



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 2503, **Version:** 1

---

### **Subject:**

Waiver Request, Re: Waiver of Wall Requirement for Brevard Tower Communications, Inc. (21WV00005)  
(District 5)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

The applicant is requesting that the Board of County Commissioners grant a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments are adjacent to residential zoning classification to allow a 50 foot vegetative buffer in lieu of the required wall.

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

Section 62-3202(h)(10) stipulates that site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including, but not limited to, concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification.

The applicant is proposing to develop an outdoor storage facility for recreational vehicles upon successful completion of a change of zoning action from GU to BU-2 (20Z00015). The property abutting the subject property to the north is zoned GU and is developed with a communication tower and single-family residence. The property immediately east of the subject property is vacant, unimproved property located in the City of West Melbourne. Abutting the subject property to the west is a large retention pond for the Sawgrass Lakes residential community, also located within the City of West Melbourne. South of the subject property is Norfolk Parkway.

The applicant asserts that the property is heavily wooded on the northern and western boundaries. The applicant further states that property is elevated 30 feet or more in the center and along the perimeters of the property. The applicant contends that the required 6-foot wall would not be as effective as the proposed 50-foot vegetative buffer, and that the waiver better meets the intent of providing adequate buffering.

Pursuant to Section 62-4342 of the Landscaping, Land Clearing and Tree Protection Code, a Type A compatibility buffer may be utilized in lieu of the required wall. Type A buffers must be completely opaque

from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. In conjunction with the buffer, a minimum 20-foot vegetated area must be provided. The opaque buffer may utilize fencing, landscaped earth berm, planted or existing vegetation or any combination thereof, that maintains a completely opaque buffer. The Natural Resources Management (NRM) and Planning and Development (P&D) Departments concur that given the elevations and existing vegetation on the property, the wall would likely provide no additional visual screening benefit for the adjacent residents. During the landscaping review process, NRM will ensure that the proposed 50-foot vegetative buffer meets or exceeds the opacity and planting requirements of Sec. 62-4342. Should site design be proposed during the review process to negate the elevation or reduce the proposed 50-foot vegetative buffer, the wall waiver shall be reconsidered. Lastly, the approval of this waiver is subject to the Board's acceptance and recordation of the Binding Development Plan presented with 20Z00015 at the February 4, 2021 Board of County Commissioners' Zoning Meeting.

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