



BOARD OF COUNTY COMMISSIONERS

## Planning and Development Department

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### STAFF COMMENTS

19PZ00124

Zamira and Gezim Doci

### RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential)

Tax Account Number: 2716189  
Parcel I.D.: 27-37-13-77-\* -39  
Location: North side of Atlantic Avenue, approximately 0.40 mile west of Highway A1A. (159 Atlantic Avenue, Indialantic) (District 5)  
Acreage: 0.18 acres

Planning and Zoning Board: 01/13/20

Board of County Commissioners: 02/06/20

### 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
<b>Zoning</b>	RU-1-7	RU-2-12
<b>Potential*</b>	One single-family unit	Two units (duplex)
<b>Can be Considered under the Future Land Use Map</b>	YES Residential 15	YES Residential 15

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

### Background and Purpose of Request

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The existing residence was permitted under Brevard County Building Permit number **17BC08068**. The total area approved for construction was 3,243 square feet. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks).

The property is comprised of two lots which individually fail to meet the current RU-1-7 lot dimensional criteria. The RU-1-7 zoning classification in Section 62-1342 (4) of the Brevard County Code requires each lot to contain an area of not less than 5,000 square feet, having a width of not less than 50 feet and having a depth of not less than 100 feet. Under provisions of Section 62-1188,

the two substandard lots were combined into one lot in order to support the development of the current single-family residence.

## **Land Use**

This review contains a two part answer regarding consistency with the Future Land Use Element of Brevard County's Comprehensive Plan.

According to Section 62-1255(b)(2), consistency with future land use map table indicates that the proposed RU-2-12 zoning classifications can be considered with this FLU designation. The RU-2-12 within Res 15 FLU can be considered based upon the geographical delineation of FLU map and locational criteria depicted in the policy of the comprehensive plan and based on the following:

The Residential 15 FLU allows a density that exceeds 10 units per acre on 0.18 acres. According to Policy 1.2 as noted below, states 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. The subject property is currently serviced by the City of Melbourne with potable water. Sewer is not available to the site.

## **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.

## **Environmental Constraints**

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use to a duplex, that allows for two-families, will have septic modification requirements. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes may be required if applicable. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

## **Preliminary Transportation Concurrency**

The closest concurrency management segment to the subject property is State Road Highway A1A, between Paradise Boulevard and Eau Gallie 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 61.23% of capacity daily. The maximum development potential from the proposed rezoning does increase the proposed trip generation by 0.01%. The corridor is anticipated to continue to operate at 61.24% of capacity daily (LOS C). 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.

## **Applicable Land Use Policies**

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The existing residence was permitted under Brevard County Building Permit number **17BC08068**. The total area approved for construction was 3,243 square feet. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks).

The property is comprised of two lots which individually fail to meet the current RU-1-7 lot dimensional criteria. The subdivision creating these lots was recorded in Plat Book 10 Page 13, prior to the adoption of the Zoning code on May 22, 1958, each lot would be considered to be nonconforming if they met the minimum standards established in Section 62-1188 (1) of the Brevard County Code. Those standards state buildings and uses may be established on such lots, provided the lot has a width of not less than 50 feet, a depth of not less than 75 feet, and an area of not less than 5,000 square feet. Subsection (4) continues to state if two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter. Under this provision, the two substandard lots were combined into one lot in order to support the development of the current single-family residence.

The County's Natural Resources Department has identified that this lot lies within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay zone requiring additional septic requirements to be followed. However, converting this single-family residence to a duplex requires that the property be connected at the time of development to centralized sewer. The structural shell of this home has already been developed; the future internal conversion will require a building permit.

The proposed duplex will not comply with the RU-2-12 setbacks and lot coverage standards. The property will need three variances to meet the RU-2-12 zoning classification prior to obtaining further development approvals. The variances are as follows:

- (1) Variance of 4.2 feet from the required 25 foot front setback pursuant to Section 62-1372 (5) (c) (1) of Brevard County Code.

- (2) Variance of 4.5 feet from the required 10 foot west side yard setback pursuant to Section 62-1372 (5) (c) (3) of Brevard County Code.
- (3) Variance of 1.4% over the 40% maximum lot coverage requirement pursuant to Section 62-1372 (4) (e) of Brevard County Code.

The property is bounded on the east and west sides with lots under the RU-1-7 zoning classification. The Brevard County Property Appraiser's web site notes that these adjacent lots are developed with a single-family usage. Property to the north of this site lies within the city limits of Melbourne. It has a Future Land Use identified as Medium Density Residential. The property also contains a zoning of R-2 (10), up to 10 units per acre, and is developed as single-family residences.

There have been no rezoning actions within one-half mile of this site within the last three years.

### **For Board Consideration**

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks). The existing building will not meet the required front and west side yard setbacks of the proposed RU-2-12 zoning classification nor will it meet the maximum percentage of lot coverage requirement.

The Board may wish to consider whether allowing uses such as short-term rentals (resort dwellings), group homes (level II), and a boarding house use within the RU-2-12 zoning classification are consistent and compatible with the surrounding single-family residential dwellings. Additionally, the Board may consider the availability and necessity of central sewer with the increased development potential.

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

**Item # 19PZ00124**

**Applicant:** Andi Doci

**Zoning Request:** RU-1-7 to RU-2-12

**Note:** Applicant wants to convert single family residence to duplex

**P&Z Hearing Date:** 01/13/20; **BCC Hearing Date:** 02/06/20

**Tax ID No:** 2716189

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Septic Overlay
- Protected Species

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use to a duplex, that allows for two-families, will have septic modification requirements. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes may be required if applicable. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire subject parcel contains mapped aquifer recharge soils (Canaveral-Palm Beach-urban land complex) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy

10.2 and the Aquifer Protection Ordinance. The issued building permit (17BC08068) showed the project site to have approximately 44.4 percent impervious area. If any further construction activities increase the impervious area over 45 percent, then stormwater retention is required for impervious area over 45 percent.

### **Indian River Lagoon Septic Overlay**

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. The change in use to a duplex, that allows for two-families, may have additional requirements. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, the parcel is mapped with a Scrub Jay Occupancy polygon. The structure already has Certificate of Occupancy. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service.

### **Land Clearing & Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.