



**Planning and Development Department**

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BOARD OF COUNTY COMMISSIONERS

**STAFF COMMENTS**

**25Z00026**

**Vincent & Sheery Goglia (Thomas Neidert)**

**CUP for a Private Boat Dock Adjacent to a Single-Family Residence in RU-1-13**

Tax Account Number: 3008337 (dock parcel) / 3008071 (single-family residence parcel)  
 Parcel I.D.: 30-38-26-50-\*5 (dock parcel).  
 30-38-23-HI-45-1 (single-family residence parcel)  
 Location: East side of Riverview Drive, approx. 575 feet north of Lakeview Drive  
 (dock parcel)  
 Northeast corner of Main Street and Central Avenue (Single-family  
 residence parcel)  
 District 3  
 Acreage: 0.45 acres (dock parcel)

Planning & Zoning Board: 09/15/2025  
 Board of County Commissioners: 10/02/2025

**Consistency with Land Use Regulations**

- Current zoning cannot 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-13	RU-1-13 with CUP
<b>Potential*</b>	No Residential Units, No Private Boat Docks	No Residential Units, One Private Boat Dock with CUP
<b>Can be Considered under the Future Land Use Map</b>	NO** RES 2	YES** RES 2

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

\*\* The RU-1-13 zoning classification is not consistent with the Future Land Use (FLU) designation of Residential 2. The RR-1 zoning classification of the associated residential lot is considered consistent with the Residential 2 FLU; therefore, the CUP request can be heard pursuant to Section 62-1943.3 (but only as an accessory residential boat dock to the associated residential lot; a single-family residence cannot be built on the subject parcel in its current configuration).

## Background and Purpose of Request

The applicants are requesting approval of a Conditional Use Permit (CUP) per Section 62-1943.3 for a private residential boat dock accessory to adjacent single-family residential lot.

The subject dock parcel is located on the Sebastian River and was subdivided into this configuration in February 1969. The parcel is 50 feet in width and does not meet the 75-foot lot width required when it was subdivided into this configuration in February 1969. The dock parcel was sold to the applicants on March 02, 2023. Currently, there is an existing dock on the parcel that was permitted by the Florida Department of Environmental Protection (FDEP) as a replacement for a previous dock on the parcel that was destroyed by a hurricane in 2017. The parent parcel has a single-family home that was built on the parcel in 1971. The dock parcel retains the RU-1-13 Zoning classification. The parent parcel retains the RR-1 Zoning classification.

Per **Section 62-1943.3**, Owners of docks established prior to November 17, 2008, may request a waiver of any of the following conditions as part of the conditional use permit review process. The applicants are also requesting a waiver to **Section 62-1943.3(1)**; that the dock to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel. The applicant's residential developed parcel is located in the Bay Crest Villa subdivision, approximately 1,820 feet north of the subject waterfront dock parcel.

### **Section 62-1943.3. Private boat docks accessory to adjacent single-family residential lots.**

A *private boat dock*, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for the residential zoning classification in which it is located and is therefore associated with and considered part of an adjacent residential lot. The term *adjacent*, for the purposes of this section, means any lot within the same neighborhood as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable residential lot in any residential zoning classification under the following conditions. Owners of docks established prior to November 17, 2008, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

- (1) The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1,000 feet of the dock parcel. The owner of the dock lot or parcel and the residential lot shall maintain fee simple ownership to both properties at all times.
- (2) The lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian or Banana River Lagoons, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the parcel's zoning classification.
- (3) The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.

- (4) No other accessory structures are permitted on the dock lot or parcel.
- (5) The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat.
- (6) The dock shall meet all applicable development standards described in section 62-2118.

**Surrounding Area**

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Residential single-family	RU-1-13	RES 2
<b>South</b>	Residential single-family	RU-1-13	RES 2
<b>East</b>	Sebatian River	N/A	N/A
<b>West</b>	Across Riverview Dr. Residential single-family	RU-1-13	RES 2

The abutting parcels, north, south, and west across Riverview Dr. from the dock parcel are zoned RU-1-13.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet.

There have been no zoning actions within a half-mile radius around this site within the last 3 years.

**Land Use**

The subject dock parcel and the parent property retain the RES 2 (Residential 2) Future Land Use designation. Per section 62-1255 Exhibit "A" the RU-1-13 zoning classification is not consistent with the Residential 2 Future Land Use. The RR-1 zoning classification may be considered consistent with the Residential 2 Future Land Use.

**Applicable Land Use Policies**

**FLUE Policy 1.8** –The Residential 2 Future land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

This dock site is located within a large Residential 2 node. To the east, west and the parcels to the north across Ross Avenue are under the same FLU designation of Residential 2. To the north of the subject parcel lies Lake Devon, a waterway with a canal for the subdivision.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

***The parcel has an existing boat dock and is in an area with other residential parcels with boat docks. The request is not anticipated to diminish the enjoyment of safety or quality of life in the existing residential area. The proposed CUP will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.***

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

***Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed request.***

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

- 1. historical land use patterns;

**The historical land use of the area can be characterized as existing residential parcels along the Sebastian River with docks, and sizes range from approximately 50 feet wide to 200 feet wide, with a lot depth of approximately 200 feet or more.**

- 2. actual development over the immediately preceding three years; and

**There has been no new development within 0.5 miles.**

- 3. development approved within the past three years but not yet constructed.

**There has been no new development approved within the past three years.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**No material violation of relevant policies has been identified.**

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

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Staff analysis indicates the request is located in an area of existing single-family homes with existing docks.**

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**The area has development of roads, open spaces, a river, and similar existing features. It is located in a residential platted subdivision.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**Staff analysis indicates that the area is residential in character and not commercial uses.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**The subject dock parcel is located in a residential platted subdivision.**

## Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1943.3, Private Boat Dock Accessory to a Single-Family Residential Lot.

This request should be evaluated in the context of Section **62-1943.3**, governing private boat docks accessory to adjacent single-family residential lots, as follows:

A private boat dock, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for the residential zoning classification in which it is located and is therefore associated with and considered part of an adjacent residential lot. The term "adjacent", for the purposes of this section, means any lot within the same neighborhood as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable residential lot in any residential zoning classification under the following conditions. Owners of docks established prior to November 17, 2008, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

***Staff analysis: The subject dock parcel was subdivided into this configuration in February 1969. The dock parcel was sold to the applicants on March 02, 2023. Currently, there is an existing dock on the parcel that was permitted by the Florida Department of Environmental Protection (FDEP) as a replacement for a previous dock on the parcel that was destroyed by a hurricane in 2017. The applicant is asking for a waiver to the 1,000 feet location of the residential lot condition, as the dock parcel had a previous dock that existed on the parcel prior to November 17, 2008.***

- (1) The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1000' of the dock parcel. The owner of the dock lot or parcel and the residential lot shall maintain fee simple ownership to both properties at all times.

**Staff analysis: The applicants own a 5.18-acre parcel located in the Bay Crest Villa subdivision with a single-family home, which is approximately 1,820 feet north of the subject waterfront parcel. The applicant is asking for a waiver to the 1,000 feet location of the residential lot condition, as the dock parcel had a previous dock that existed on the parcel prior to November 17, 2008.**

- (2) The lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian or Banana River Lagoons, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the parcel's zoning classification

**Staff analysis: The dock parcel is 50 feet wide and is located on the Sebastian River.**

- (3) The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.

**Staff analysis: The boat dock will not have more than two boat slips. The dock will only be used by the owners of the dock parcel and will not be used for commercial purposes.**

- (4) No other accessory structures are permitted on the dock lot or parcel.

**Staff analysis: The dock parcel is currently vacant land and does not have any accessory structures on it except the existing boat dock.**

- (5) The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat.

**Staff analysis: Storing a boat trailer on the dock parcel or using the dock parcel to launch a boat will be a violation of the code requirement.**

- (6) The dock shall meet all applicable development standards described in Section 62-2118.

**Staff analysis: The dock parcel is located on the Sebastian River and is not located in a canal, public drainage easement or drainage right-of-way. The dock placement and development standards are regulated by the Florida Department of Environmental Protection (FDEP).**

**The existing dock parcel and the residential lot appears to meet conditions (2) to (6) above, and are asking for a waiver to condition (1) to the 1,000 feet location of the residential lot condition.**

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context

of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901.

The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

Section 62-1901(c)(1)(a) The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

**Applicant's Response: No additional impact will result. To be used by owner only to dock boat. Power for well (fresh water and dock lighting).**

*Staff analysis: The CUP permit for the dock is for the applicant's residential use only and cannot be used for any commercial purposes. The CUP is not anticipated to result in excessive noise, odor, or traffic and meet the Performance Standards of section 62-2251 through 62-2271.*

Section 62-1901(c)(1)(b) The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

**Applicant's Response: The property will be used for a boat dock, the same as adjacent properties.**

*Staff analysis: The subject property is one of many developed single-family residential lots with docks located on the Sebastian River. The subject parcel is not developed with a single-family residence.*

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred.

**Applicant's Response: The boat dock is in compliance with current building code regulations.**

*Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided by the applicant.*

## **Specific Standards**



Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

**Applicant's Response: The ingress and egress is adequate. Owner to park on owners lot only not in the street.**

*Staff analysis: The dock parcel abuts the County maintain right-of-way of Riverview Drive.*

Section 62-1901(c)(2)(b) The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

**Applicant's Response: There will be no substantial disturbance to the neighbors from the boat dock or boat.**

*Staff analysis: Any outdoor lighting and noise standards will need to meet code parameters per Brevard County's Performance Standards, defined by Sections 62-2251 through 62-2272, or a violation will be created.*

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code, which includes the following:

**Applicant's Response: Noise levels will comply with section 62-2271.**

*Staff analysis: Any outdoor noise standards will need to meet code parameters per Brevard County's Performance Standards, defined by Sections 62-2251 through 62-2272, or a violation will be created.*

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded.

**Applicant's Response: No additional waste will be generated.**

*Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be exceeded.*

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

**Applicant's Response: None will be required.**

*Staff analysis: Applicant previously stated, water will be from a well. Wastewater will not be required for a dock permit.*

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

**Applicant's Response: The property is the same type of property as the neighbors.**

*Staff analysis: The subject property is one of many developed single-family residential lots with docks located on the Sebastian River. The subject parcel is not developed with a single-family residence.*

Section 62-1901(c)(2)(g) Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

**Applicant's Response: All lighting will be within regulations. No signs will be used.**

*Staff analysis: Any Lighting will need to meet Lighting Standards in section 62-2257. No signs will be needed.*

Section 62-1901(c)(2)(h) Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

**Applicant's Response: Hours will be the same as neighboring properties.**

*Staff analysis: There are no restrictions on the hours of operation. The Board may choose additional restrictions.*

Section 62-1901(c)(2)(i) The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1,000 feet of the property line.

Note: A survey of building heights within 1,000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

**Applicant's Response: The dock height will be compatible with the character and codes of the area.**

*Staff analysis: The new boat dock replacing the previous existing dock will be compatible with other existing boat docks in the area.*

Section 62-1901(c)(2)(j) Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties.

Note: For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

**Applicant's Response: None will be required. Any parking will be on the property. Parking will be used while accessing property.**

*Staff analysis: Owner will only be parking vehicle on parcel only be while boat is in use.*

## **Environmental Constraints**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Surface Waters of the State
- Brevard County Manatee Protection Plan
- Land Clearing and Landscape Requirements
- Protected Species

## **Preliminary Transportation Concurrency**

The subject property is closest to the concurrency management segment of Main Street, between Central Avenue and Highway US-1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 14.12% of capacity daily. The maximum development potential from the proposed CUP does not increase the proposed trip generation on the corridor and will not create a deficiency in LOS which operates at 14.12% of capacity daily.

## **For Board Consideration**

The Board may wish to consider the compatibility of the proposed CUP with surrounding development.

Since the request is a CUP, the Board may consider additional conditions to those identified in Section 62-1943.3, to help mitigate potential site impacts.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 25Z00026**

**Applicant:** Thomas Neidert (Owners: Vincent and Sherry Goglia)

**Zoning Request:** CUP for accessory structure (dock) without primary structure

**Note:** Requesting waiver to 1000 ft requirement as dock was previously established

**Zoning Hearing:** 09/15/2025; **BCC Hearing:** 10/02/2025

**Tax ID No.(s):** 3008337 (vacant lot) & 3008071 (house)

- 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:**

- Hydric Soils
- Aquifer Recharge Soils
- Coastal High Hazard Area
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**Land Use Comments:**

**Hydric Soils**

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), 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 renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

### **Aquifer Recharge Soils**

This property contains Orsino fine sand, classified as an aquifer recharge soil. Basinger sand may also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Coastal High Hazard Area**

The eastern portion of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

### **Floodplain Protection**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Surface Waters of the State**

The subject property is located on the Indian River Lagoon, designated as an Aquatic Preserve in this location. A 50-foot Surface Water Protection Buffer is required. Primary structures shall be located outside the Buffer. Accessory structures are permissible within the Buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). The removal of native vegetation located within the Buffer is prohibited unless approved through an active development order. Temporary impacts to native vegetation require in-kind restoration. The Florida Department of Environmental Protection (FDEP) regulates mangrove trimming and can be reached at 407-897-4101. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

### **Brevard County Manatee Protection Plan**

The applicant proposes to install a floating boat storage dock for personal watercraft. Docking or launching for three or more vessels which are primarily propelled or powered by an internal combustion engine, and which are used or are capable of being used as a means of navigation or transportation on water is subject to the boat facility siting criteria in the Brevard County Manatee Protection Plan (MPP). The site is not documented in the MPP as an existing marina facility; therefore, the proposed project will require an MPP Commercial/Recreational Marina consistency review to determine the allowable number of slips and boat usage. (A Marina is defined as all boating facilities with three wet and/or dry slips.) The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

### **Land Clearing and Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.