand	High	Apr-18	256	636	12.26	6.77	20.67	174.79	-254	6.9	2
3	11	Shallow	Wabasso fine sand	High	Apr-18	232	1197	4.92	5.22	24.22	302.66	-231	6.5	3
4	11	Medium	Wabasso fine sand	High	Apr-18	245	789	15.75	4.01	21.17	215.52	-243	7.1	4
5	11	Deep	Wabasso fine sand	High	Apr-18	5	238	64.11	72.54	0.94	22.31	6	8.2	5
6	37A	Shallow	Myakka fine sand	High	Nov-19	79	875	3.5	2.91	17.02	137.62	-78	5.9	6
7	37A	Medium	Myakka fine sand	High	Nov-19	16	126	1.8	1.43	4.4	9.2	-16	5.6	7
8	Timberland	Shallow	Control 1	None	-	7	359	16.09	4.55	0.99	24.4	-5	6.1	8
9	Timberland	Medium	Control 1	None	-	2	233	35.61	26.65	0.19	18.9	4	6.6	9
10	Timberland	Deep	Control 1	None	-	2	246	58.84	38.45	0.33	16.32	7	7	10
11	Timberland	Shallow	Control 2	None	-	2	277	2.4	1.43	3.64	25.59	-2	5.3	11
12	Timberland	Medium	Control 2	None	-	1	131	2.52	1.42	0.99	5.95	-1	4.9	12
13	37A	Shallow	Immokalee fine sand	High	Nov-19	64	1282	1.07	0.95	5.09	106.3	-64	6.5	13
14	37A	Medium	Immokalee fine sand	High	Nov-19	19	535	0.94	0.6	1.56	22.24	-19	6.7	14
15	37A	Deep	Immokalee fine sand	High	Nov-19	6	121	0.74	0.77	1.34	8.12	-6	6.4	15
16	36	Shallow	Wabasso fine sand	Low	Nov-18	278	921	3.48	5.4	19.63	332.12	-277	6.7	16
17	36	Medium	Wabasso fine sand	Low	Nov-18	51	351	26.1	14.26	24.79	204.82	-47	7.5	17
18	36	Deep	Wabasso fine sand	Low	Nov-18	12	180	26.56	28.31	12.05	124.32	-7	7.7	18
19	42	Shallow	Riviera sand	Low	Feb-19	50	574	9.5	7.01	9.58	95.22	-49	6.7	19
20	42	Medium	Riviera sand	Low	Feb-19	17	353	37.8	10.28	1.93	27.48	-12	7.1	20
21	42	Deep	Riviera sand	Low	Feb-19	2	337	26.72	5.24	0.57	11.58	1	8.3	21
22	33	Shallow	Wabasso fine sand	Medium	Dec-17	152	645	16.72	6.82	18.22	182.51	-150	6	22
23	33 Furrow, surface	Shallow	Wabasso fine sand	Medium	Dec-17	142	636	18.31	7.68	14.68	131.34	-139	6.2	23
24	33	Medium	Wabasso fine sand	Medium	Dec-17	31	532	39.2	7.27	6.34	54.32	-26	7.1	24
25	33	Deep	Wabasso fine sand	Medium	Dec-17	30	673	44.17	10.41	5.46	49.5	-24	7.3	25

26	33	Shallow	Riviera sand	Medium	Dec-17	52	342	6	2.28	12.85	126.92	-51	4.9	26
27	33 Furrow, surface	Shallow	Riviera sand	Medium	Dec-17	57	325	5.44	1.46	10.09	116.3	-56	5.1	27
28		Medium	Riviera sand	Medium	Dec-17	142	182	18.61	2.73	12.97	118.36	-140	4.8	28
29	27	Shallow	Floridana sand	Medium	Jan-18	30	1738	8.49	2.86	6.24	100.29	-29	6.7	29
30	27	Medium	Floridana sand	Medium	Jan-18	4	590	45.4	7.89	0.41	18.47	2	6.8	30
31	27	Shallow	Riviera sand	Medium	Jan-18	50	669	26.02	8.03	7.97	64.58	-47	6.6	31
32	27	Medium	Riviera sand	Medium	Jan-18	22	886	35.22	6.43	1.64	39.75	-18	7	32
33	15	Shallow	Riviera sand	High	Sep-19	236	3899	15.33	8.35	12.35	753.32	-234	7.4	33
34	15	Medium	Riviera sand	High	Sep-19	6	301	54.72	14.3	2.01	30.27	1	7.6	34
35	15	Deep	Riviera sand	High	Sep-19	5	350	29.21	9.24	1.21	18.78	-1	8.2	35
36	15	Shallow	Pineda sand	High	Sep-19	615	6656	5.02	3.71	15.99	1730.73	-614	7.3	36
37	15	Medium	Pineda sand	High	Sep-19	15	414	22.48	8.95	4.64	87.97	-12	7.7	37
38	15	Deep	Pineda sand	High	Sep-19	4	325	36.32	5.85	0.48	20.88	0	8.2	38
39	12	Shallow	Riviera find sand	Medium	Apr-18	168	1216	8.1	9.22	14.85	216.35	-167	7	39
40	12	Medium	Riviera find sand	Medium	Apr-18	13	170	18.72	4.53	5.53	37.97	-11	8.1	40
41	12	Deep	Riviera find sand	Medium	Apr-18	13	121	26.94	15.74	7.74	30.81	-9	8.4	41
42	12	Shallow	Wabasso fine sand	Medium	Apr-18	75	1091	2.52	8.58	9.67	116.19	-74	6.5	42
43	12	Medium	Wabasso fine sand	Medium	Apr-18	40	1025	3.01	5.74	4.2	76.78	-39	6.6	43
44	12	Deep	Wabasso fine sand	Medium	Apr-18	19	293	8.1	6.36	3.47	24.35	-18	6.7	44
45	2	Shallow	Malabar - Pineda Complex	High	Nov-17	486	3434	3.42	3.17	34.01	575.73	-485	7.3	45
46	2	Medium	Malabar - Pineda Complex	High	Nov-17	37	901	1.85	2.72	5.83	51.41	-37	7	46
47	2	Deep	Malabar - Pineda Complex	High	Nov-17	81	661	3.78	4.23	9.52	28.62	-80	7.4	47
48	1	Shallow	Myakka fine sand	Low	Sep-13	338	1403	2.33	1.8	14.41	314.6	-338	5.9	48
49	1	Medium	Myakka fine sand	Low	Sep-13	66	558	1.43	1.03	4.66	9.07	-66	6.3	49
50	1	Deep	Myakka fine sand	Low	Sep-13	35	263	1.43	0.91	2.26	29.39	-35	6	50

PASTURE	SOIL TYPE	LEVEL OF BIOSOLIDS APPLICATION	MOST RECENT APPLICATION	SOIL PHOSPHORUS INDEX
1	Myakka fine sand	Low	Sep-13	-438
2	Malabar - Pineda Complex	High	Nov-17	-602
11	Myakka fine sand	High	Apr-18	-432
11	Wabasso fine sand	High	Apr-18	-468
12	Riviera find sand	Medium	Apr-18	-186
12	Wabasso fine sand	Medium	Apr-18	-131
15	Riviera sand	High	Sep-19	-234
15	Pineda sand	High	Sep-19	-626
27	Floridana sand	Medium	Jan-18	-27
27	Riviera sand	Medium	Jan-18	-64
33	Wabasso fine sand	Medium	Dec-17	-200
33	Riviera sand	Medium	Dec-17	-191
36	Wabasso fine sand	Low	Nov-18	-332
42	Riviera sand	Low	Feb-19	-59
37A	Myakka fine sand	High	Nov-19	-94
37A	Immokalee fine sand	High	Nov-19	-89
Timberland	Control 1	None	-	6
Timberland	Control 2	None	-	-2