



AGENDA REPORT
May 2, 2019

**Anthony Ray and Joy J. Grove request a change of zoning classification
from RRMH-2.5 to AGR. (19PZ00010) (District 1)**

SUBJECT:

Anthony Ray and Joy J. Grove request a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural). The property is 15 acres, located on the south side of Hammock Road, approximately .25 mile south of Irwin Avenue. (3410 Hammock Road, Mims) (19PZ00010) (District 1)

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 change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural).

SUMMARY EXPLANATION and BACKGROUND:

The applicants are seeking a change in zoning classification from Rural Residential Mobile Home (RRMH-2.5) to the Agricultural (AGR) for the purpose of retaining a mobile home as their residence and allowing for assorted farm animals (cows, horses, donkey, goat, sheep and chickens) in conjunction with the allowance for larger accessory buildings/structures and barns permitted pursuant to Section 62-2100.5 (1)(g) of Brevard County Code.

The current RRMH-2.5 classification permits single-family mobile homes and detached single-family residential land uses on minimum 2.5 acre lots, with a minimum width and depth of 150 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The requested AGR classification permits single-family or mobile home residences and agricultural pursuits on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet.

The property previously had the AU zoning classification. It was rezoned to RRMH-2.5 in

order for the owner to develop the property with a mobile home. Rezoning to AGR would allow the parcel to retain agricultural uses and allows for the mobile home use meeting setbacks at its current location. The zoning change would reduce the development potential from four (4) units to two (2) dwelling units.

The Board may wish to consider the consistency and compatibility of the proposed AGR zoning classification with the surrounding AU, RRMH-2.5, and RR-1.

On April 8, 2019, the Planning and Zoning Board heard the request and unanimously recommended approval.

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **Planning and Zoning Board Minutes**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the director of the Planning and Development staff, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County Planning and Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For re-zoning applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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.
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:

1. historical land use patterns;
 2. actual development over the immediately preceding three years; and
 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- 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.
 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.
 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.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.”

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. 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. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.
- (c) General Standards of Review.
 - (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- 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.
 - 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.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. 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. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means 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, as determined by applicable Brevard County standards, 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.
 - 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.
 - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- 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.
- 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.
- 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 35 feet higher than the highest residence within 1,000 feet of the property line.
- 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. 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.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.

- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

Resolution 19PZ00010

On motion by Commissioner Pritchett, seconded by Commissioner Lober, the following resolution was adopted by a unanimous vote:

WHEREAS, Anthony Ray and Joy J. Grove have requested a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural), on property described as Tax Parcel 769, as recorded in ORB 7733, Pages 195 – 197, of the Public Records of Brevard County, Florida. Section 05, Township 21, Range 35. (15 acres) Located on the south side of Hammock Road, approximately 0.25 mile south of Irwin Avenue. (3410 Hammock Road, Mims)

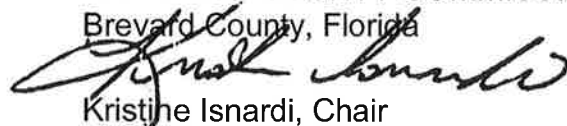
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RRMH-2.5 to AGR, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of May 2, 2019.

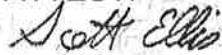
BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



Kristine Isnardi, Chair
Brevard County Commission

As approved by the Board on May 2, 2019.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – April 8, 2019

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

REZONING REVIEW WORKSHEET

19PZ00010

Commission District # 1

Hearing Dates: P&Z 04/08/19

BCC 05/02/19

Owner Name: ANTHONY RAY AND JOY J. GROVE

Request: RRMH-2.5 to AGR

Subject Property:

Parcel ID# 21-35-05-00-769

Tax Acct.# 2112014

Location: South side of Hammock Road, approx. 0.25 miles south of Irwin Avenue

Address: 3410 Hammock Road, Mims

Acreage: 15 acres

Consistency with Land Use Regulations

YES

Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255

YES

Proposal can be considered under the Future Land Use Designation. Sec. 62-1255

YES

Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RRMH-2.5	AGR
Potential*	4 SF lots	2 SF lots
Can be Considered under FLU MAP	YES RES 1:2.5	YES RES 1:2.5

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

	ADT	PM PEAK		
Trips from Existing Zoning	38	4	Segment Number	360W
Trips from Proposed Zoning	19	2	Segment Name	US HWY 1 Burkholm - Volusia
Maximum Acceptable Volume (MAV)	40,300	3,627	Acceptable LOS	C
Current Volume	3,839	346	Directional Split	0.52
Volume With Proposed Development	3,858	348	ITE CODE	
Current Volume / MAV	9.53%	9.53%	210	
Volume / MAV with Proposal	9.57%	9.58%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	☒ Non-Deficiency		☐ Deficiency	

Background & Purpose of Request

The applicants are seeking a change in Zoning classification from Rural Residential Mobile Home (RRMH-2.5) to Agricultural (AGR) for the purpose of retaining a mobile home as their residence and allowing for assorted farm animals (cows, horses, donkey, goat, sheep and chickens). Additionally, the applicants wish to maintain or expand their use of accessory structures upon their lot.

Within the existing RRMH-2.5 Zoning classification, accessory buildings are limited in number and building size (square footage) by Section 62-2100.5 (1) (a, b, and d) of Brevard County Code. Rezoning to AGR will allow for larger (exempted) accessory buildings/structures and barns to be permitted, pursuant to Section 62-2100.5 (1)(g) of Brevard County Code.

The current RRMH-2.5 classification permits single-family mobile homes and detached single-family residential land uses on minimum 2.5 acre lots, with a minimum width and depth of 150 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

The requested AGR classification permits single-family or mobile home residences and agricultural pursuits on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet.

The property has an approved access easement (**AA-1712**) for access to Hammock Road. The applicants intend to retain this parcel as one lot and do not wish to subdivide the property. The current zoning on this property was approved under Zoning Resolution **Z-10604** on September 6, 2001. This approval changed the zoning from AU to RRMH-2.5 to allow for the development of a mobile home residential dwelling.

The AGR zoning classification considers mobile homes similar to single-family homes and only requires a 25 foot front yard and 15 foot side yard setbacks, which matches the existing RR-1 setbacks, within which the mobile home was permitted. The Board should not consider rezoning this lot back to AU zoning, as the existing mobile home would fail to meet the required 200 foot setbacks stated in Section 62-1837.7.5 of Brevard County Code.

Land Use Compatibility

The subject property retains the Residential 1:2.5 (RES 1:2.5) Future Land Use designation. Both the existing RRMH-2.5 and AGR zoning classifications are consistent with the RES 1:2.5 FLU designation.

FLUE Policy 1.10 addresses the Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. Both the current and proposed zonings are consistent with this FLU designation.

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of the Administrative Policies.

Environmental Constraints

No notable natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Please refer to comments provided by the Natural Resource Management Department for additional information.

Applicable Land Use Policies

The property is currently improved with a mobile home as a residence with multiple accessory structures. It is the applicants' desire to have a farm and to develop additional accessory buildings onsite. The minimum lot size of 2.5 acres is being increased to a minimum 5.0 acre requirement. As the owner has 15 acres of land, the development potential reduces from four (4) units to two (2) units. However, as the parcel has access by a single easement only one residential lot could be developed. To divide the property into additional lots, the property would be required to obtain frontage along an approved roadway (200 feet per lot).

This zoning request from RRMH-2.5 to AGR would allow four new permitted uses not found under the existing zoning classification. Those uses are:

1. Agricultural pursuits, including the packing and processing of commodities raised on the premises. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV;
2. Raising and grazing of animals;
3. Bed and breakfast inns;
4. Pet kennels.

Under the RRMH-2.5 zoning classification, the farm animals and fowl use is a conditional use requiring CUP public hearing approval. If rezoned to AGR, agricultural pursuits would become a permitted use on the subject property.

The property to the north is zoned Agricultural Residential (AU). The property to the east is zoned a mixture of AU and Rural Residential Mobile Home (RRMH-1). The zoning to the south is a mixture of AU and RRMH-2.5. The zoning to the west is Rural Residential (RR-1). Parcel/lot sizes of the adjacent lots range from 2.5 to 10 acre tracts.

The 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 principle residence within the RR-1, rural residential zoning classification.

There have been no zoning actions within the last three years within a ½ mile radius of this property.

For Board Consideration

The applicants are seeking a change in zoning classification from Rural Residential Mobile Home (RRMH-2.5) to the Agricultural (AGR) for the purpose of retaining a mobile home as their residence and allowing for assorted farm animals (cows, horses, donkey, goat, sheep and chickens) in conjunction with the allowance for larger accessory buildings/structures and barns permitted pursuant to Section 62-2100.5 (1)(g) of Brevard County Code.

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The requested AGR classification permits single-family or mobile home residences and agricultural pursuits on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet.

The property previously had the AU zoning classification. It was rezoned to RRMH-2.5 in order for the owner to develop the property with a mobile home. Rezoning to AGR would allow the parcel to retain agricultural uses and allows for the mobile home use meeting setbacks at its current location. The zoning change would reduce the development potential from four (4) units to two (2) dwelling units. The Board should consider the consistency and compatibility of the proposed rezoning and the appropriateness of the density reduction.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Rezoning Review & Summary
Item # 19PZ00010**

Applicant: Anthony and Joy Grove

Zoning Request: RRMH-2.5 to AGR

Note: Applicant wants mobile home, farm animals, and larger accessory buildings

P&Z Hearing Date: 04/08/19; **BCC Hearing Date:** 05/02/19

Tax ID No: 2112014

- 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.**
- The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site planning or permit submittal.

Notable Natural Resources Land Use Issues:

No notable natural resource land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Summary of Mapped Natural Resources Present on the Subject Property:

- Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Protected Species Potential

Land Use Comments:

Wetlands

The subject parcel contains mapped SJRWMD wetlands and hydric soils (Bradenton fine sand limestone substratum, Copeland-Bradenton-Wabasso complex limestone substratum, Winder loamy sand, Riviera sand 0 to 2% slopes, and Pompano sand 0 to 2% slopes) as shown on the SJRWMD Florida Land Use & Cover Codes and USDA Soil Conservation Service Soils Survey maps, respectively; indicators that wetlands may be present on the property. 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 renders 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 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696 of the Wetland Protection ordinance. Accessory structures are not permitted in wetlands.

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

Staff Comments: Page 5
(19PZ00010)
04/08/19 PZ // 05/02/19 BCC

Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

Aquifer Recharge Soils

Pomello sand 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

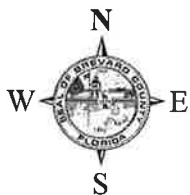
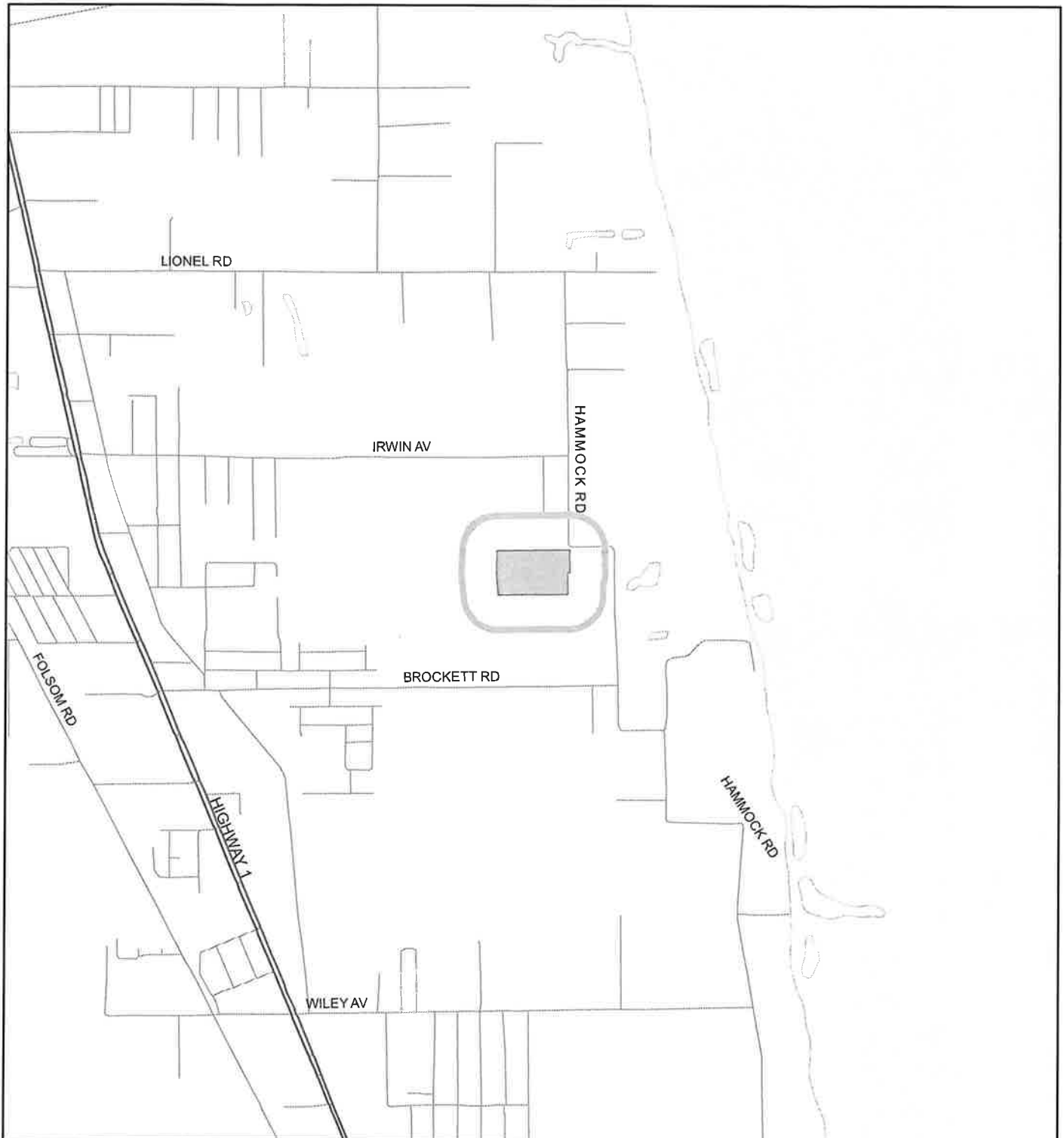
Protected Species Potential

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.

Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

LOCATION MAP
GROVE, ANTHONY RAY AND JOY J.
19PZ00010



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

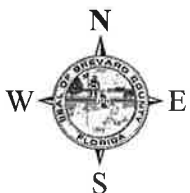
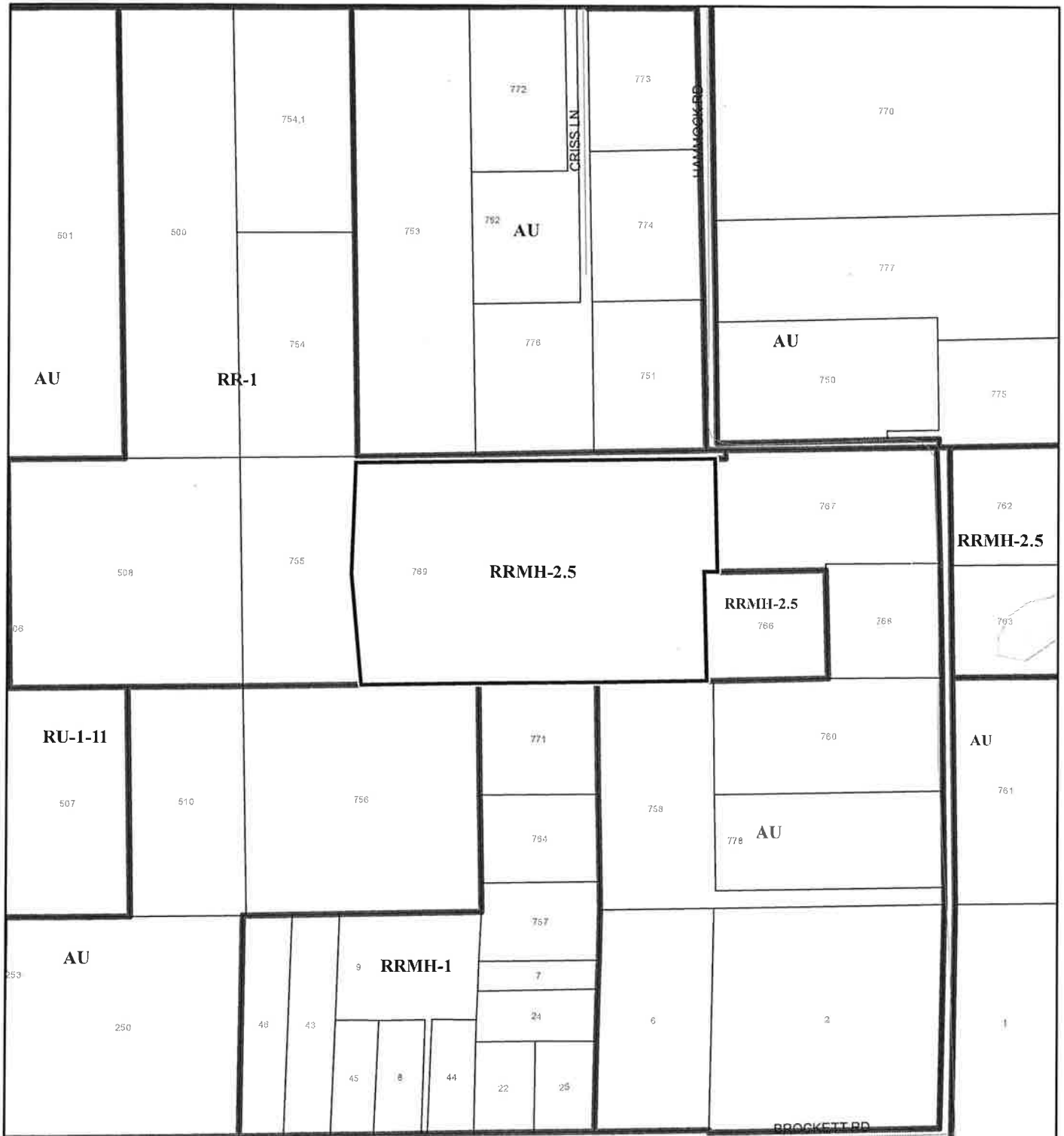
Produced by BoCC - GIS Date: 1/23/2019

Buffer
Subject Property

ZONING MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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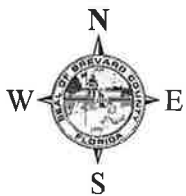
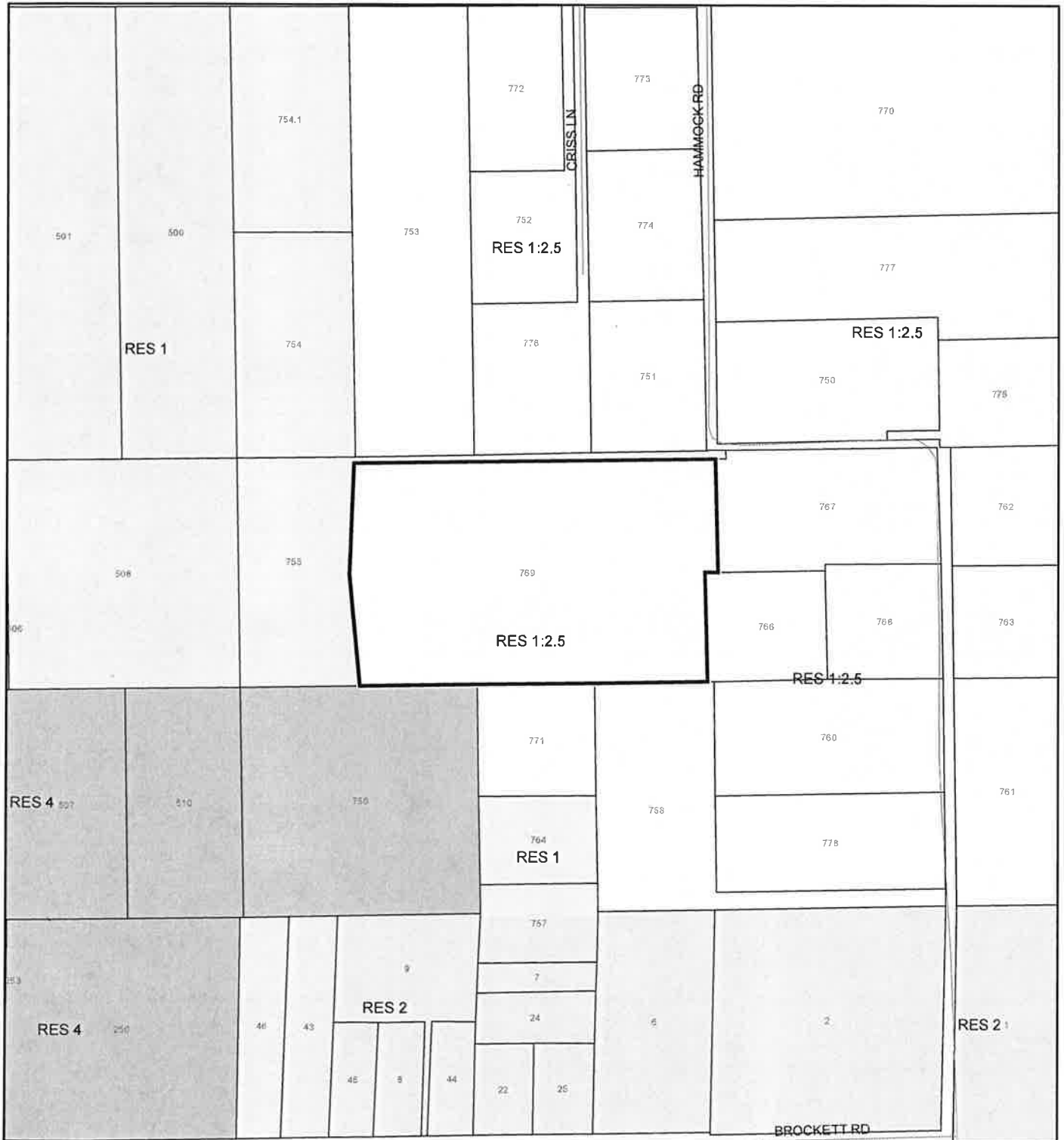
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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

Subject Property

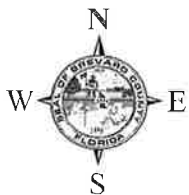
Parcels

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AERIAL MAP

GROVE, ANTHONY RAY AND JOY J.
19PZ00010



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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Produced by BoCC - GIS Date: 1/23/2019

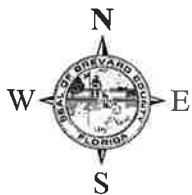
— Subject Property

□ Parcels

NWI WETLANDS MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/23/2019

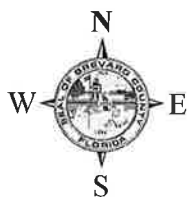
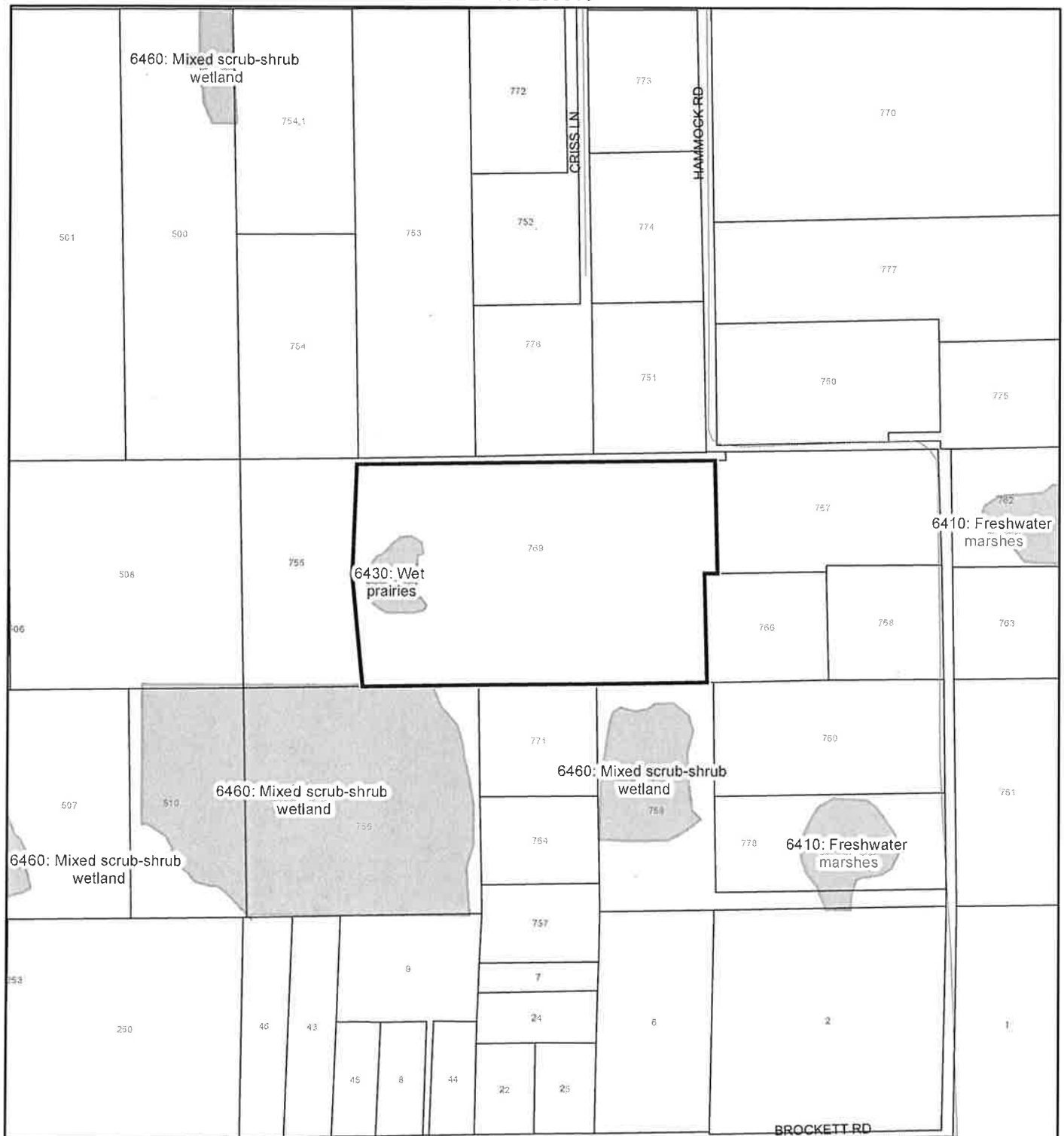
National Wetlands Inventory (NWI)

	Estuarine and Marine Deepwater		Freshwater Pond
	Estuarine and Marine Wetland		Lake
	Freshwater Emergent Wetland		Other
	Freshwater Forested/Shrub Wetland		Riverine
	Subject Property		Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/23/2019

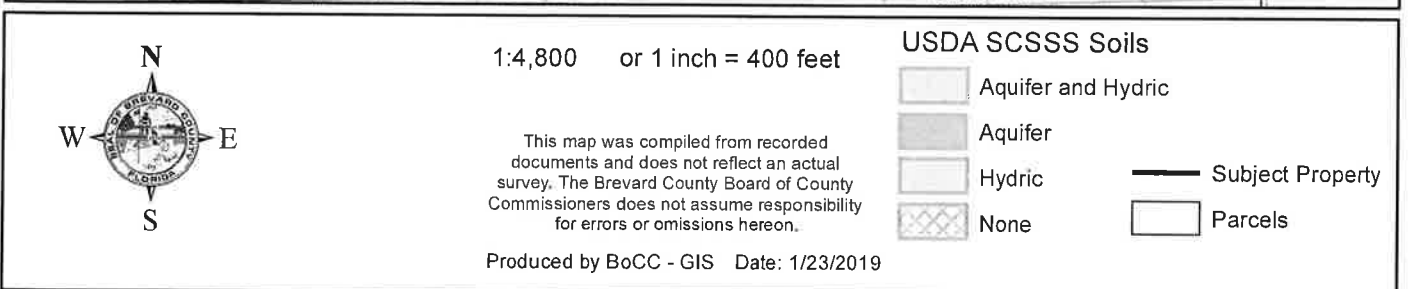
SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

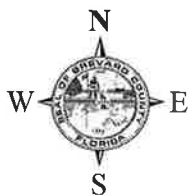
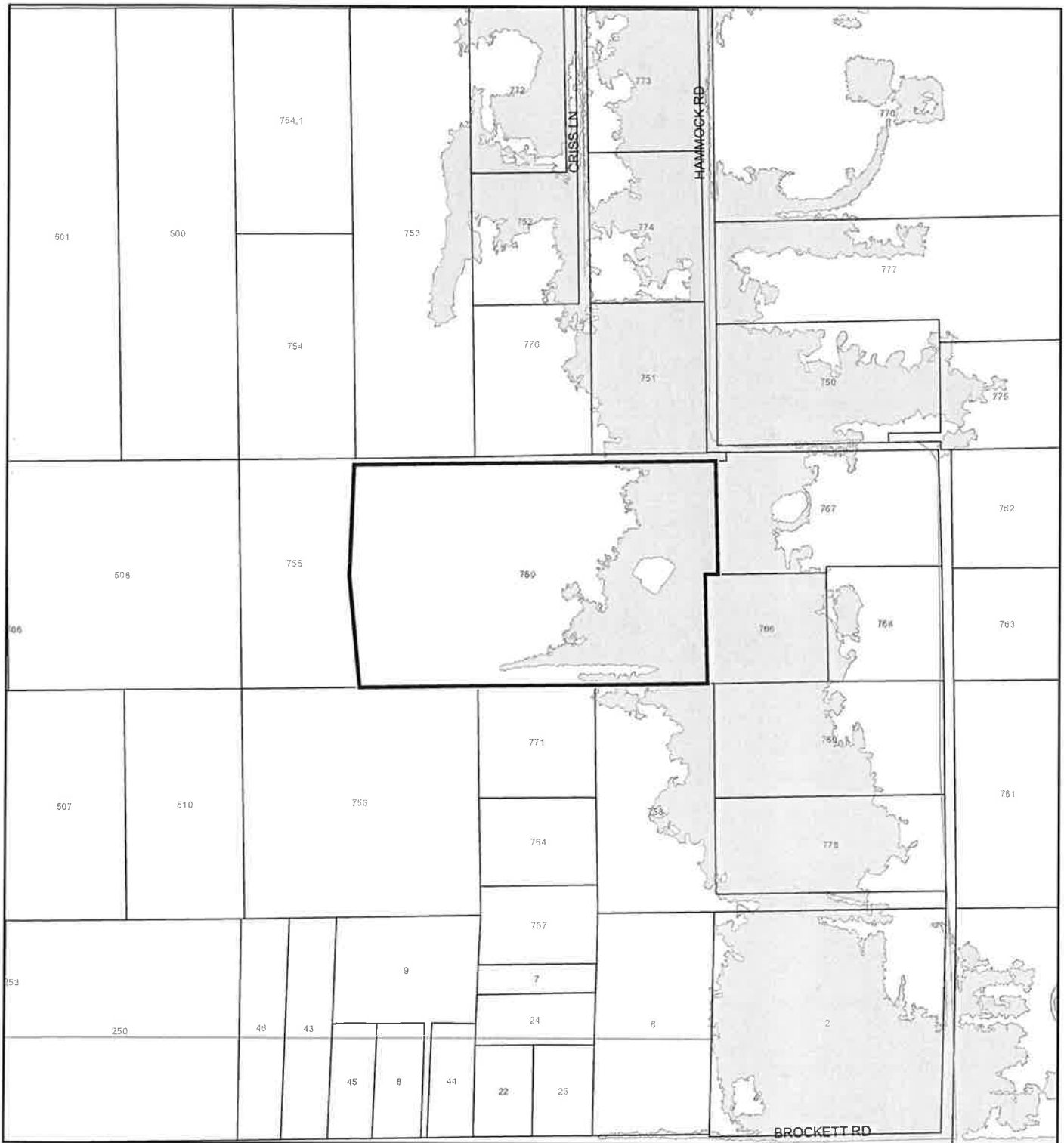
19PZ00010



FEMA FLOOD ZONES MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/23/2019

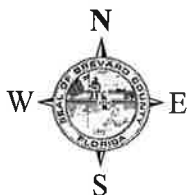
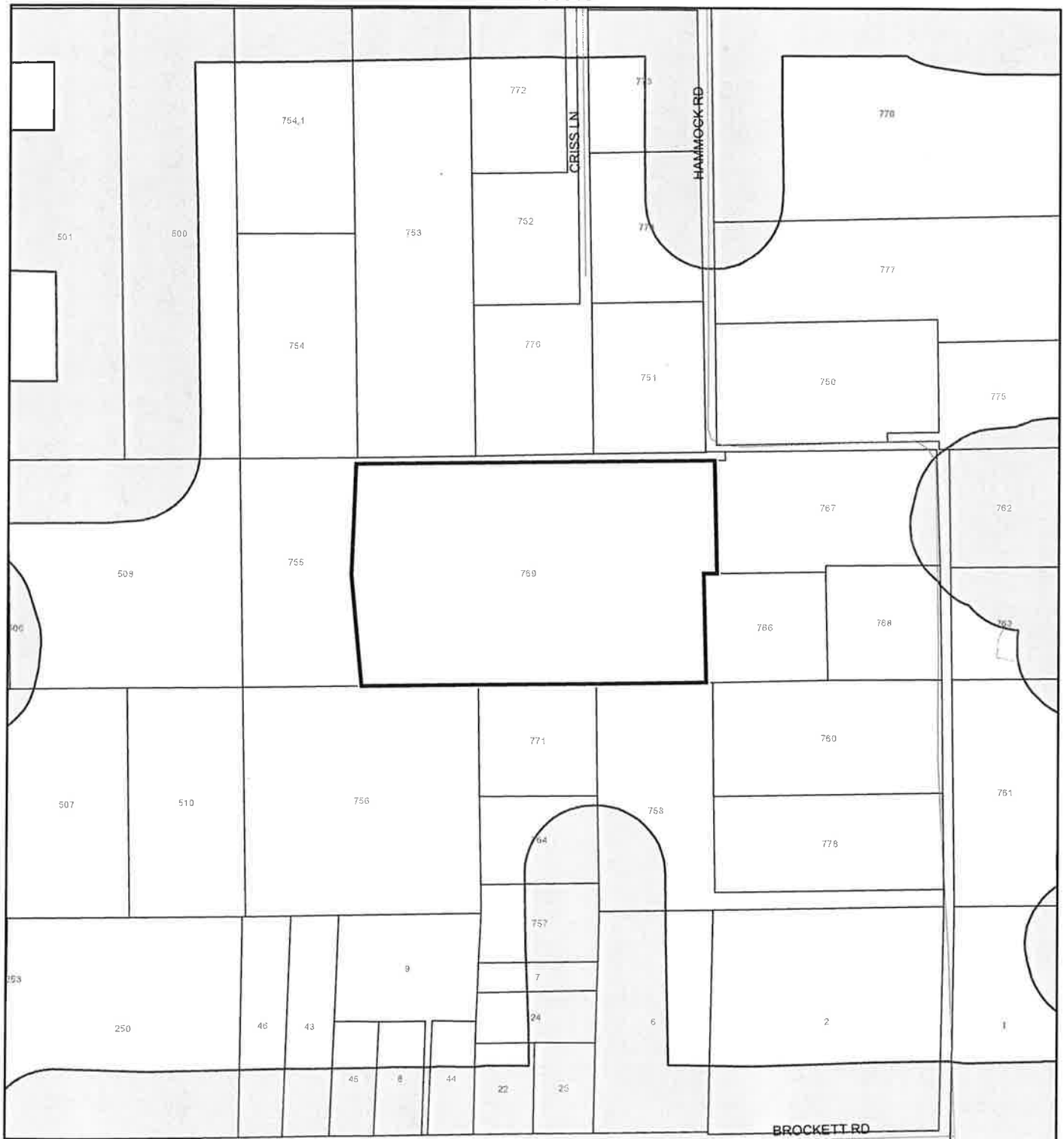
FEMA Flood Zones

- | | | |
|---|------------|----------------------|
| A | AO | X |
| AE | Open Water | X Protected By Levee |
| AH | VE | |
| 0.2 Percent Annual Chance Flood Hazard | | |
| 0.2 Percent Annual Chance Flood Hazard Contained in Channel | | |
| Subject Property | Parcels | |

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/23/2019

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

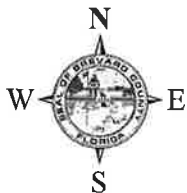
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



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Produced by BoCC - GIS Date: 1/23/2019

— Subject Property

□ Parcels

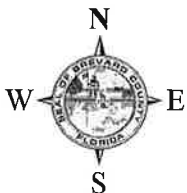


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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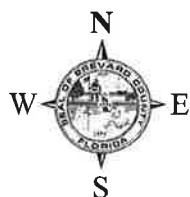
Produced by BoCC - GIS Date: 1/23/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

GROVE, ANTHONY RAY AND JOY J.

19PZ00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/23/2019

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 8, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Brian Hodgers, Ron McLellan; Peter Filiberto; Mark Wadsworth; and Dane Theodore.

Staff members present were: Rebecca Ragain, Planning and Development Assistant Director; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, May 2, 2019, at 5:00 p.m.

Excerpt of Complete Minutes

Anthony Ray and Joy J. Grove

Request a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to AGR (Agricultural). The property is 15 acres, located on the south side of Hammock Road, approximately .25 mile south of Irwin Avenue. (3410 Hammock Road, Mims) (19PZ00010) (District 1)

Anthony Grove – Anthony Grove, 3410 Hammock Road, Mims. The property used to be an orange grove and then a pasture. When we bought it we found out it was zoned for a mobile home, but we had bought seven cows to get an agricultural exemption, and now we're just trying to make it right.

No public comment.

Motion by Ron McLellan, seconded by Mark Wadsworth, to approve the request. The vote passed unanimously.