



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

21Z00051

Michael P. Buono and Charles T. Calhoun

GU (General Use) to RR-1 (Rural Residential)

Tax Account Numbers: 2000791 & 2000796
Parcel I.D.s: 20g-34-03-AI-8-6.09 & 20g-34-03-AI-8-6.15
Location: No assigned address Mims, FL (District 1)
Acreage: 1.06 acres

Planning & Zoning Board: 4/18/2022
Board of County Commissioners: 5/05/2022

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	GU	RR-1
Potential*	0 SF units	1 SF unit
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

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

Background and Purpose of Request

The applicants request to change the property from GU (General Use) to the RR-1 (Rural Residential) zoning classification. The GU zoning is the original 1958 zoning. The property is vacant. The two individual parcels currently fail to meet requirements for the GU zoning classification; however, when combined to create a single lot, will meet the proposed RR-1 zoning lot requirements for lot width, lot depth, and lot area.

Section 62-1188 (4) of Brevard County Code states where two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter. Where two or more nonconforming lots of record are combined for the purpose of requesting a new zoning classification which would make the combined lots conforming as one parcel, the lots shall not

be redivided subsequent to the rezoning except where such division would create lots consistent with all other provisions of the comprehensive plan and zoning regulations.

This property does not have road frontage on a County maintained roadway in order to develop the property with a single-family residence. Section 62-102 (a) provides for an administrative staff review for easement access for land locked properties configured prior to January 1, 2011. The owners have submitted a recorded access easement providing easement access to this property recorded in ORB 9292 Page 1137. The applicants will need to demonstrate compliance with Section 62-102 (a) before a building permit can be issued. An administrative review of the easement will be performed after the zoning request is approved to verify code compliance.

The parcels are within an unrecorded plat of Golden Shores Estates.

Land Use

The subject property is currently designated Residential 1 (RES 1). The RR-1 request would be consistent with the Residential 1 (RES 1) FLU designation.

Applicable Land Use Policies

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

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

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

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

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant proposes the development of a single-family home. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

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

1. historical land use patterns;

The surrounding area can be considered low or suburban residential in nature. Many lots in this area were created below minimum GU lot standards which requires rezoning unless they can be considered nonconforming lots of record. The applicant proposes to combine multiple lots to meet the RES 1 FLU requirement for this area.

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

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

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

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

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

As this site is currently vacant/unimproved, no material violation of relevant policies have been identified.

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

The developed character of the surrounding area is a mixture of single-family residential zoning classifications. To the north of the subject property is vacant. To the south is a vacant lot. To the east is a single-family residence that was built in 2021. To the west, is a residential home built in 2005.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant	GU	RES 1
South	Vacant	SR with BDP limiting residential development to 1 SF lot	RES 1
East	SF residence	SR with BDP limiting residential development to 1 SF lot and GU	RES 1
West	SF residence	RR-1	RES 1

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.

AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

RR-1 classification permits single-family residential land uses on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within RR-1 zoning.

SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

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

There was one zoning action within a half-mile radius of the subject property within the last three years. That action was **19PZ00098** which was approved by the Board on February 12, 2020. The request was to change GU to SR with a BDP recorded in ORB 8662, Pages 2523 - 2526 on February 12, 2020 which limited use to one residential lot.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US Highway 1, between Burkholm Road to the Volusia County line, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 10.16% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 10.19% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

Public water or centralized sewer is not available and the lot will be required to utilize onsite well and septic system.

Environmental Constraints

- Floodplain
- Protected Species - Florida Scrub Jay
- Protected and Specimen Trees

A majority of the parcel is mapped within an isolated floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size.

For Board Consideration

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

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

Item # 21Z00051

Applicant: Buono

Zoning Request: GU to RR-1

Note: Applicant wants to build a single-family residence

P&Z Hearing Date: 03/14/22; **BCC Hearing Date:** 04/07/22

Tax ID Nos: 2000791 & 2000796

- 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:

- Floodplain
- Protected Species - Florida Scrub Jay
- Protected and Specimen Trees

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Land Use Comments:

Floodplain

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policies, and the Floodplain Ordinance. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. The entire site is mapped with a Florida Scrub Jay polygon. 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.

Protected and Specimen Trees

Aerials indicate mature canopy trees exist onsite. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. 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. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities. Land clearing is not permitted without prior authorization by NRM.