



**AGENDA REPORT**  
**August 1, 2019**

**James W. and Catherine Brown request a change of zoning classification  
from GU to AU(L). (19PZ00054) (District 1)**

---

**SUBJECT:**

James W. and Catherine Brown request a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity). The property is 1.01 acres, located on the south side of Blair Street, approximately 496 feet west of Knoxville Avenue. (3227 Blair Street, Cocoa. (19PZ00054) (District 1)

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from GU to AU(L).

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is seeking a change of zoning classification from GU to AU(L) for the purpose of having an accessory building larger than GU zoning permits. Accessory buildings in the agricultural zoning classifications, and barns, where permitted, are exempt from size limitations but must meet the minimum required setbacks.

The current GU zoning allows for agricultural operations on parcels of more than 5 acres, or with the approval of a Conditional Use Permit on parcels less than 5 acres.

The requested AU(L) zoning classification allows for agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in Section 62-2108.

The GU (General Use) zoning is original to the lot, adopted May 22, 1958; no zoning actions have been previously applied for. At 1.01 acres in size, the lot is a non-conforming lot of record located in the Canaveral Groves area. Pursuant to section 62-1188(8), any nonconforming lot of record may be considered for rezoning to other zoning classifications consistent with the comprehensive plan. However, if the rezoning were granted, the lot would continue to be nonconforming to today's standards for the AU(L) (Agricultural Residential – Low Intensity) zoning classification for minimum lot size, as the parcel is smaller than 2.5 acres.

The trend in the surrounding area is a slow transition from GU to AU (Agricultural Residential). There does not appear to be parcels zoned AU(L) in the one-half mile radius

around this site, as it is a newer zoning classification created in 2013, although there are numerous parcels zoned AU, which allow more intense uses, in the half-mile radius around this site.

The Board should consider whether the request is consistent and compatible with surrounding AU and GU zoned parcels, and the area's Residential 1:2.5 Future Land Use Designation.

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

**ATTACHMENTS:**

**Description**

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **P&Z 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 19PZ00054**

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

**WHEREAS, James W. and Catherine J. Brown** has requested a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low Intensity), on property described as Tract 4, Block 10, of an unrecorded Map of Canaveral Groves, Section 2, as shown on Survey Book 2, Page 59, as recorded in Official Records Book 8108, Page 2502, of the Public Records of Brevard County, Florida. **Section 02, Township 24, Range 35.** (1.01 acres) Located on the south side of Blair Street, approximately 496 feet west of Knoxville Avenue (3227 Blair Street, Cocoa); and

**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 GU to AU(L) 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 August 1, 2019.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



Kristine Isnardi, Chair  
Brevard County Commission

As approved by the Board on August 1, 2019.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – July 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.**



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**19PZ00054**

**James W. and Catherine J. Brown**

**GU (General Use) to AU(L) (Agricultural Residential – Low Intensity)**

Tax Account Number: 2400922  
 Parcel I.D.: 24-35-02-01-10-4  
 Location: 3227 Blair Street, Cocoa (District 1)  
 Acreage: 1.01 acres

Planning and Zoning Board: 07/08/19  
 Board of County Commissioners: 08/01/19

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	AU(L)
<b>Potential*</b>	One Single-Family Unit	One Single-Family Unit
<b>Can be Considered under the Future Land Use Map</b>	Yes, Residential 1:2.5	Yes, Residential 1:2.5

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

**Background and Purpose of Request**

The applicant is seeking a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential – Low Intensity) for the purpose of having an accessory building larger than GU zoning permits. Accessory buildings in the agricultural zoning classifications, and barns, where permitted, are exempt from size limitations but must meet the minimum required setbacks, pursuant to Section 62-2100.5(1)(g).

The current GU zoning allows for agricultural operations on parcels of more than 5 acres, or with the approval of a Conditional Use Permit on parcels less than 5 acres.

The proposed AU(L) zoning classification allows for agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted

within 100 feet of any existing residence under different ownership, except where otherwise permitted in Section 62-2108.

The GU (General Use) zoning is original to the lot, and no zoning actions have been previously applied for. The lot is a non-conforming lot of record located in the Canaveral Groves area. The lot was recorded in Survey Book 2, Page 59, in October 1961. When zoning was adopted on May 22, 1958, GU zoning required a minimum lot size of one acre and a minimum lot width and depth of 150 feet. On May 20, 1975, the GU minimum lot size was changed from one acre to five acres and a minimum lot width and depth of 300 feet. A GU lot recorded or platted prior to this date is considered non-conforming if it is less than five acres and the lot has not been altered from its original configuration. The subject parcel is 1.01 acres, which makes the parcel nonconforming to the five-acre requirement required after May 20, 1975. Pursuant to Section 62-1188(8), any nonconforming lot of record may be considered for rezoning to other zoning classifications consistent with the comprehensive plan. However, if the rezoning were granted, the lot would continue to be nonconforming to today's standards for the AU(L) (Agricultural Residential – Low Intensity) zoning classification for minimum lot size, as the parcel is smaller than 2.5 acres in size.

### **Land Use Compatibility**

The subject property retains the RES 1:2.5 (Residential 1:2.5) FLU (Future Land Use) designation. Both the GU and AU(L) zoning classifications are consistent with the RES 1:2.5 FLU designation.

Future Land Use Element Policy 1.10 addresses the RES 1:2.5 land use designation. The RES 1:2.5 land use designation, which establishes the lowest density of all the residential FLU designations, permits a maximum density of up to one unit per 2.5 acres, except as otherwise may be provided for within the Future Land Use Element. Development in the RES 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.

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

### **Environmental Constraints**

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

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

### **Preliminary Transportation Concurrency**

The subject property is closest to the concurrency management segment of Canaveral Groves Boulevard, between Lee Street and Grissom Parkway, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of C, and currently operates at 46.74% of capacity daily. The maximum development potential from the proposed rezoning

does not increase the proposed trip generation and could result in 10 trips per day and 1 trip during the PM peak hour. These additional trips are not projected to increase trip generation on the corridor and operate at 46.74% of capacity daily and would not create a deficiency in LOS.

### **Applicable Land Use Policies**

The requested AU(L) (Agricultural Residential – Low Intensity) zoning classification is consistent with the adopted RES 1:2.5 (Residential 1:2.5) Future Land Use designation. Accessory buildings are exempt from size limitations when located within agricultural zoning classifications pursuant to Section 62-2100.5(g) of Brevard County Code. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted, pursuant to Section 62-2108.

The abutting parcel to the east is zoned GU (General Use) and is undeveloped. The abutting parcel to the south is zoned AU (Agricultural Residential) and is developed with a single-family home, along with a 1,350 square-foot accessory building and other accessory buildings. The abutting parcel to the west is zoned GU and is developed with a single-family home. The trend in the surrounding area is a slow transition from GU to AU zoning.

The half-mile radius around this site has had three zoning actions within the last seven years:

On May 31, 2012, application 12PZ-00019 changed the zoning from GU to AU. This rezoning was on 1.05 acre, approximately 1,096 feet northwest of the subject parcel and located on the south side of Canaveral Groves Boulevard.

On November 14, 2012, application 12PZ00032 changed the zoning from GU to AU. This rezoning was on 1.01 acre, on the abutting parcel to the south of the subject parcel and located on the north side of Chica Street.

On September 12, 2013, application 13PZ00058 changed the zoning from GU to BU-2 (Retail, Warehousing, and Wholesale Commercial) and changed the Future Land Use from Neighborhood Commercial to Community Commercial. This rezoning was on 2.29 acres, approximately 2,554 feet southeast of the subject parcel and located on the east side of Grissom Parkway.

### **For Board Consideration**

The applicant is seeking a change of zoning classification from GU to AU(L) for the purpose of having an accessory building larger than GU zoning permits. Accessory buildings in the agricultural zoning classifications, and barns, where permitted, are exempt from size limitations but must meet the minimum required setbacks.

The current GU zoning allows for agricultural operations on parcels of more than 5 acres, or with the approval of a Conditional Use Permit on parcels less than 5 acres.

The requested AU(L) zoning classification allows for agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in Section 62-2108.

The GU (General Use) zoning is original to the lot, adopted May 22, 1958; no zoning actions have been previously applied for. At 1.01 acres in size, the lot is a non-conforming lot of record located in the Canaveral Groves area. Pursuant to section 62-1188(8), any nonconforming lot of record may be considered for rezoning to other zoning classifications consistent with the comprehensive plan. However, if the rezoning were granted, the lot would continue to be nonconforming to today's standards for the AU(L) (Agricultural Residential – Low Intensity) zoning classification for minimum lot size, as the parcel is smaller than 2.5 acres.

The trend in the surrounding area is a slow transition from GU to AU (Agricultural Residential). There does not appear to be parcels zoned AU(L) in the one-half mile radius around this site, as it is a newer zoning classification created in 2013, although there are numerous parcels zoned AU in the half-mile radius around this site.

The Board should consider whether the request is consistent and compatible with surrounding AU and GU zoned parcels, and the areas Residential 1:2.5 Future Land Use designation.

## **Natural Resources Management Department Zoning Review and Summary**

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 zoning 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.

### **Substantial Natural Resources Land Use Issues**

No substantial natural resource land use issues were identified. If the owner/applicant has any questions regarding any potential limitations, she/he is encouraged to contact Natural Resources Management (NRM) at 321-633-2016 prior to any land clearing activities, plan, or permit submittal. 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**

None identified.

### **Land Use Comments**

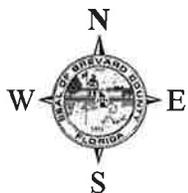
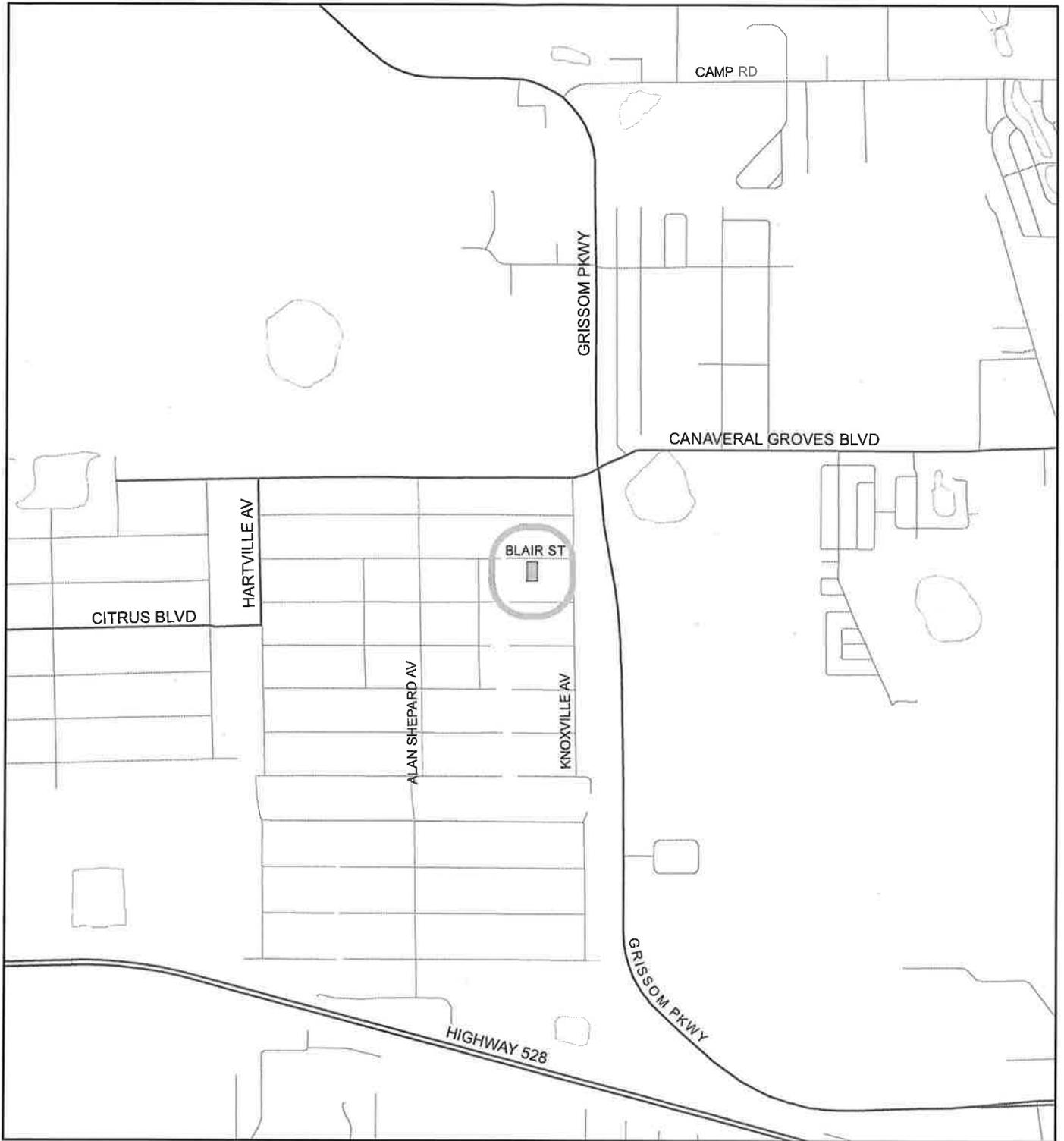
#### *Protected Species*

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.

#### *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. Aerials indicate land clearing of several pine trees between 2016 and 2017. Per Section 62-4334, single-family lots that are 1.25 acres or less, and have a Certificate of Occupancy, are exempt from the canopy and preservation requirements of this Division as long as minimum landscaping requirements are met and maintained.

LOCATION MAP  
BROWN, JAMES W. AND CATHERINE J.  
19PZ00054



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

Buffer Distance: 500 feet

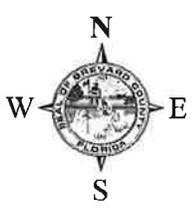
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/18/2019

- Buffer
- Subject Property

# ZONING MAP

BROWN, JAMES W. AND CATHERINE J.  
19PZ00054



1:4,800 or 1 inch = 400 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.

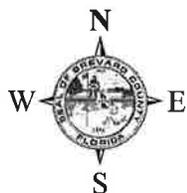
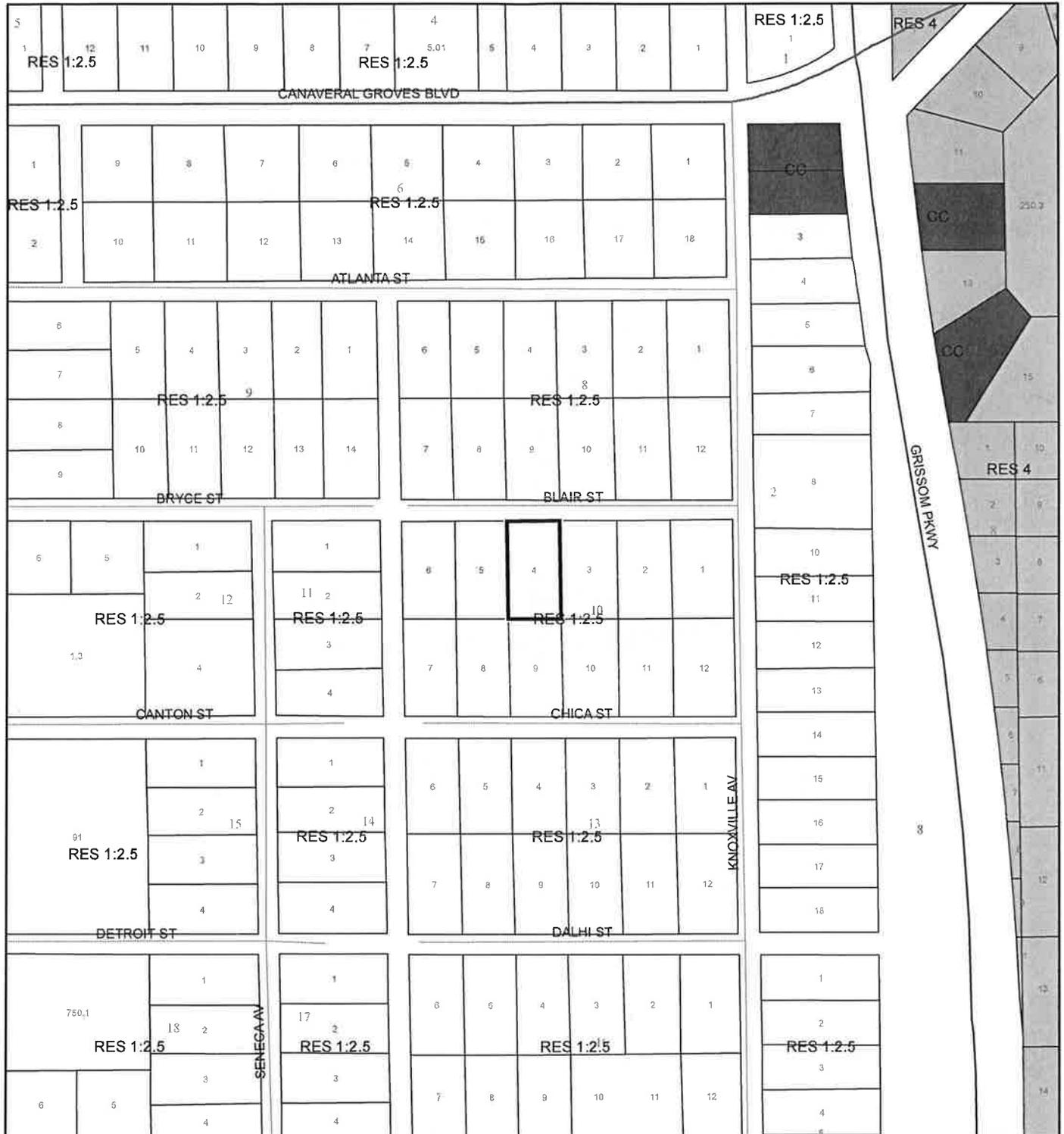
Produced by BoCC - GIS Date: 4/18/2019

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 feet

**—** Subject Property  
 Parcels

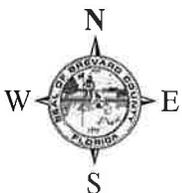
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/18/2019

# AERIAL MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2018

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.

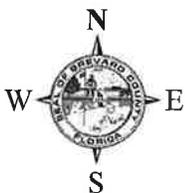
Produced by BoCC - GIS Date: 4/18/2019

— Subject Property  
□ Parcels

# NWI WETLANDS MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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: 4/18/2019

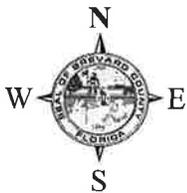
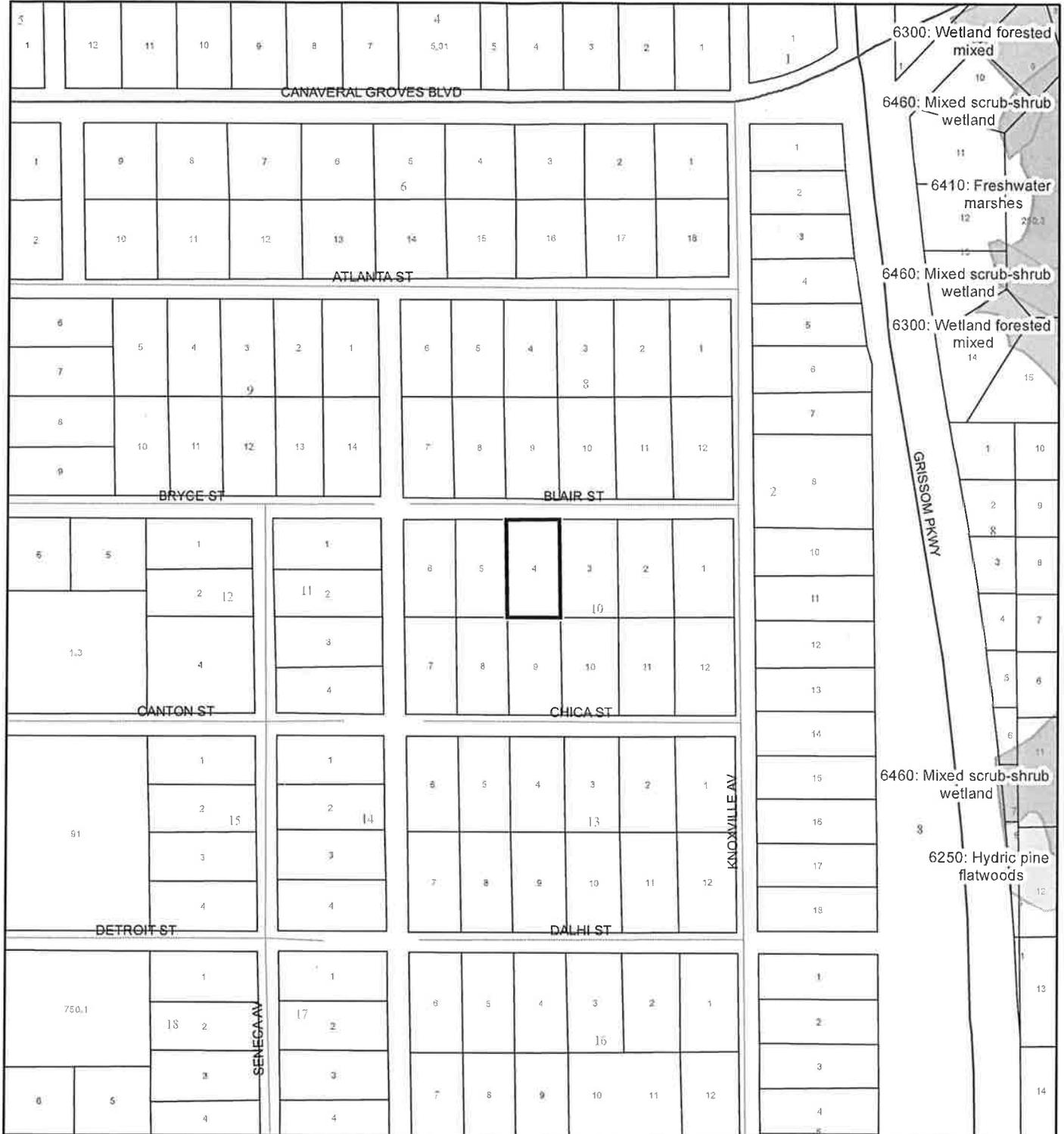
### National Wetlands Inventory (NWI)

- |                                   |                 |
|-----------------------------------|-----------------|
| 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

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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: 4/18/2019

## 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

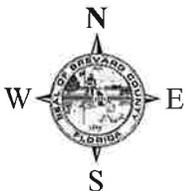
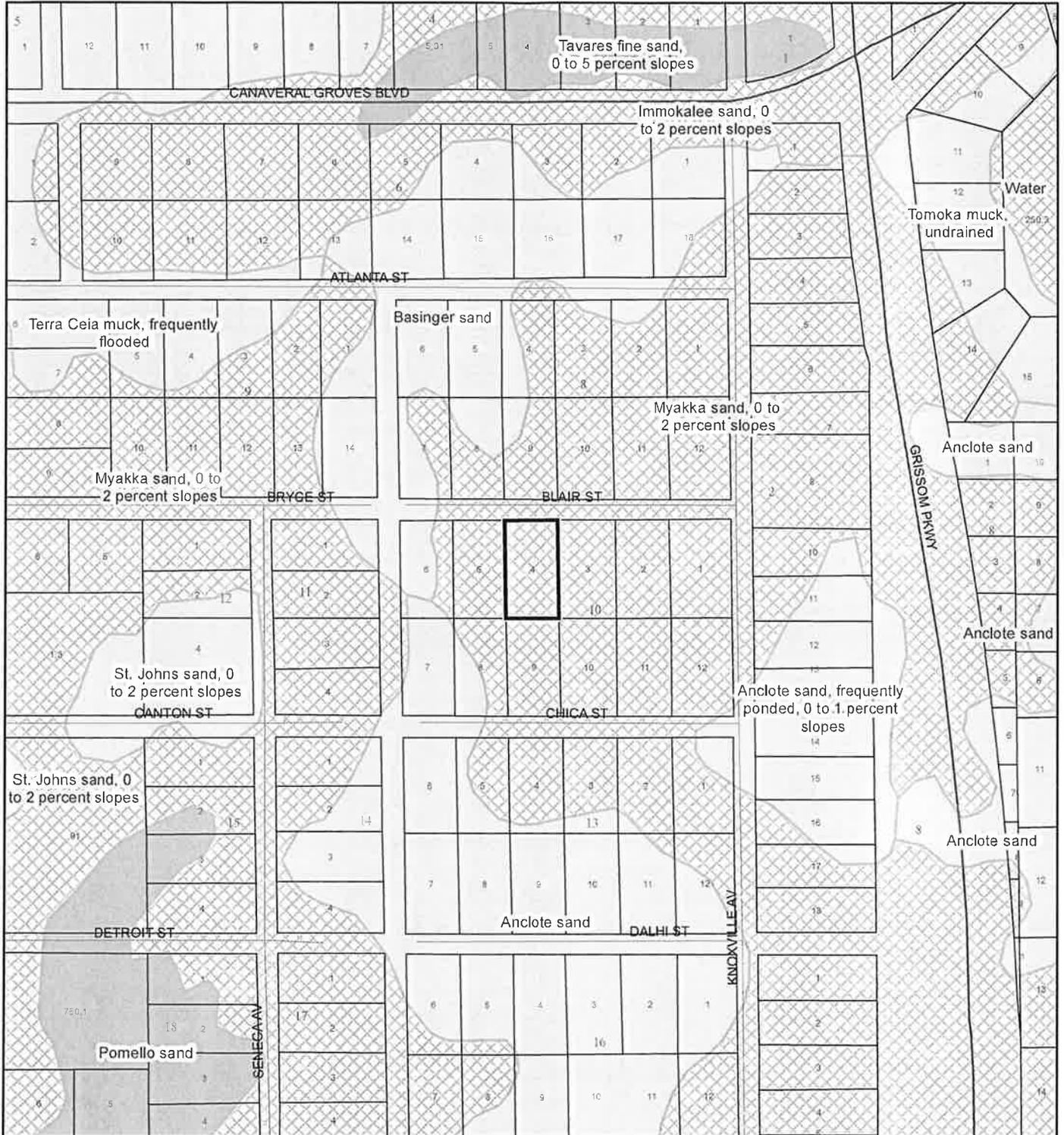
 Subject Property

 Parcels

# USDA SCSSS SOILS MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 feet

### USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

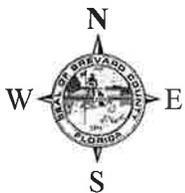
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/18/2019

# FEMA FLOOD ZONES MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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: 4/18/2019

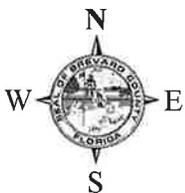
### FEMA Flood Zones

- |  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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: 4/18/2019

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

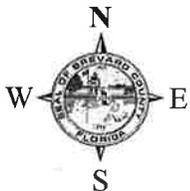
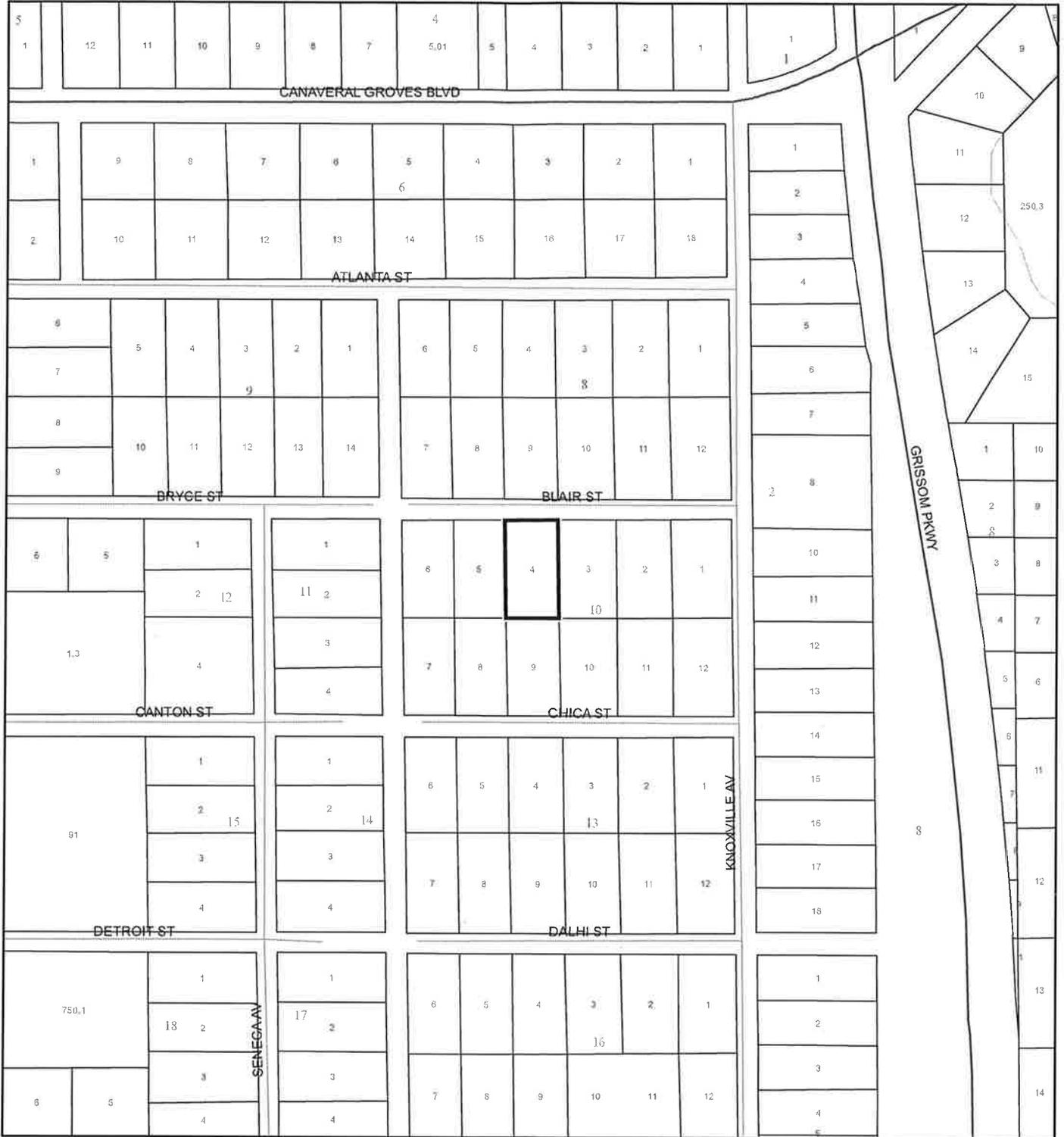
 60 Meters

 All Distances

# EAGLE NESTS MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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.

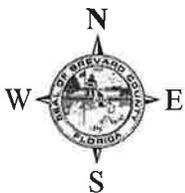
Produced by BoCC - GIS Date: 4/18/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

# SCRUB JAY OCCUPANCY MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

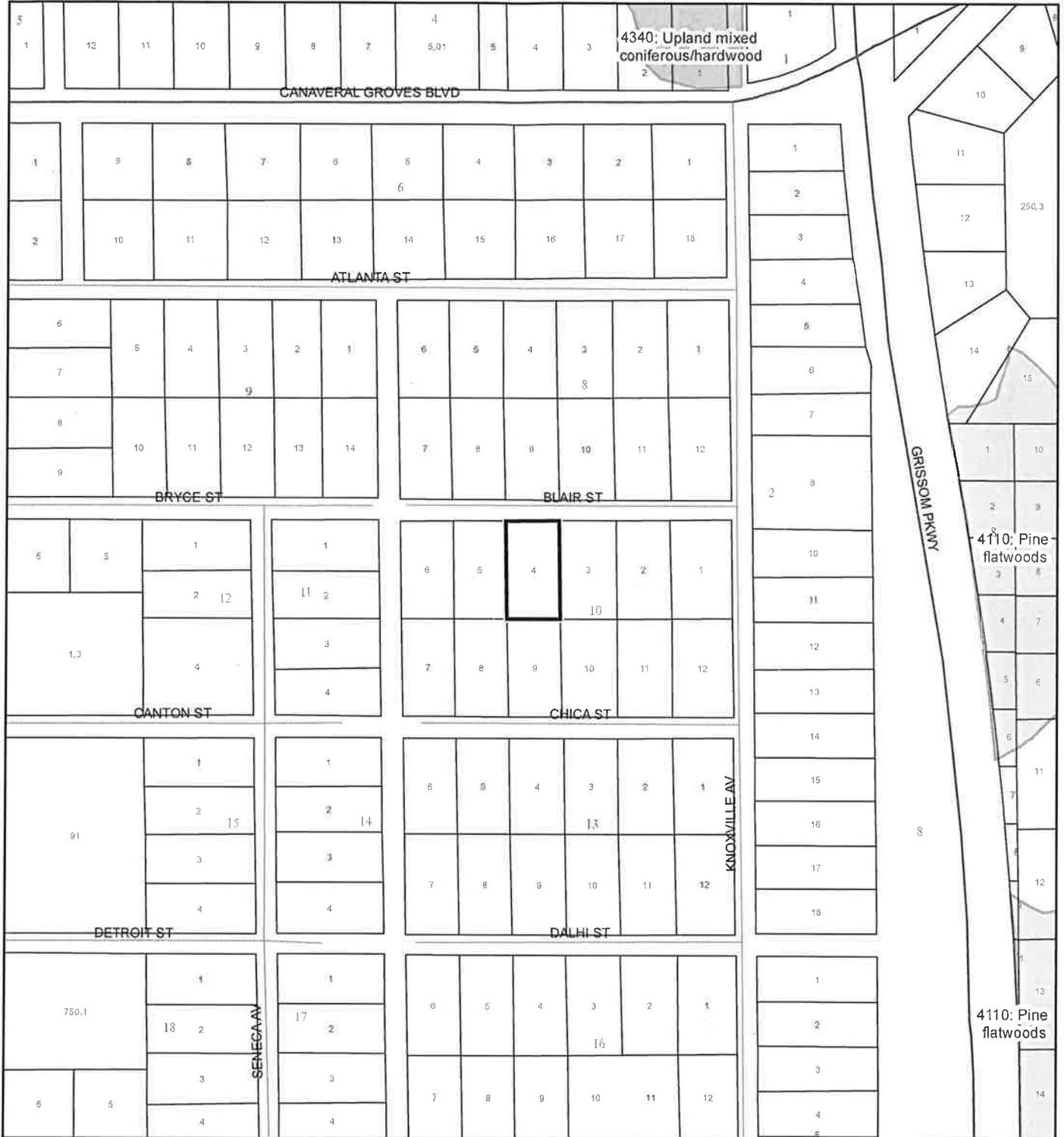
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/18/2019

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BROWN, JAMES W. AND CATHERINE J.

19PZ00054



1:4,800 or 1 inch = 400 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: 4/18/2019

## 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, July 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, Rochelle Lawandales; Brian Hodgers, Mark Wadsworth; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Assistant Director, Planning and Development; 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 30, 2019, at 5:00 p.m.

### **Approval of the May 6, 2019, Minutes**

Motion by Rochelle Lawandales, seconded by Brian Hodgers, to approve the minutes of May 6, 2019. The motion passed unanimously.

### **Excerpt from Complete Agenda**

#### **James W. and Catherine Brown**

A change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity). The property is 1.01 acres, located on the south side of Blair Street, approximately 496 feet west of Knoxville Avenue. (3227 Blair Street, Cocoa) (19PZ00054) (District 1)

Catherine Brown, 3227 Blair Street, Cocoa, stated she would like to rezone to AU(L) for the purpose of building a metal building for storage of her husband's classic cars.

Dane Theodore stated he has a note that the applicants want the change so they can have farm animals. Ms. Brown stated no, they do not want to have farm animals.

No public comment.

Motion by Rochelle Lawandales, seconded by Peter Filiberto, to approve the change of zoning classification from GU to AU(L). The vote passed unanimously.