



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

20Z00027

**Reid B. Hart and Gail A. Skinner-Hart
GU (General Use) to RR-1 (Rural Residential)**

Tax Account Number: 2402987 and 2402986
Parcel I.D.: 24-35-08-01-2-10 and 24-35-08-01-2-9
Location: North side of Simpson Place, approximately 760 feet west of Jake Avenue (District 1)
Acreage: 2.02 Total acres

Planning and Zoning Board: 11/09/2020
Board of County Commissioners: 12/03/2020

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*	One Single Family Unit	Two Single Family 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 applicants request to change the zoning classification from GU (General Use) to RR-1 (Rural Residential) on two parcels for the purpose of combining the parcels together and building a barn and having horses on the property. The two lots, Lot 9 and Lot 10, Block 2, are located in the Canaveral Groves area. Lot 10 is developed with a 1,991 sq. ft. single-family residence and residential amenities. Lot 9 is vacant land. The two parcels include 1/2 of the adjacent Roads as recorded in Official Records Book 1646, Page 130 and are subject to section 62-510 West Canaveral Groves area. In GU zoning, Agricultural pursuits (barns and horses) are permitted with 5 acres or more of land.

The GU zoning is original to the parcels adopted May 22, 1958; no previous zoning actions have been applied for. The two lots are located in the Canaveral Groves area and are recorded in Survey Book 2, Page 61 on September 29, 1960. When these lots were recorded in the Survey Book, GU zoning required a minimum lot width and depth of 150 feet and a minimum lot size of one acre.

These two lots have a lot width of 147 feet each and although they were recorded in Survey 2, Page 61, they did not meet the GU zoning 150 feet minimum lot width required to be Nonconforming Lots of Record. The lots, individually, do meet the proposed RR-1 zoning minimum 125 feet lot width and depth and the RR-1 minimum one acre lot size requirements. The proposed RR-1 zoning would legitimize the lots for lot size requirements.

Land Use

The subject properties retain the RES 1 (Residential 1) Future Land Use designation. The existing GU zoning and the proposed RR-1 zoning are consistent with the RES 1 Future Land Use designation.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- NWI Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands. The applicant is encouraged to contact NRM at 321-633-2016.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Citrus Boulevard, between Pine Street and Lee Street, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 28.85% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 28.91% 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.

The parcel is not serviced by Brevard County sewer. The closest available sewer line is approximately 2 miles southeast of the subject property on the west side of Adams Road.

The parcel is serviced by City of Cocoa water.

Applicable Land Use Policies

FLUE Policy 1.9 –The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. Lot 10 is currently developed with a single-family residence; Lot 9 is vacant land, both lots lie within the Residential 1 Future Land Use designation. The surrounding area has GU and AU (Agricultural Residential) zonings and lies within the Residential 1 Future Land Use designation. The existing GU, the proposed RR-1 and the AU zonings may be considered to be consistent with the Residential 1 Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along Simpson Place is developed with single-family homes and undeveloped land on lots of one acre or more variously zoned GU and AU. The subject parcel and the surrounding area along Simpson Place have a Future Land Use (FLU) designation of RES 1, which may be considered to be consistent with the existing GU zoning and proposed RR-1 zoning.

The current 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. Any agricultural use, pursuit or activity permitted in the agricultural zoning classifications (AU or AGR) may be considered as a conditional use for the GU zoning classification, provided that the applicant specifies the exact use in the request or application for the conditional use and meets all criteria for the use, if any, as set forth for the AU zoning classification. A conditional use permit is not required on GU parcels equal to or exceeding five acres.

The proposed RR-1 classification permits single-family residential land uses on minimum one acre lots, 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. The keeping of horses and agricultural pursuits are accessory to a principal residence within the RR-1 (Rural Residential) zoning classification pursuant to the following limitations. Horses, not to exceed four per acre, are permitted for the personal, noncommercial use of the occupant of the property, provided there is a minimum of 10,000 square feet of land for each animal. Agricultural pursuits shall be limited to the keeping of horses and activities of a horticultural nature. No other farm animals or fowl shall be kept on the property except as provided in this chapter, and no produce shall be sold from the premises.

Surrounding Area

The parcel abuts GU zoning along its northern, eastern, southern and western boundaries. The abutting parcels to the north and south are undeveloped. The abutting parcel to the east is developed with a 2,231 sq. ft. single-family home and residential amenities. The abutting parcel to the west is developed with a 3,074 sq. ft. single-family home and residential amenities.

Although there is not any RR-1 zoning in the surrounding area, the RR-1 zoning does allow agricultural pursuits limited to the keeping of horses and activities of a horticultural nature which are permitted uses in AU. These uses are also permitted in GU if the parcel is five acres in size or may be considered as a Conditional Use with a Conditional Use Permit (CUP) if the parcel is less than five acres in size.

There have been no zoning actions within a half-mile of the subject property within the last five years.

For Board Consideration

The Board may wish to consider whether this request for RR-1 zoning is consistent and compatible with the surrounding neighborhood which has AU and GU zoning and to recognize the Res 1 FLU designation.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00027

Applicant: Skinner/Hart

Zoning Request: GU to RR-1

Note: Applicant wants to build barn and have horses.

P&Z Hearing Date: 11/09/20; **BCC Hearing Date:** 12/03/20

Tax ID Nos: 2402987 & 2402986

- 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
- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), and hydric soils (Anclothe sand – frequently flooded, Basinger sand, and Valkaria sand) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps, respectively. Both are indicators that wetlands may be present on the property. A wetland determination/delineation will be required prior to any land clearing activities, site plan design or permit submittal.

Section 62-3694 states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of

wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser Office establishes Bona Fide Agricultural land classification. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands.

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.

Aquifer Recharge Soils

Basinger and Valkaria sands may also function as an aquifer recharge soil. 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

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.