



AGENDA REPORT  
August 1, 2019

**John Thomas and Cassie Ann Joyner request a change of zoning classification from RR-1 and AU to all AU. (19PZ00050) (District 2)**

---

---

**SUBJECT:**

John Thomas and Cassie Ann Joyner request a change of zoning classification from RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU. The property is 2.60 acres, located on the south side of East Crisafulli Road, approximately 0.28 miles west of Broad Acres Street. (1355 East Crisafulli Road, Merritt Island) (19PZ00050) (District 2)

**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 RR-1 and AU to all AU.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicants are seeking a change of zoning classification from RR-1 and AU to all AU for the purpose of having agricultural uses along with farm animals and fowl, such as goats and roosters.

The current RR-1 zoning permits single-family residential land uses on one acre lots, with a minimum lot width and depth of 125 feet, and a 1,200 square-foot minimum house size. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural pursuits are accessory to a principal residence within the RR-1 zoning classification.

The proposed AU zoning permits single-family residences and agricultural pursuits on 2.5 acre lots, with a minimum lot width and depth of 150 feet, and a 750 square-foot minimum house size. The AU classification also permits the raising and grazing of animals, fowl, and beekeeping.

The AU portion of the subject parcel is the original zoning. The RR-1 portion of the property was rezoned (Z-6923) from AU to RR-1 on November 26, 1984. This current request proposes to change the zoning back to the original AU zoning.

On January 3, 2018, the applicants purchased approximately 1.09 acres, zoned RR-1, from the neighbor to the east. This property was combined with the applicants' original parcel with split AU and RR-1 zoning to give the applicants the 2.5-acre minimum required to request the AU zoning.

The developed character of the parcels along East Crisafulli Road is agricultural and

residential.

The Board may wish to consider whether the request for rezoning is consistent and compatible with the AU and RRR-1 parcels in the surrounding area.

On July 11, 2019, the North Merritt Island Dependent Special District Board heard the request and unanimously recommended approval.

**ATTACHMENTS:**

**Description**

- ▣ **Administrative Policies**
- ▣ **Staff Comments**
- ▣ **GIS Maps**
- ▣ **North Merritt Island 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 19PZ00050**

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

**WHEREAS, John Thomas and Cassie Ann Joyner** have requested a change of zoning classification from RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU, on property described as Tax Parcel 27, as recorded in Official Records Book 8400, Page 1409, of the Public Records of Brevard County, Florida. Section 25, Township 23, Range 36. (2.60 acres) Located on the south side of East Crisafulli Road, approximately 0.28 mile west of Broad Acres Street. (1355 East Crisafulli Road, Merritt Island); and

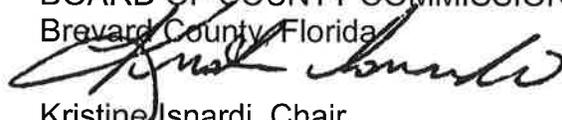
**WHEREAS,** a public hearing of the North Merritt Island Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the North Merritt Island Dependent Special District Board recommended that the application be approved; and

**WHEREAS,** the Board, after considering said application and North Merritt Island Dependent Special District 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 RR-1 and AU to all AU, 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 11, 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  
 19PZ00050**

**John Thomas and Cassie Ann Joyner**

**RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU**

Tax Account Number: 2316650  
 Parcel I.D.: 23-36-25-00-27  
 Location: 1355 East Crisafulli Road, Merritt Island (District 2)  
 Acreage: 2.60 acres

North Merritt Island Board: 07/11/19  
 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>	RR-1 and AU	All AU
<b>Potential*</b>	2 Single-Family Residential Units	2 Single-Family Residential Units
<b>Can be Considered under the Future Land Use Map</b>	Yes, Residential 1	Yes, Residential 1

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

**Background and Purpose of Request**

The applicants are seeking a change of zoning classification from RR-1 and AU to all AU for the purpose of having agricultural uses along with farm animals and fowl, such as goats and roosters.

The current RR-1 zoning classification permits single-family residential land uses on one acre lots, with a minimum lot width and depth of 125 feet, and a 1,200 square-foot minimum house size. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural pursuits are accessory to a principal residence.

The proposed AU (Agricultural Residential) zoning classification permits single-family residences and agricultural pursuits on 2.5-acre lots, with a minimum lot width and depth of 150 feet, and a 750 square-foot minimum house size. The AU classification also permits the raising and grazing of animals, fowl, and beekeeping.

The AU portion of the subject parcel is the original zoning. The RR-1 (Rural Residential) portion of the parcel was rezoned (Z-6923) from AU to RR-1 on November 26, 1984. This request proposes to change the zoning back to the original AU zoning.

On January 3, 2018, the applicants purchased approximately 1.09 acres, zoned RR-1, from the neighbor to the east. This property was combined with the applicants' original parcel with split AU and RR-1 zoning to give them the 2.5-acre minimum required to request AU zoning.

### **Land Use Compatibility**

The subject property retains the RES 1 (Residential 1) FLU (Future Land Use) designation.

Future Land Use Element Policy 1.9 addresses the RES 1 FLU designation. The RES 1 land use designation permits low density residential development with a maximum density of up to 1 unit per acre, except as otherwise may be provided for within this element. The proposed AU zoning is consistent with the RES 1 FLU designation.

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

### **Environmental Constraints**

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

### **Preliminary Transportation Concurrency**

The subject property is located within the concurrency management segment of North Courtenay Parkway, between State Road 520 and Space Commerce Way, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of E, and currently operates at 38.20% of capacity daily. The parcel is developed with existing single-family residences. The maximum development potential from the proposed rezoning does not increase the proposed trip generation. The corridor is anticipated to continue to operate at 38.20% daily capacity. The proposal is not anticipated to create a deficiency in LOS.

### **Applicable Land Use Policies**

The developed character of the parcels along East Crisafulli Road is AU and RR-1 with a FLU of RES 1.

The current RR-1 zoning permits single-family residential land uses on one acre lots, with a minimum lot width and depth of 125 feet, and a 1,200 square-foot minimum house size. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural pursuits are accessory to a principal residence within RR-1 (Rural Residential).

The current AU (Agricultural Residential) zoning classification permits single-family residences and agricultural pursuits on 2.5-acre lots, with a minimum lot width and depth of 150 feet, and a 750 square-foot minimum house size. The AU classification also permits the raising and grazing of animals, fowl, and beekeeping.

The adjacent 1.15-acre parcel to the east is zoned RR-1 and is developed with a single-family residence. The adjacent 10.46-acre flag lot parcel to the south and east is zoned AU and is developed with a single-family residence. The adjacent 5.16-acre parcel to the west is zoned AU and is developed with a single-family residence.

There have not been any zoning changes in a half-mile radius around this site within the last five years.

### **For Board Consideration**

The applicants are seeking a change of zoning classification from RR-1 and AU to all AU for the purpose of having agricultural uses along with farm animals and fowl, such as goats and roosters.

The current RR-1 zoning permits single-family residential land uses on one acre lots, with a minimum lot width and depth of 125 feet, and a 1,200 square-foot minimum house size. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The keeping of horses and agricultural pursuits are accessory to a principal residence within the RR-1 zoning classification.

The proposed AU zoning permits single-family residences and agricultural pursuits on 2.5 acre lots, with a minimum lot width and depth of 150 feet, and a 750 square-foot minimum house size. The AU classification also permits the raising and grazing of animals, fowl, and beekeeping.

The AU portion of the subject parcel is the original zoning. The RR-1 portion of the property was rezoned (Z-6923) from AU to RR-1 on November 26, 1984. This current request proposes to change the zoning back to the original AU zoning.

On January 3, 2018, the applicants purchased approximately 1.09 acres, zoned RR-1, from the neighbor to the east. This property was combined with the applicants' original parcel with split AU and RR-1 zoning to give the applicants the 2.5-acre minimum required to request the AU zoning.

The developed character of the parcels along East Crisafulli Road is agricultural and residential.

The Board may wish to consider whether the request for rezoning is consistent and compatible with the AU and RR-1 parcels in the surrounding area.

## **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**

Hydric Soils

Floodplain

Indian River Lagoon Septic Overlay

### **Land Use Comments**

*Hydric Soils*

The subject parcel contains mapped Copeland-Bradenton-Wabasso complex, limestone substratum as shown on the United States Department of Agriculture (USDA) Soil Conservation Service Soils Survey map; an indicator that hydric soils and wetlands may be present on the property. Section 62-3694(a)(1) states that agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not adversely affect the functions of wetlands and do not result in permanent degradation or destruction of wetlands. Any other permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-36965. Accessory structures are not permitted in wetlands. Pursuant to 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 Section 193.461, Florida Statute, is exempt. The Brevard County Property Appraiser Office's establishes Bona Fide Agricultural land classification.

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 would render a

legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Section 62-3694(c)(1)a above. 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 62-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696.

#### *Floodplain*

A large portion of the property is mapped as being within the floodplain as identified by FEMA (Federal Emergency Management Agency) and as shown on the FEMA Flood Zones Map. The portion of the property located within the floodplain is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Chapter 62, Article X, Division 5, Section 62-3723(2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

#### *Indian River Lagoon Septic Overlay*

The property is mapped within the Indian River Lagoon Septic Overlay, per Chapter 46, Article II, Division IV, Nitrogen Reduction Overlay. Should replacement of septic system be necessary, the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required.

#### ***Protected Species***

Information available to Natural Resources Management (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 applicants are 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

JOYNER, JOHN THOMAS AND CASSIE ANN  
19PZ00050



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

Buffer Distance: 500 feet

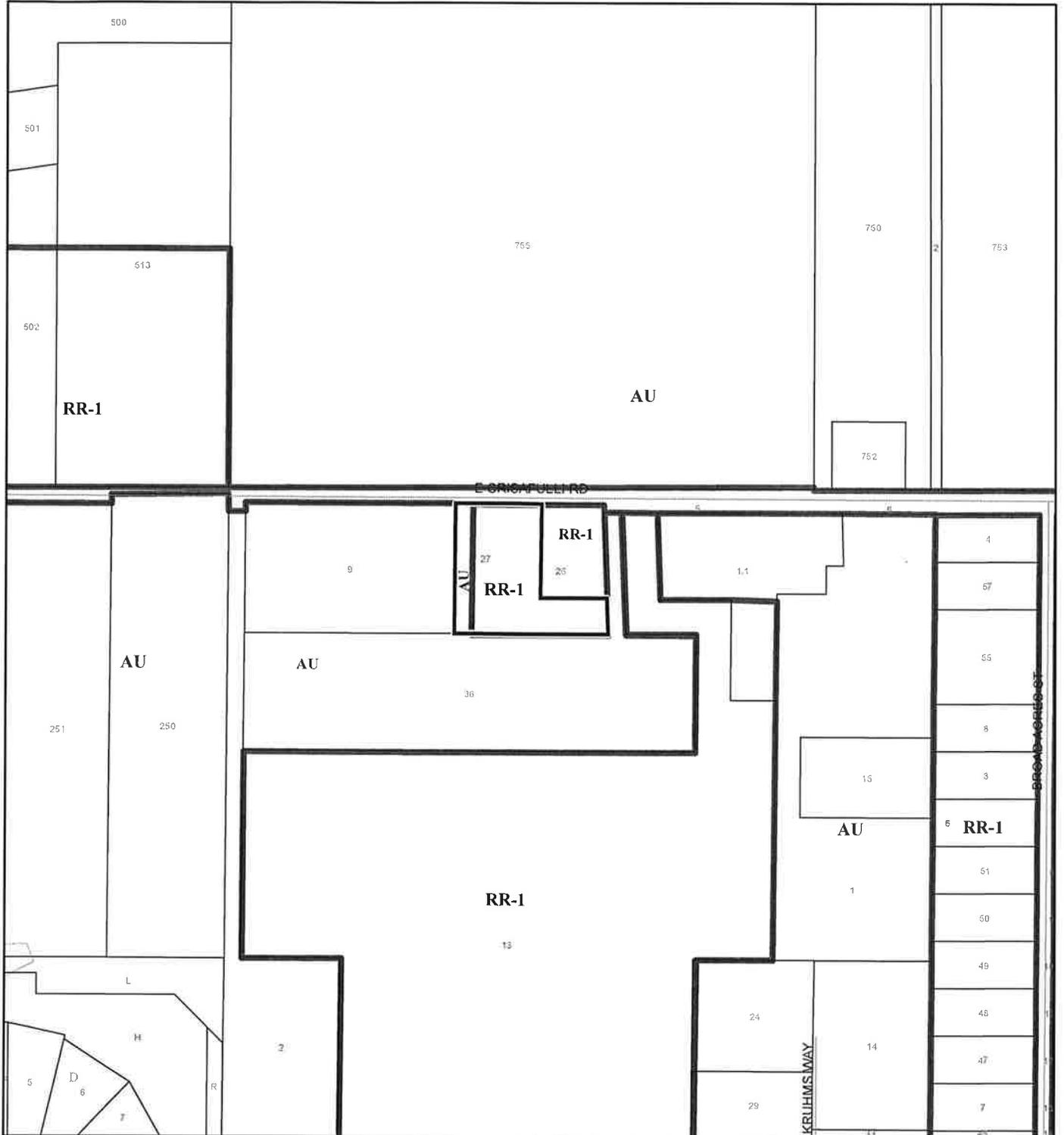
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/3/2019

-  Buffer
-  Subject Property

# ZONING MAP

JOYNER, JOHN THOMAS AND CASSIE ANN  
19PZ00050



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.

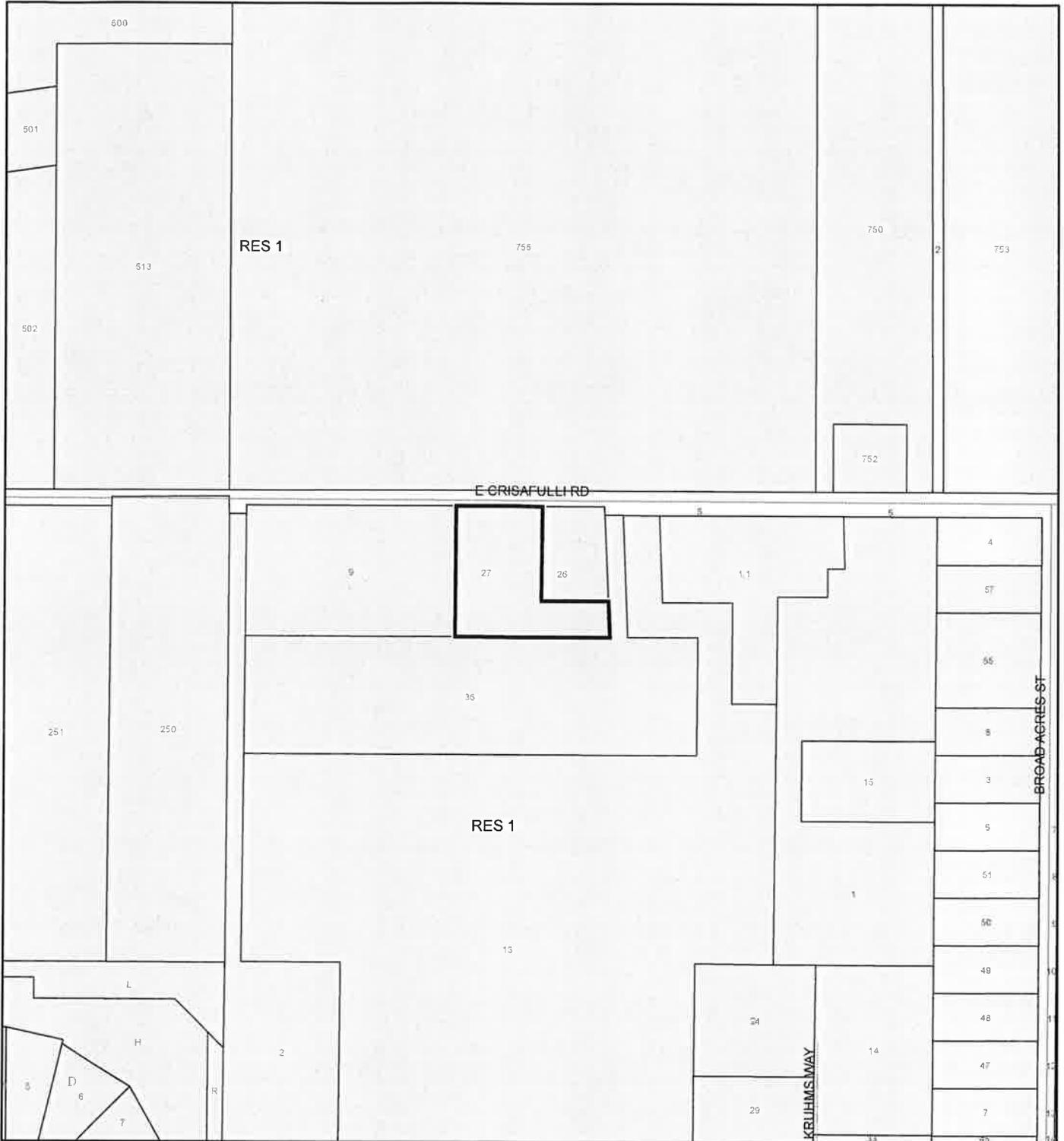
Produced by BoCC - GIS Date: 4/3/2019

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



1:4,800 or 1 inch = 400 feet

 Subject Property  
 Parcels

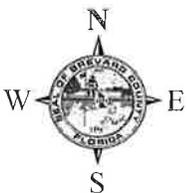
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/3/2019

# AERIAL MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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.

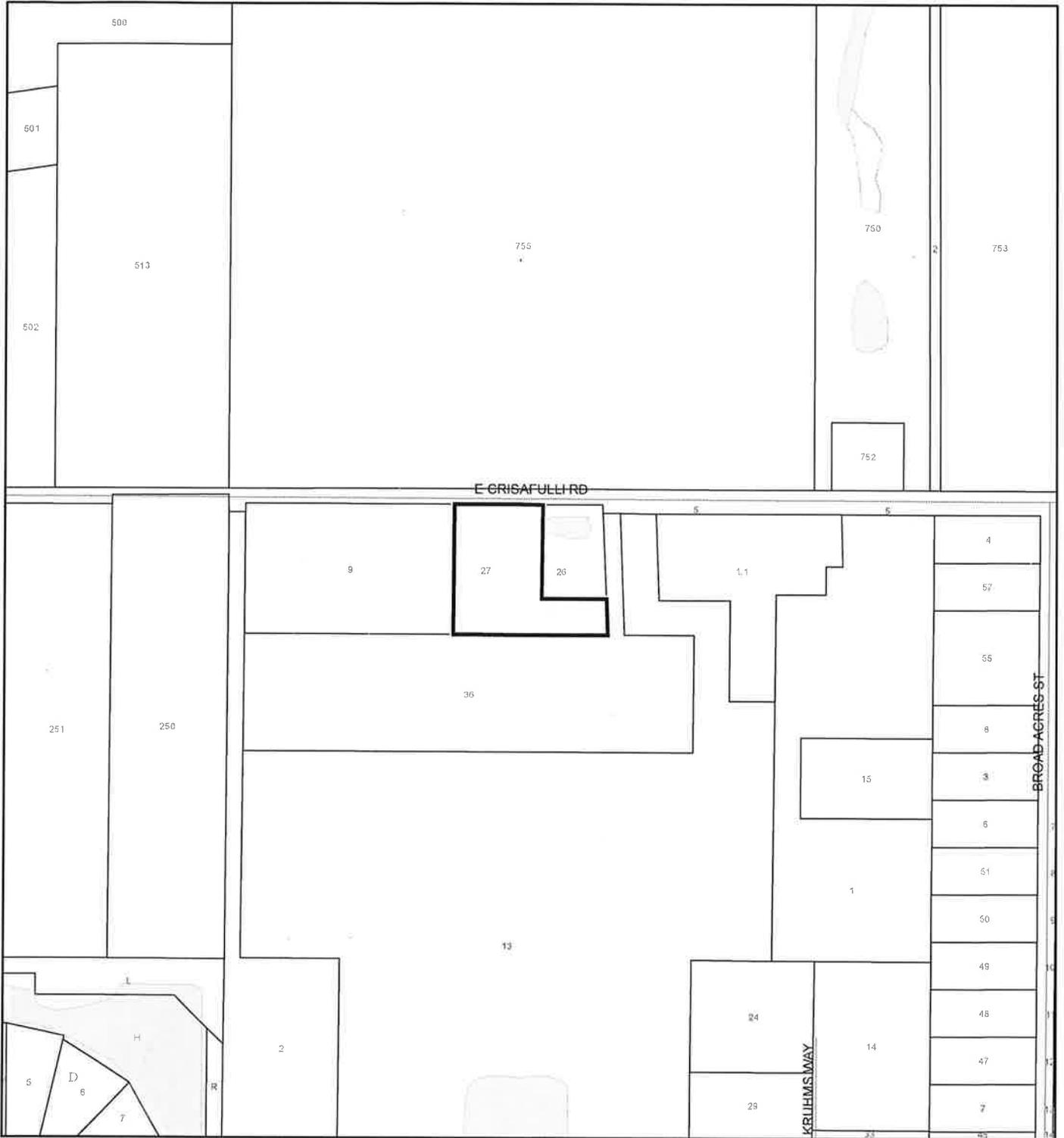
Produced by BoCC - GIS Date: 4/3/2019

 Subject Property

 Parcels

# NWI WETLANDS MAP

JOYNER, JOHN THOMAS AND CASSIE ANN  
19PZ00050



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: 4/3/2019

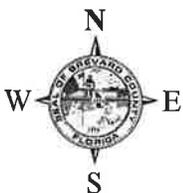
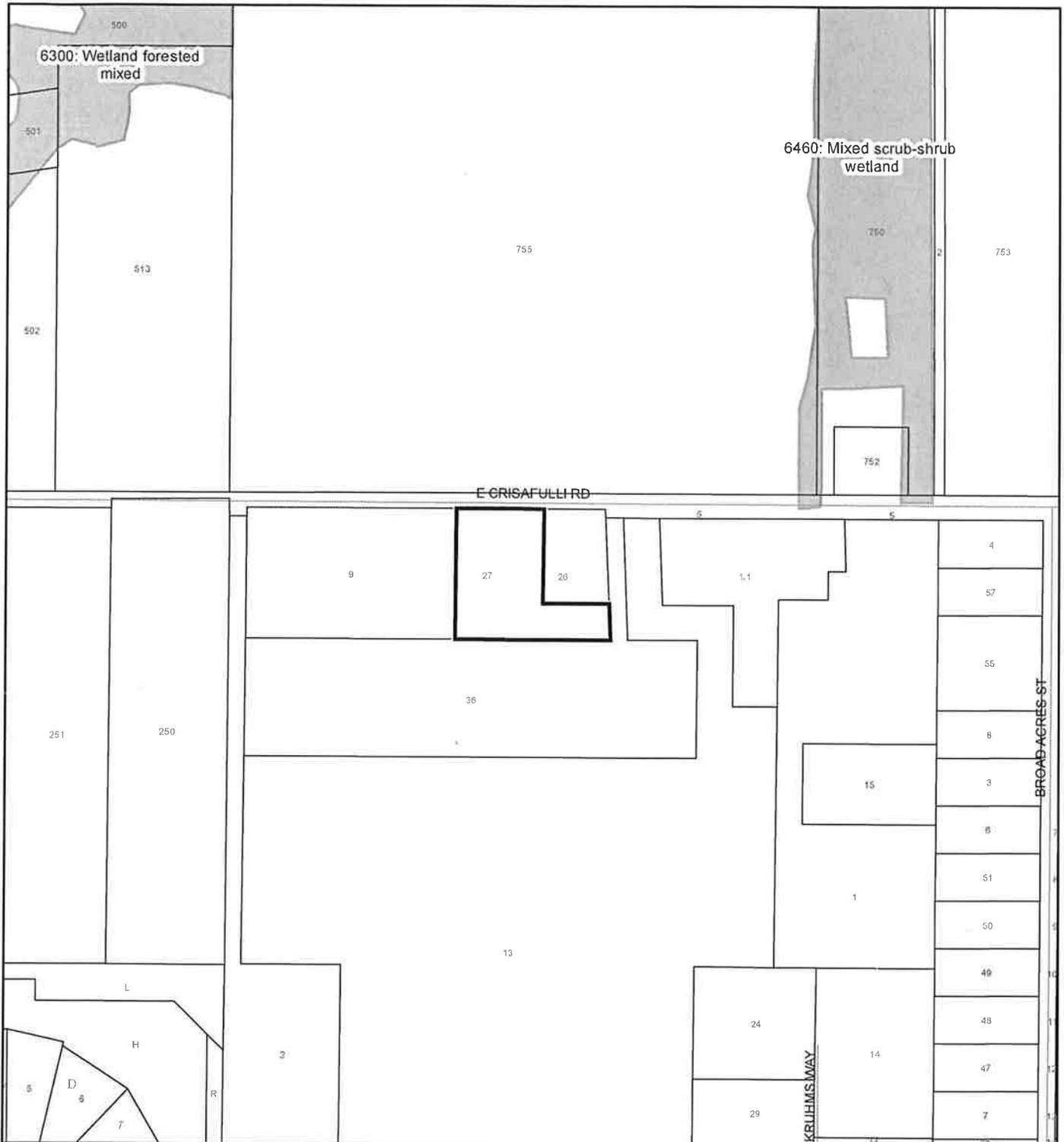
**National Wetlands Inventory (NWI)**

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

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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: 4/3/2019

## 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

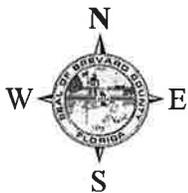
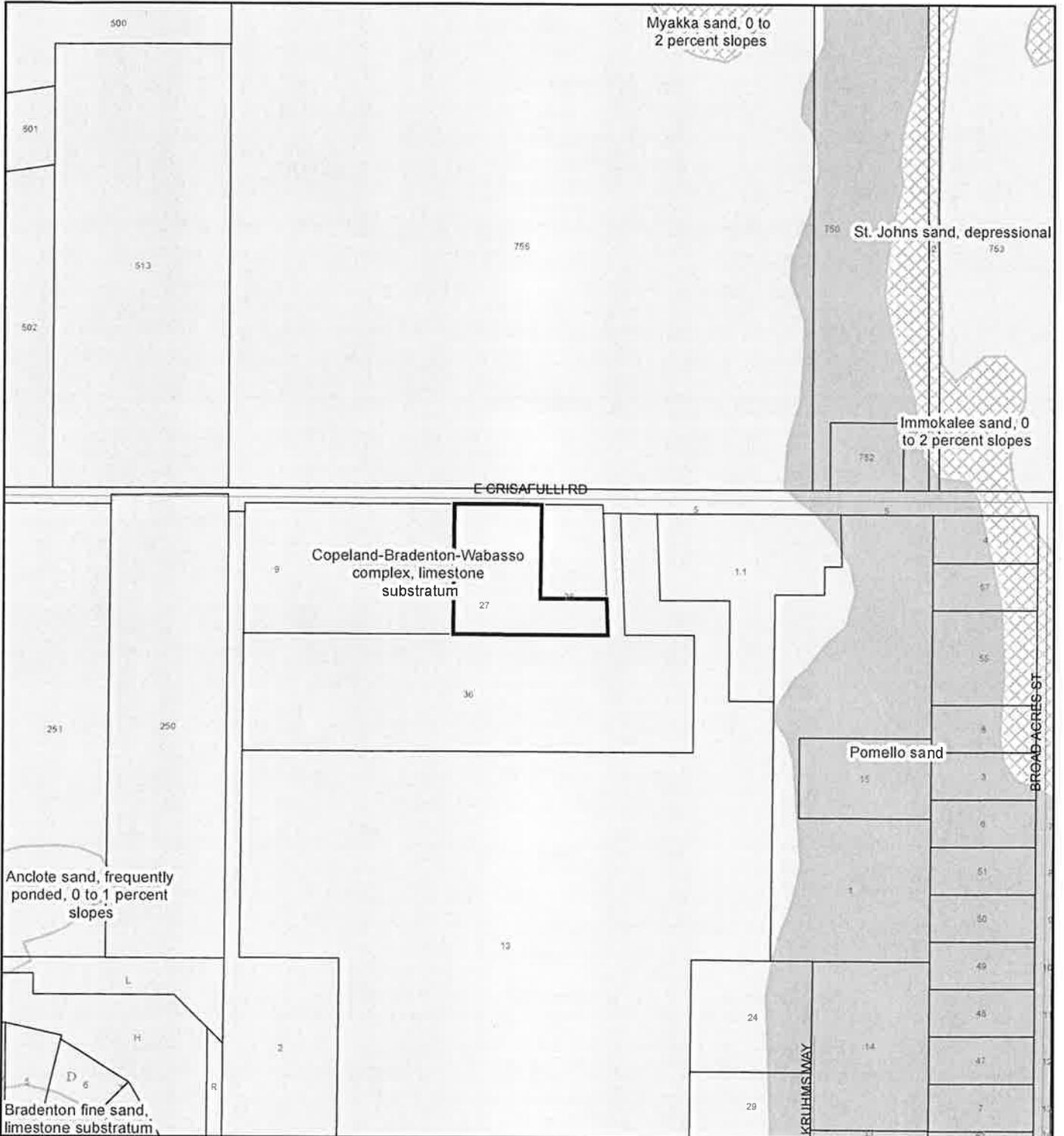
 Subject Property

 Parcels

# USDA SCSSS SOILS MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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: 4/3/2019

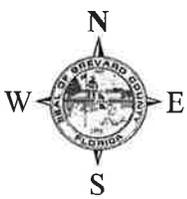
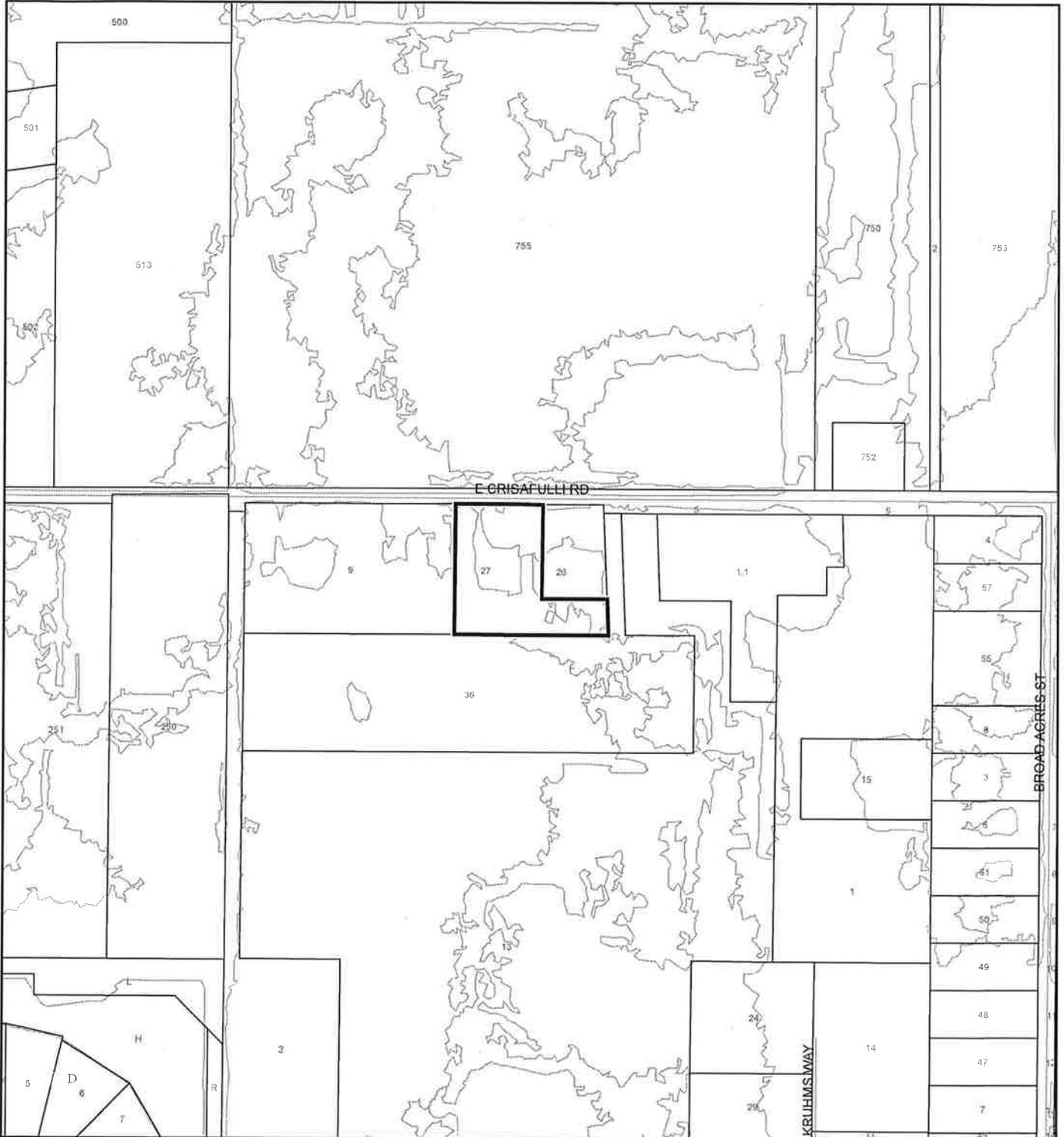
## USDA SCSSS Soils

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

# FEMA FLOOD ZONES MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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: 4/3/2019

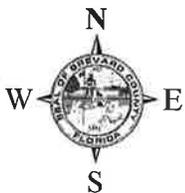
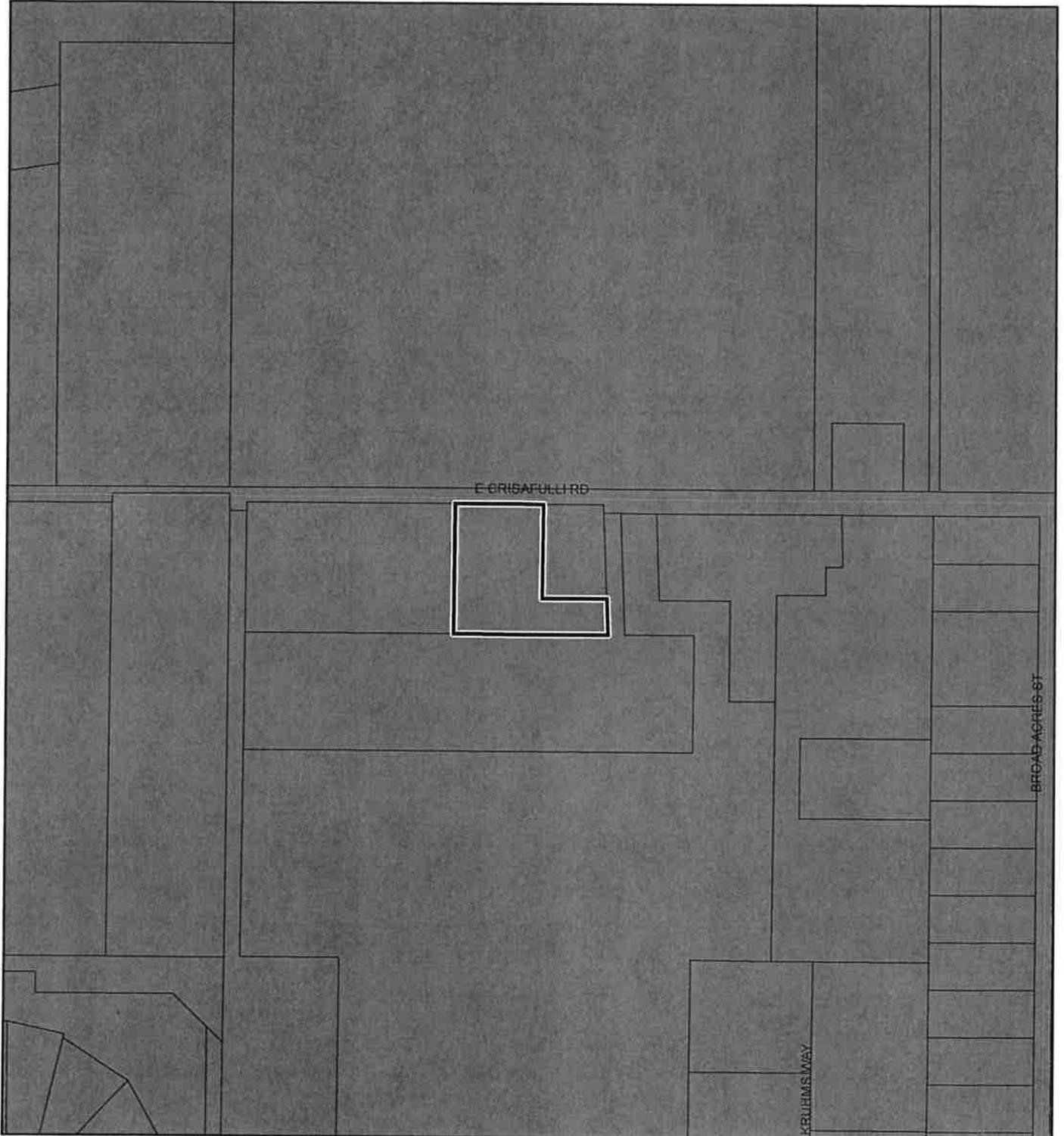
### FEMA Flood Zones

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

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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: 4/3/2019

— Subject Property

□ Parcels

**Septic Overlay**

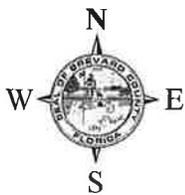
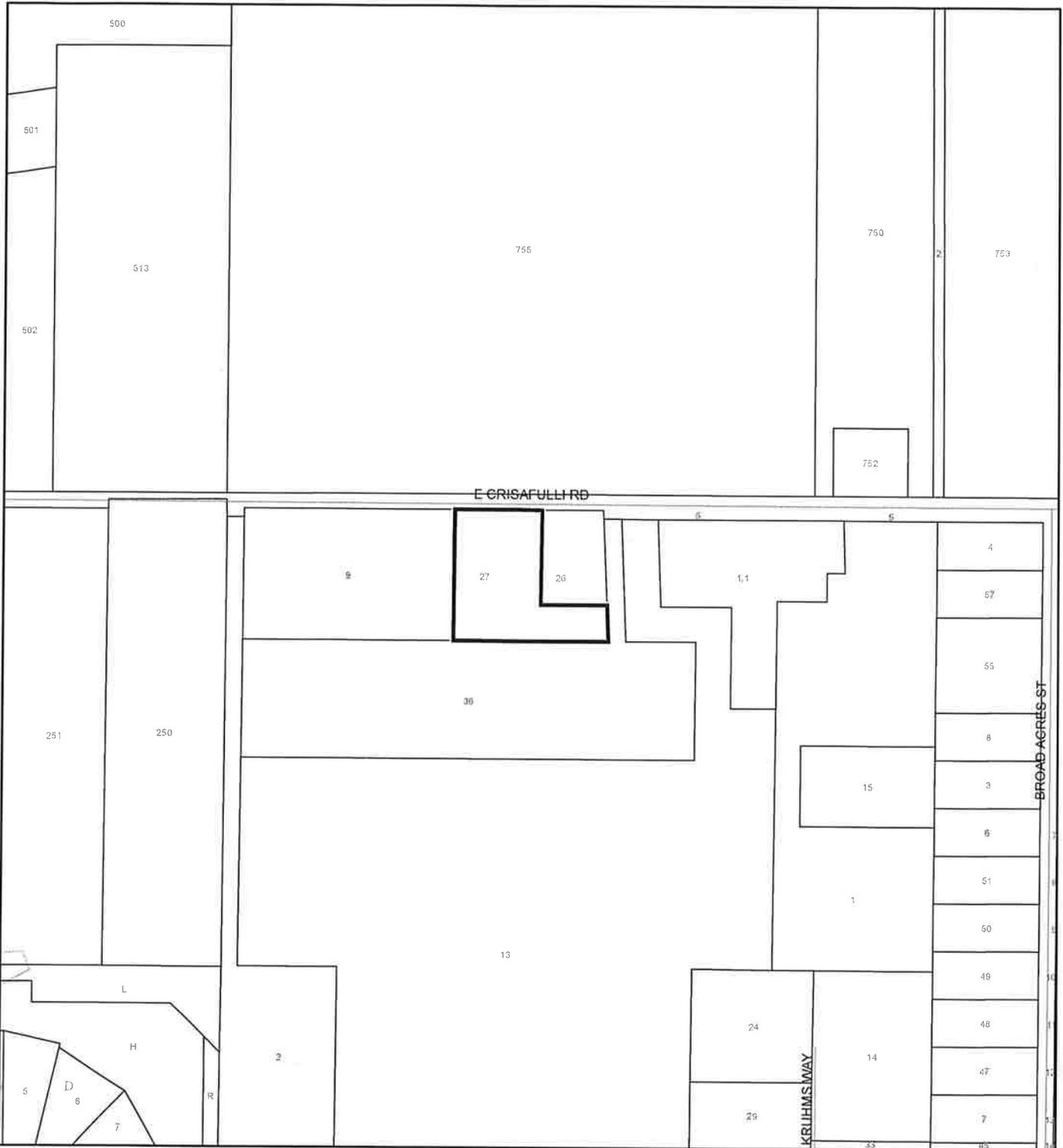
■ 40 Meters

■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

JOYNER, JOHN THOMAS AND CASSIE ANN  
19PZ00050



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.

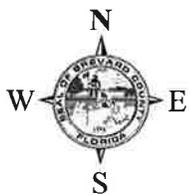
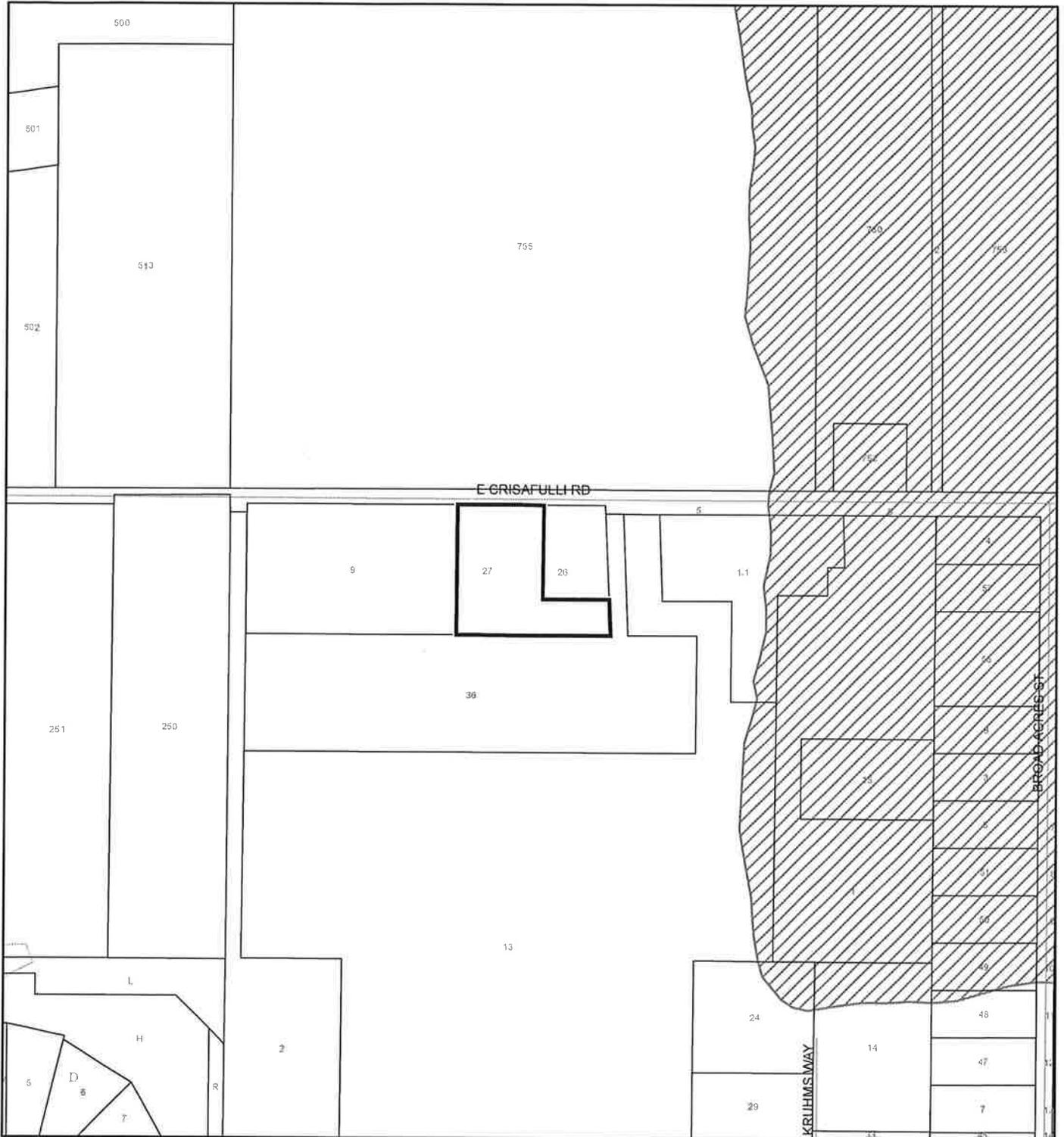
Produced by BoCC - GIS Date: 4/3/2019

-  Subject Property
-  Parcels
-  Eagle Nests FWS 2010

# SCRUB JAY OCCUPANCY MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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.

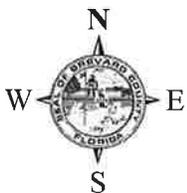
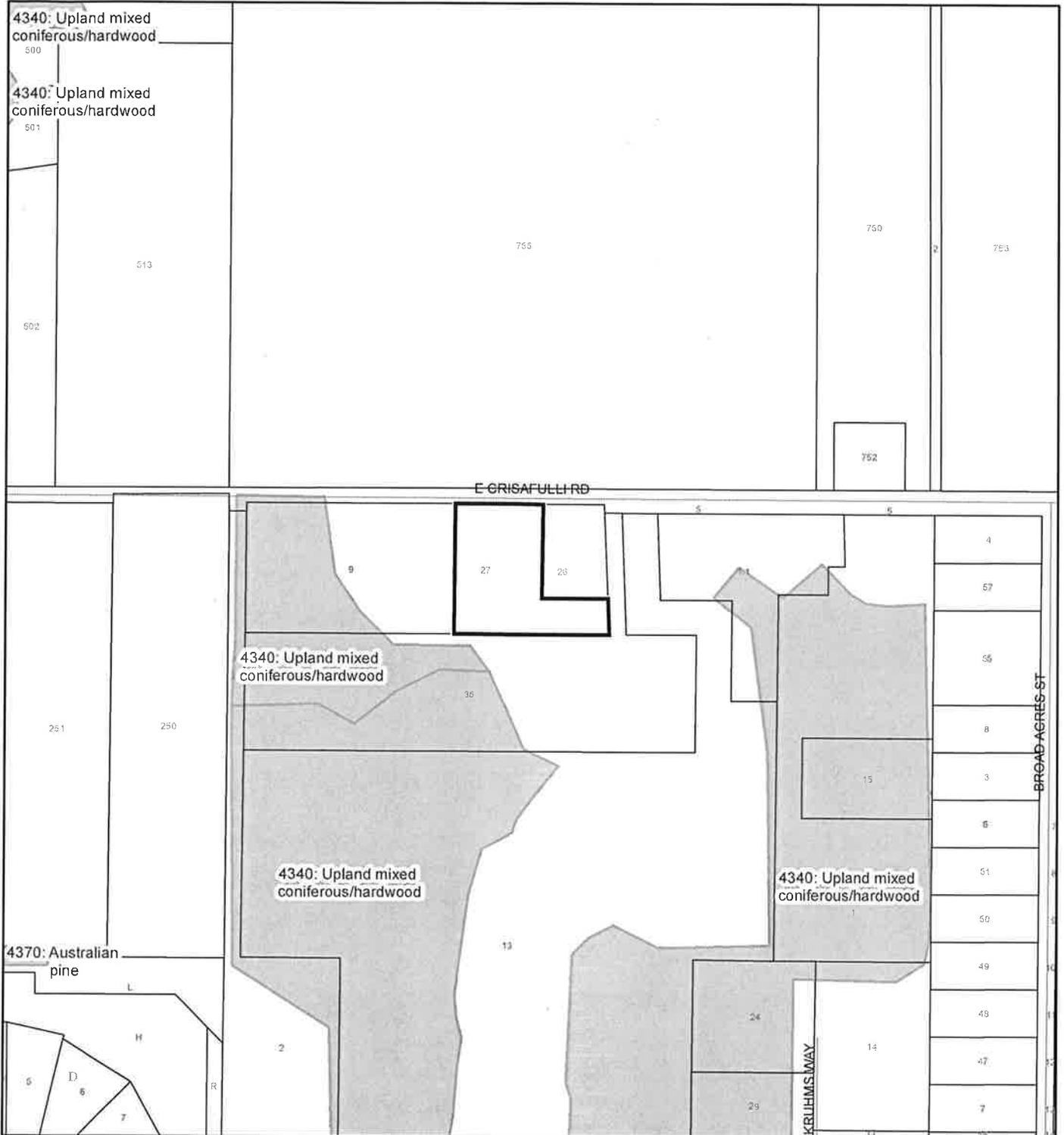
Produced by BoCC - GIS Date: 4/3/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JOYNER, JOHN THOMAS AND CASSIE ANN

19PZ00050



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: 4/3/2019

## 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

## NORTH MERRITT ISLAND

### DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The North Merritt Island Dependent Special District Board met in regular session on **Thursday, July 11, 2019**, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

**Board members present were:** Mary Hillberg, Chair; Jack Ratterman, Vice Chair; Gina Lindhorst; Ted Balke; Gina Lindhorst; Chris Cook; and Jim Carbonneau.

**Planning and Development staff present were:** George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator II.

#### **Approval of April 11, 2019, Minutes**

Motion by Jack Ratterman, seconded by Jim Carbonneau, to approve the minutes from April 11, 2019. The motion passed unanimously.

#### **John Thomas and Cassie Ann Joyner**

A change of zoning classification from RR-1 (Rural Residential) and AU (Agricultural Residential) to all AU. The property is 2.60 acres, located on the south side of East Crisafulli Road, approximately 0.28 miles west of Broad Acres Street. (1355 East Crisafulli Road, Merritt Island) (District 2)

John Joyner – John Joyner, 1355 East Crisafulli Road, Merritt Island. The reason why I'm here today with my family is that I'm trying to get the rezoning because I want my kids to grow up in the country, like I did. We moved to North Merritt Island six years ago and we tried to rezone then because we found the home of our dreams, and we're happy there and don't plan on going anywhere. My daughter loves the outdoors, and I don't want any changes to the area in the future, for someone to tell her she can't have horses. My son has a 300-pound African turtle, and six more in a smaller tank. My wife loves alpaca's and llamas. We tried to rezone three years ago but we didn't meet the qualification because we didn't have the right amount of property. I had the opportunity to buy some property next door, and I added 1.2 acres, which gave us our current 2.6 acres. These are the little hoops we have overcome to reach our dreams. We all share the same dream; my daughter has chickens and miniature horses; we have miniature cows, llamas, and alpacas; and it keeps everybody entertained. We were trying to figure out where to send the kids for summer school or camp, and they both decided they just wanted to stay home and take care of the farm. Every day, my daughter goes out twice a day and takes care of all her animals. My son helps out by collecting eggs, and he takes care of his turtle. We're a hardworking family. I recognize a lot of faces because I'm a part-owner of El Tucan, Mexican Restaurant. I think my family and what we're trying to accomplish is something positive for the community. I just want my kids to have a great opportunity growing up, and it teaches them a lot of positive things, such as responsibility and to care for others. This is where I see myself retiring, and hopefully we can make this happen.

Mary Hillberg – Does anyone on the board have a question? Is there anyone in the audience who would like to speak to the issue? Seeing none, do you have anything further to say?

John Joyner – No, I do not.

Mary Hillberg – It's up to the board.

Ted Balke – I'll make a motion to approve.

Jim Carbonneau – I'll second.

Mary Hillberg – Any discussion?

Jack Ratterman – He meets the acreage, right? He only needs 2.5 acres?

George Ritchie – Correct.

Gina Lindhorst – It meets the same characteristics as the surrounding area, with AU (Agricultural Residential). Will there be any runoff problems with the animal waste, for the flooding that happens on that street?

George Ritchie – An engineering study has not been done as part of the zoning application.

Ted Balke – It's not in a flood zone, there's no flooding there.

Jack Ratterman – What's next to you? Is that woods?

John Joyner – To the west is 2.5 acres that belongs to our neighbor. I offered to buy it from him some time ago, but he was not interested in selling. When I purchased the acreage to the east, I paid almost triple what I should have paid, but I was okay with that because it was part of the dream we're trying to accomplish. To me, it's not so much about money; I grew up on a farm in Panama, Central America, and everything I'm doing for my kids is what my parents did for me and my brother.

Mary Hillberg – You have RR-1 (Rural Residential) zoned property to the east, have you contacted that person to see if they have any comment on having so many animals next door to them?

John Joyner – I'm familiar with the neighbors on both sides and behind me, and they all have horses. To the east of me, they have goats and chickens, and we get along well. I consulted with the gentleman behind us and he didn't have a problem with it.

Mary Hillberg – No one has had any objections?

John Joyner – Nobody has complained. I'm surrounded by agriculture.

Mary Hillberg – Any other questions for the applicant? Now the board has it, and we have a motion and a second.

Mary Hillberg called for a vote on the motion as stated, and it passed unanimously.

Upon consensus, the meeting adjourned at 6:11 p.m.