



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20Z00022

Christine Ruggiero and Michael A. Sollecito

RR-1 (Rural Residential) to RRMH-1 (Rural Residential Mobile Home)

Tax Account Number: 2002464
Parcel I.D.: 20G-34-23-AI-6-2.03
Location: South side of Harrison Road, approximately 6,000 feet west of the intersection of Green Meadows Road and Harrison Road. (District 1)
Acreage: 1.23 acres

Planning and Zoning Board: 10/05/20

Board of County Commissioners: 11/05/20

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
Zoning	RR-1	RRMH-1
Potential*	1 single-family residential unit	1 single-family residential or 1 single-family mobile home unit
Can be Considered under the Future Land Use Map	YES Residential 1	YES Residential 1

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

Background and Purpose of Request

The applicant is requesting to rezone the property from Rural Residential (RR-1) to Rural Residential Mobile Home (RRMH-1) to allow for the development of a mobile home as the principle structure.

This property is located on the south side of Harrison Road, approximately 6,000 feet west of the intersection of Green Meadows Road and Harrison Road. The original zoning of the property was General Use (GU). Resolution **16PZ00028**, adopted May 26, 2016, changed the property's zoning from GU to RR-1 and the Future Land Use designation from Agricultural to Residential 1 (RES 1). The property is currently vacant.

Land Use

FLUE Policy 1.9 – The Residential 1 Future Land Use (FLU) 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 (FLUE). Both the existing zoning of RR-1 and the proposed zoning of RRMH-1 are consistent with the FLU and compatible with the FLUE.

Environmental Constraints

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(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.

Preliminary Transportation Concurrency

The closest concurrency management segment to the subject property is US-1, between Burkholm Road and 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 10.65% of capacity daily. The maximum development potential from the proposed rezoning does not change the percentage of MAV utilization. The corridor is anticipated to continue to operate at 10.65% 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.

The subject property is not served by central potable water. The subject property is not served by central sewer.

Applicable Land Use Policies

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. The existing and proposed zoning are both consistent with the Future Land Use Map (FLUM) designation of the property as RES 1. This segment of Harrison Road west of I-95 is rural residential in character even though all of the properties in the area, except for the subject property, are designated as Agricultural by the FLUM. Most properties are between 1 and 5 acres and developed with single-family, mobile, or manufactured residences.

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

The area is characterized by rural single-family zoning and development, including properties zoned RRMH-1 that are developed with manufactured and mobile homes. The abutting property to the west is zoned RRMH-1 and developed with a mobile home. The next three properties to the west are also zoned RRMH-1 and developed with mobile homes. The properties to the east and the south are

zoned GU and are vacant. There is also a nearby property zoned Agricultural Residential (AU). Properties directly across Harrison Road to the north are zoned RRMH-1 and developed with manufactured housing.

The current 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 the RR-1 zoning district.

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

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 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.

The proposed rezoning does not increase the potential number of dwelling units on the property and, therefore, will not generate additional demands on infrastructure or other services.

Surrounding Properties

The developed character of the surrounding area is low density rural residential. The parcels across Harrison Road to the north are zoned RRMH-1. The abutting parcel to the east is zoned General Use (GU). The abutting parcel to the south is zoned GU. The abutting parcel to the west is developed and zoned RRMH-1.

There have been no zoning actions within a half-mile of the subject property in the last three years. The most recent zoning action in the area was on the subject property. Action **16PZ00028** changed the FLUM from Agricultural to RES 1 and the zoning from GU to RR-1 on the subject property on May 26, 2016.

For Board Consideration

The Board may consider whether the proposed rezoning to allow for mobile home or manufactured home is compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00022

Applicant: Ruggiero and Sollecito

Zoning Request: RR-1 to RRMH-1

Note: Applicant wants to have a single-family mobile home.

P&Z Hearing Date: 10/05/20; **BCC Hearing Date:** 11/05/20

Tax ID No: 2002464

- 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:

- NWI Wetlands
- SJRWMD Wetlands
- Hydric Soils
- Floodplain
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands, SJRWMD wetlands, and hydric soils. A wetland delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(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.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI wetlands (Freshwater forested shrub wetlands), SJRWMD (Wetland forested mixed), and hydric soils (Samsula muck and Eau Gallie sand) as shown on the NWI Wetlands, SJRWMD Florida Land Use & Cover Codes, and USDA Soil Conservation Service Soils Survey maps, respectively. All are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities.

Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-

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Floodplain

A portion of the property is mapped as being within an isolated floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. Per Section 62-3724(3), development within an isolated floodplain shall not negatively impact adjacent properties or receiving water body quality, and any development within the isolated floodplain shall provide a contiguous area that includes the primary structure and perimeter buffer, accessory structures, onsite sewage disposal system and buffer, access to the primary and accessory structure. These areas shall be elevated to or above the 100-year base flood elevation. Compensatory storage shall be required for fill brought within the floodplain in excess of that which will provide an upland buildable area greater than one third (1/3) acre in size regardless of the date the lot was created. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Protected and Specimen Trees

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and 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 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. 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.