

8999 Highway 1, Micco

Tax Account 3008319

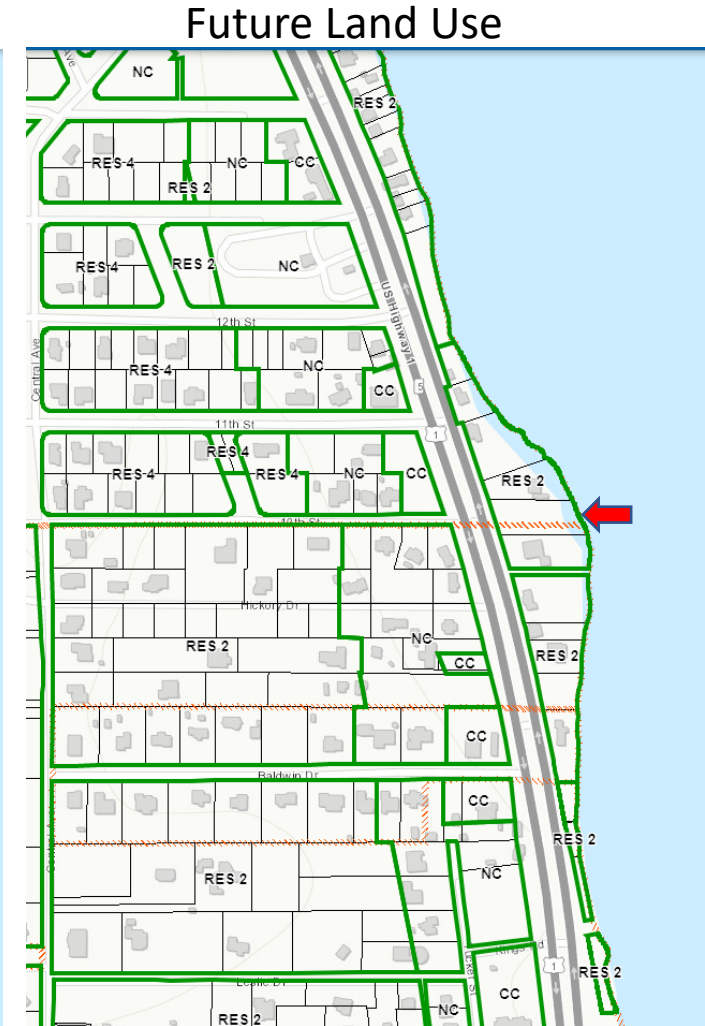
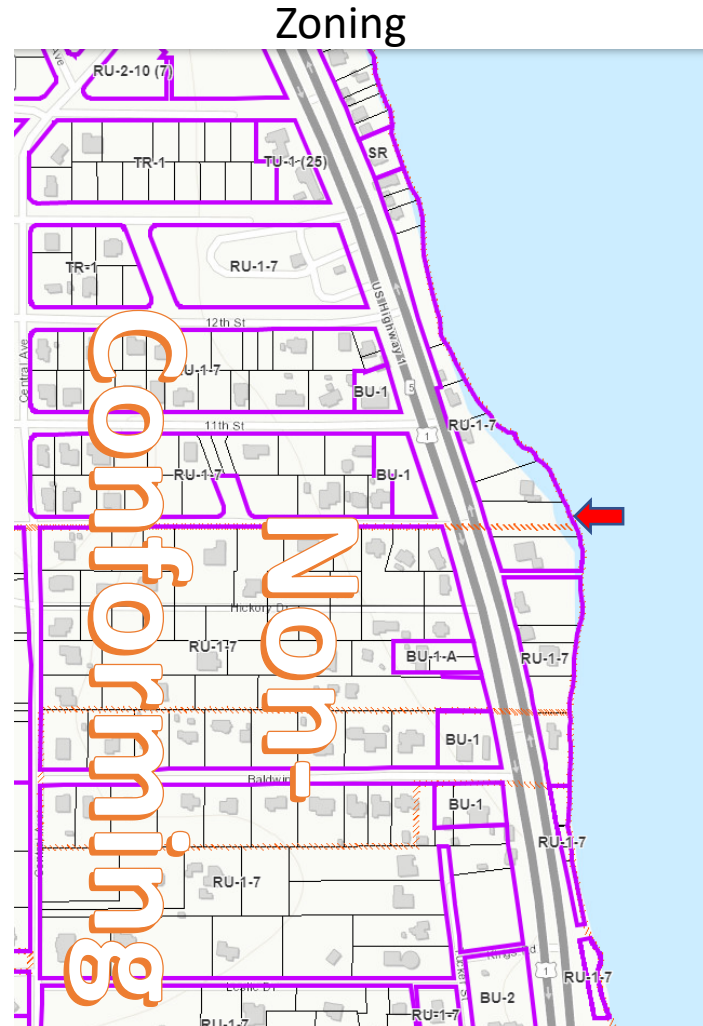
(Rezoning - 23Z00017)

Steve and Pach Ellison

Current Address: 1625 Las Pamos Dr SW, Palm Bay FL 32908

- Moved to FL in Jul 21
- Purchased lot Sep 21
 - Retirement home
 - Ensured SFR zoning
- Applied for “RES SFR-Duplex New” building permit (23BC08901) on Feb 6th
 - Zoning not consistent with FLU
 - Lot unbuildable for any use
 - Regular rezoning to SR offered as “solution”

	Land Use							
Zoning Classifications	Agric	Res 1:2.5	Res 1	Res 2	Res 4	Res 6	Res 10	Res 15
GU, PA, AGR, RRMH-5, PUD, RPUD, THPUD, RVP					Y			
AU, REU, RRMH-2.5	N				Y			
ARR, RR-1, SEU, RRMH-1	N					Y		
SR, TR-2		N					Y	
EU, EU-1, EU-2, RU-1-13, RU-1-11, TR-1, RA-2-4, RU-2-4		N					Y	
RU-1-7, RU-1-9, TR-1-A, TR-3, TRC-1, RU-2-6, RA-2-6				N			Y	



RU-1-7 vs. SR

Sec. 62-1342. Single-family residential, RU-1-7.

The RU-1-7 single-family zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) Permitted uses.

a. Permitted uses are as follows:

- One single-family residential detached dwelling.
- Parks and public recreational facilities.
- Private golf courses.
- Foster homes.
- Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

- Group homes, level I, subject to the requirements set forth in section 62-1835.9.
- Power substations, telephone exchanges and transmission facilities.
- Preexisting use.

- Private parks and playgrounds. Excluded in SR.

- Resort dwellings.
- Temporary living quarters during construction of a residence.

(2) Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) Conditional uses. Conditional uses are as follows:

- Bed and breakfast inn.
- Change of nonconforming agricultural use.
- Guesthouses or servants' quarters, without kitchen facilities.
- Land alteration (over five acres and up to ten acres).
- Recreational facilities.
- Recreational/residential marina.
- Resort dwellings.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion of a preexisting use.
- Wireless telecommunication facilities and broadcast towers.
- Zero lot line subdivision. Excluded in SR.

Sec. 62-1338. Suburban residential, SR.

The SR suburban residential zoning classification encompasses lands devoted to single-family residential development of relatively spacious land character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) Permitted uses.

a. Permitted uses are as follows:

- One single-family residential detached dwelling.
- Parks and public recreational facilities.
- Private golf courses.
- Foster homes.
- Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

- Group homes, level I, subject to the requirements set forth in section 62-1835.9.
- Preexisting use.
- Power substations, telephone exchanges and transmission facilities.
- Resort dwellings.
- Temporary living quarters during construction of a residence.

(2) Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) Conditional uses. Conditional uses are as follows:

- Bed and breakfast inn.
- Change of nonconforming agricultural use.
- Guesthouses or servants' quarters, without kitchen facilities.
- Land alteration (over five acres and up to ten acres).
- Recreational facilities.
- Recreational/residential marina.
- Resort dwellings.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion of a preexisting use.
- Wireless telecommunication facilities and broadcast towers.

1988 Comprehensive Plan vs. County Zoning Code

- **Objective 15:** *Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations, and thereafter, shall reduce the number of existing land uses which are non-conforming to the Comprehensive Plan.*
 - **Policy 15.1.** *Brevard County retains the authority to initiate appropriate administrative actions, such as administrative rezonings.*
 - **Policy 15.2.** *County staff may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application.*
 - **Policy 15.3.** *Brevard County shall continue to administratively rezone those properties with zoning classifications which are inconsistent with the Future Land Use Map, the acceptable levels of service, and this Comprehensive Plan.*
 - **Criteria A:** *Administrative rezonings shall not be required for single family or duplex residential lots which meet the requirements of the Brevard County Zoning Code and which are located within Neighborhood Commercial, Community Commercial Agricultural or any residential land use designations.*
- County Zoning Code (Sec. 62-1811) narrowly limits Criteria A to “Non-conforming Lots of Record” and grants Administrative Action Waivers to allow permitting without rezoning if the “record” has not changed since 1988
- In 1990 our lot was split from the lot to the South, so the “record” changed but zoning mismatch wasn’t corrected
 - Parcel to the South had an existing structure so retained “vested” rights to build a new SFR in 2004 without rezoning
- Over 1 year ago we were issued a “SFR Res Addition” permit (22BC08901) for a retaining wall
 - RU-1-7 zoning specifically noted in reviewer’s comments but FLU inconsistency was not flagged