



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1865, **Version:** 1

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### **Subject:**

Marker 24 Marina, LLC (Peter Black) requests a CUP for Commercial/Recreational and Commercial/Industrial Marina in the RU-1-11 and BU-2 zoning classifications. The property is 7.08 acres, located on both sides of S. Banana River Dr., approximately 160 feet north of West Virginia Ave. (20Z00009) (Tax Account 3018251) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP (Conditional Use Permit) for Commercial/Recreational and Commercial/Industrial Marina in the RU-1-11 (Single-Family Residential) and BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classifications.

### **Summary Explanation and Background:**

The applicant is seeking to mitigate a non-conforming marina on (Tax Account 3018251) that portion lying east of S. Banana River Drive and to combine this property with the existing mitigated marina on the west side of S. Banana River Drive. In September 2019 the Board approved a CUP (19PZ00080) which mitigated a 104-berth marina for the property on the west side of S. Banana River Drive. This request essentially combines both properties and legitimizes the use as one unified marina facility on 7.08 acres.

This new CUP application proposes to retain all 21 existing noted conditions identified in Zoning Resolution 19PZ00080 adopted September 2019, except for condition #5 where the applicant wishes to transfer/relocate 17 slips of the approved 104-slip (18 dry and 86 wet) marina to that portion lying east of S. Banana River Drive. In addition, the applicant is requesting the following uses for the portion lying east of S. Banana River Drive.: ship store; power boat repair; washing; detailing; rentals; 17 wet power boat slips; 4 parking spaces for transient (trailered) boats; fuel (gas and diesel) sales at designated fuel dock; live bait sales; wholesale and retail food sales; short-term rentals; and a private club with tiki bar/grille with pool.

Condition # 19 stipulates that the owner shall maintain the adjacent bascule bridge owned and operated by the owner in good working condition, and shall cooperate with any requests by the County or FDOT (Florida Department of Transportation) to inspect the bridge.

The Property Appraiser's Office states the site was developed in 1949. On May 22, 1958, Brevard County adopted the Zoning Code. At that time, the property lying east of S. Banana River Drive was zoned BU-2.

Marina use (as a permitted use) was added to the BU-2 zoning classification on September 7, 1972. The Zoning Code was later amended on June 22, 1993, removing marina use from the listing of permitted uses and recreated as a new conditional use. Marinas as a permitted use lasted from 1972 - 1993. Continuing marina operations after that time period would be considered as a non-conforming use as per Section 62-1182.

The subject property is served by potable water by the City of Cocoa. Brevard County Sewer is currently provided to the portion lying west of S. Banana River Drive. No sewer service has been extended to the portion lying east of S. Banana River Drive.

This site is surrounded by residential lots to the north, west, and south. Several lots lying east of S. Banana River Drive have BU-2 zoning.

The Board may wish to consider the consistency and compatibility of the mitigation of the non-conforming marina with surrounding single-family residential character of the area. Since this is a CUP, the Board may consider conditions beyond those cited in Sections 62-1901 and 62-1937, such as the existing 21 special conditions, and the modification to condition #5 to allow relocating 17 slips of the approved 104-slips to property on east side of S. Banana River Drive, and any further mitigation of the uses and the activities requested in the application.

On July 20, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

### **Clerk to the Board Instructions:**

Upon receipt of resolution, please execute and return to Planning and Development.