



AGENDA REPORT
December 6, 2018

Public Hearing, Re: Linda L. Moros requests a change of zoning classification from EU-2 and SEU to AU. (18PZ00103) (District 1)

SUBJECT:

Public Hearing, Re: Linda L. Moros requests a change of zoning classification from EU-2 (Estate Use Residential) and SEU (Suburban Estate Use) to AU (Agricultural Residential). The property is 3.35 acres, located on the west side of North Indian River Drive, approximately 0.4 miles north of Briarwood Lane. (18PZ00103) (District 1)

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider the request for a change of zoning classification from EU-2 and SEU to AU.

SUMMARY EXPLANATION and BACKGROUND:

The applicant is seeking a change of zoning classification from EU-2 and SEU to AU for the purpose of developing a single-family residence in conjunction with agricultural uses, allowing for chickens and bees onsite for a sustainable lifestyle. The applicant also wants to build a larger accessory building than is permitted in the existing zoning. The size of an accessory structure in the current zoning classifications are limited to 50% of the living area of the principal structure in conjunction with the development of one single-family residence. The AU zoning does not have a size limit for an accessory structure.

The requested AU zoning classification allows for all agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises; beekeeping being only one of those uses. The 25-foot wide access/corridor entrance to the lot, off of N. Indian River Dr., may not support the more intense agricultural uses.

The Board may wish to consider ways to reduce the impact of certain aspects of, or types of, agricultural uses. While there are numerous AU zoned parcels in the surrounding area, the parcels are not being utilized for agricultural purposes. The development trend in the area is predominately single-family residential. Perhaps, the Agricultural Residential Low-Intensity AU(L) zoning classification is more suited for the parcel. AU(L) is a low intensity

sub-classification which is applied more frequently to smaller lots and where the neighborhood has a more residential than agricultural character. AU(L) allows agricultural pursuits of a personal non-commercial nature. AU(L) does not permit onsite sales of commodities raised on the premises. 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.

On November 5, 2018, the Planning and Zoning Board heard the request and unanimously recommended approval of AU.

Contact: Erin Sterk, Planning & Zoning Manager, Ext. 52640

ATTACHMENTS:

Description

- ▢ **Administrative Policies**
- ▢ **Staff Comments**
- ▢ **GIS Maps**
- ▢ **P&Z Minutes**
- ▢ **Disclosures**



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Planning and Development
Zoning Meeting December 6, 2018

Moros (18PZ00103)

- On December 3, 2018, District 2 staff met with the applicant, who seeks a change in the zoning classification. The intention is to allow for the building of a house that would be suitable for the applicant in terms of size. The applicant anticipates raising chickens and bees. Discussion included the following: size and use of the property and how this would mesh with the neighborhood; feedback from nearby property owners; and findings by County staff and the Planning & Zoning Board.

District 2 Includes

Cocoa • Kennedy Space Center • Merritt Island • Port Canaveral • Cape Canaveral • Avon by the Sea • Cocoa Beach • Snug Harbor • Patrick AFB • Rockledge

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 and 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 zoning, conditional uses, comprehensive plan appeals, vested rights or other 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 per cent 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 an 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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), 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 service 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, odor, 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 that the following general standards are satisfied. The Board shall make the 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 MAI 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 thirty-five (35) feet higher than the highest residence within 1000 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 the section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County 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 MPO 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 (ALOS): Acceptable Level of Service currently adopted by the County.

Current 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 LOS that a proposed development may generate on a roadway.

RESOLUTION NO. 18PZ00103

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

WHEREAS, LINDA L. MOROS, has applied for a change of zoning classification from EU-2 (Estate Use Residential) and SEU (Suburban Estate Use), to AU (Agricultural Residential) on property described as Lot 1, Block A, and Tract A, Oaks on Rivers Edge, according to the plat thereof, as recorded in Plat Book 60, Pages 50 – 51, of the Public Records of Brevard County, Florida. (3.35 acres) Located on the west side of N. Indian River Dr., approx. 0.4 miles north of Briarwood Lane. (3861 N. Indian River Dr., Cocoa); and

Section 06, Township 24S, Range 36E, and,

WHEREAS, a public hearing of the Brevard County Planning & 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 & Zoning Board recommended that the application be approved; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & 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 EU-2 and SEU, to AU, be APPROVED, and that the zoning classification relating to the above described property be changed to AU. The Planning & 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 December 6, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County Florida



by Kristine Isnardi, Chair
Brevard County Commission

As approved by Brevard County Commission on December 6, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – November 5, 2018)

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 (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

REZONING REVIEW WORKSHEET

18PZ00103

Commission District # 1

Hearing Dates: P&Z 11/05/18

BCC 12/06/18

Owner Name: LINDA L. MOROS

Request: EU-2 & SEU to AU

Subject Property:

Parcel ID# 24-36-06-VY-A-1

Tax Acct.# 2462101

Location: West side of N. Indian River Dr., approx. 0.4 miles north of Briarwood Ln.

Address: 3861 N. Indian River Dr., Cocoa

Acreage: 3.35

Consistency with Land Use Regulations

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

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

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

	CURRENT	PROPOSED
Zoning	EU-2 & SEU	AU
Potential*	9 Single Family Units	1 Single Family Unit
Can be Considered under FLU MAP	Yes EU-2 on Residential 4 and SEU on Residential 1	Yes Residential 4 and Residential 1

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

	ADT	PM PEAK		
Trips from Existing Zoning	86	9	Segment Number	#3600*
Trips from Proposed Zoning	10	1	Segment Name	Highway US-1* SR 528 to Fay Blvd
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	E
Current Volume	29,035	2,613	Directional Split	0.54
Volume With Proposed Development	29,045	2,014	ITE CODE	
Current Volume / MAV	69.48%	69.48%	210	
Volume / MAV with Proposal	69.50%	53.55%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input checked="" type="checkbox"/> Non-Deficiency	

*N. Indian River Dr. is no longer tracked for Traffic volume. Highway US-1 is the closest road and was used for tracking the segment volume Trips.

Background & Purpose of Request

The applicant is seeking a change of Zoning classification from Estate Use Residential (EU-2) and Suburban Estate Residential Use (SEU) to Agricultural Residential (AU) for the purpose of developing a single-family residence in conjunction with agricultural uses, allowing for chickens and bees onsite for a sustainable lifestyle. The parcel is currently zoned EU-2 on the main portion of the parcel and Suburban Estate Use (SEU) on the narrow portion of the parcel and the portion of the parcel east of N. Indian River Dr. A single-family residence could only be built on the portion west of N. Indian River Dr.

The applicant also wants to build a larger accessory building than is permitted in the existing zoning. The size of an accessory structure in both the SEU and EU-2 zoning classifications are limited to 50% of the living area of the principal structure in conjunction with the development of one single family residence. The AU zoning does not have a size limit for an accessory structure.

EU-2 Zoning classification permits single-family residences on 9,000 sq. ft. lots, with a minimum lot width of 90 feet and minimum lot depth of 100 feet. The minimum house size in EU-2 is 1,500 square feet of living area. SEU zoning permits suburban estate residential uses on lots of one acre (minimum) with a width of 125 feet and a depth of 200 feet. Minimum floor area is 2,000 square feet of living area.

The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet of living area. The requested AU Zoning classification allows for all agricultural pursuits, including the packing, processing and sales of commodities raised on the premises; beekeeping being only one of those uses.

It was also discussed with the applicant that Agricultural residential low intensity AU(L) might be better suited for the parcel. AU(L) is a low intensity sub-classification which is more suited to smaller lots and where the neighborhood has a more residential than agricultural character. AU(L) allows Agricultural pursuits of a personal non-commercial nature. AU(L) does not permit on site sales of commodities raised on the premises. 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.

March 05, 1981: the subject parcel was rezoned (**Z-5575**) from AU to EU-2.

August 19, 2014: the subdivision Oaks on Rivers Edge, Plat Book 60, Page 50-51, was approved by The Board of County Commissioners. This subdivision is a four lot subdivision which has frontage on and gains access off of N. Indian River Dr. Each of the four lots has the same EU-2 and SEU zonings. The four lots in the subdivision vary in size from just over two acres to over four acres. This parcel is Lot 1, Block A of this said Plat and was approved as a "corridor lot". A "corridor lot" functions similar to a "flag lot" and was approved under subdivision site plan **13SDM-00484**.

Land Use Compatibility

The subject property retains the Residential 1 (RES 1) and Residential 4 (RES 4) Future Land Use (FLU) designation.

FLUE Policy 1.9 – addresses the RES 1 Future Land Use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The current SEU zoning and the proposed AU zoning are consistent with the Residential 1 Future Land Use designation. The Residential 1 land use designation is only on the SEU zoning portion of the parcel.

FLUE Policy 1.7 – addresses the RES 4 Future Land Use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units

per acre, except as otherwise may be provided for within this element. The current zoning EU-2 and the proposed AU zoning are consistent with the current Residential 4 Future Land Use designation.

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

Environmental Constraints

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

Applicable Land Use Policies

The adjacent parcel to the south is zoned AU which does not have any development or agriculture uses on the parcel. The adjacent parcels to the east are zoned Estate Use (EU) and AU. The AU parcel to the east is developed with a single family home and does not have any agricultural use on the parcel. The adjacent parcel to the north is zoned EU-2 and SEU. The adjacent parcel to the west is zoned General Retail Commercial (BU-1).

The half-mile radius around this site has seen four zoning changes within the last 3 years, all of which are west of Highway US-1.

February 02, 2017; **16PZ00109**: Changed zoning from Planned Industrial Park (PIP) to Retail, warehousing and wholesale Commercial (BU-2). This rezoning was on 6.27 acres approximately 550 feet westerly of the subject parcel and located on the west side of Highway US1.

March 02, 2017; **16PZ00114**: Changed zoning from BU-1 and BU-2 to PIP. This rezoning was on 7 acres approximately 1,268 feet southwesterly of the subject parcel and located on the west side of Highway US1.

July 26, 2017; **16PZ00118**: Changed zoning from BU-1, PIP, AU and Recreational Vehicle Park (RVP) to all Single-Family Residential (RU-1-7) with a Binding Development Plan limiting the density to 4 units per acre. This rezoning was on 48.26 acres approximately 520 feet west of the subject parcel and located on the west side of Highway US1.

July 26, 2017; **17PZ00038**: Changed zoning from PIP, AU and to RU-1-7 with a Binding Development Plan limiting the density to 4 units per acre. This rezoning was on 1.02 acres approximately 1,865 feet southwesterly of the subject parcel and located on the west side of Highway US1.

For Board Consideration

The applicant is seeking a change of Zoning classification from Estate Use Residential (EU-2) and Suburban Estate Residential Use (SEU) to Agricultural Residential (AU) for the purpose of developing a single-family residence in conjunction with agricultural uses, allowing for chickens and bees onsite for a sustainable lifestyle. The applicant also wants to build a larger accessory building than is permitted in the existing zoning.

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The requested AU Zoning classification allows for all agricultural pursuits, including the packing, processing and sales of commodities raised on the premises; beekeeping being only one of those uses. The 25 feet wide access/corridor entrance to the lot, off of N. Indian River Dr., may not support commercial agricultural uses. The Board may wish to consider ways to reduce the impact of certain aspects of or types of agricultural uses.

Staff Comments: Page 4
(18PZ00103)
11/05/18 PZ // 12/06/18 BCC

The Board may wish to consider whether the Agricultural residential low intensity AU(L) zoning classification is more suited for the parcel. The AU(L) is a low intensity sub-classification which is applied more frequently to smaller lots and where the neighborhood has a more residential than agricultural character. AU(L) allows Agricultural pursuits of a personal non-commercial nature. AU(L) does not permit on site sales of commodities raised on the premises. 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.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
 Rezoning Review**

SUMMARY

Item #: 18PZ00103	Applicant: Alan & Linda Moros
Zoning Request: EU-2 to AU	BCC Hearing Date: 12/06/2018
P&Z Hearing Date: 11/05/2018	

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Mapped	Surface Waters	N/A
Floodplains	Not mapped	Wildlife	Potential

Comments:

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 06;
 Tax ID No. 2462101**

The subject parcel contains mapped SJRWMD wetlands and hydric soils (Copeland-Bradenton-Wabasso complex limestone substratum and Basinger sand) as shown on the SJRWMD Florida Land Use & Cover Codes and the USDA Soil Conservation Service Soils Survey Maps, respectively; indicators that wetlands may be present on the property. Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-3694(c)(6). 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 permitted wetland impacts must meet the requirements of Sections 62-3694(e) and 62-3696 of the Wetland Protection ordinance. The applicant is encouraged to contact NRM at 321-633-2016 prior to any land clearing activities, site planning or permit submittal.

Basinger sand may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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

Staff Comments: Page 6
(18PZ00103)
11/05/18 PZ // 12/06/18 BCC

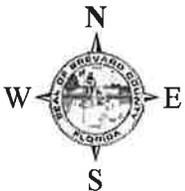
should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

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. Per Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of heritage Specimen Trees. Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Due to septic moratorium, use of an alternative septic system designed to specifically provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable.

LOCATION MAP

MOROS, LINDA L.
18PZ00103



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

Buffer Distance: 500 feet

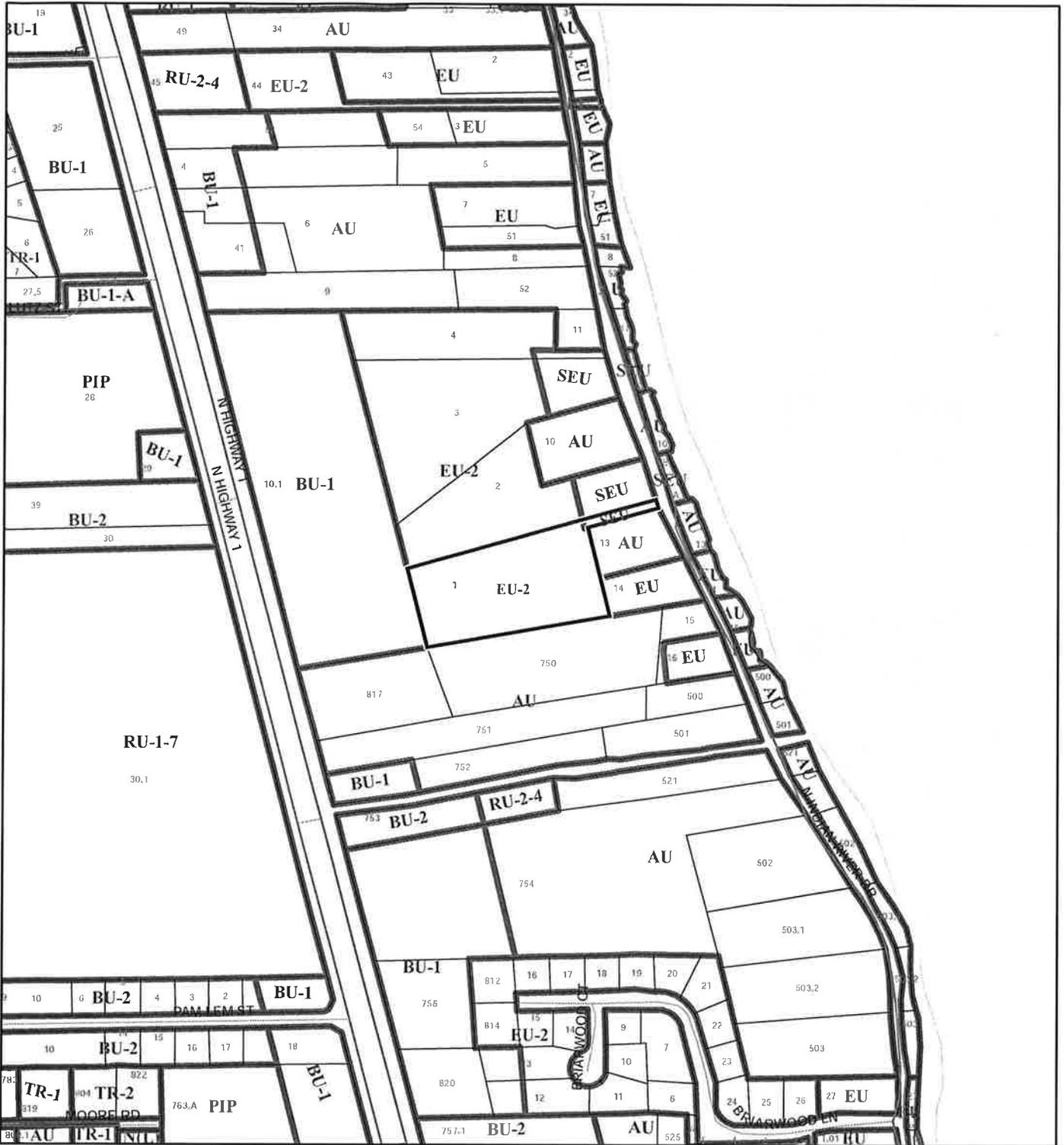
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/24/2018

-  Buffer
-  Subject Property

ZONING MAP

MOROS, LINDA L.
18PZ00103



1:4,800 or 1 inch = 400 feet

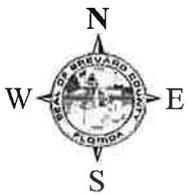
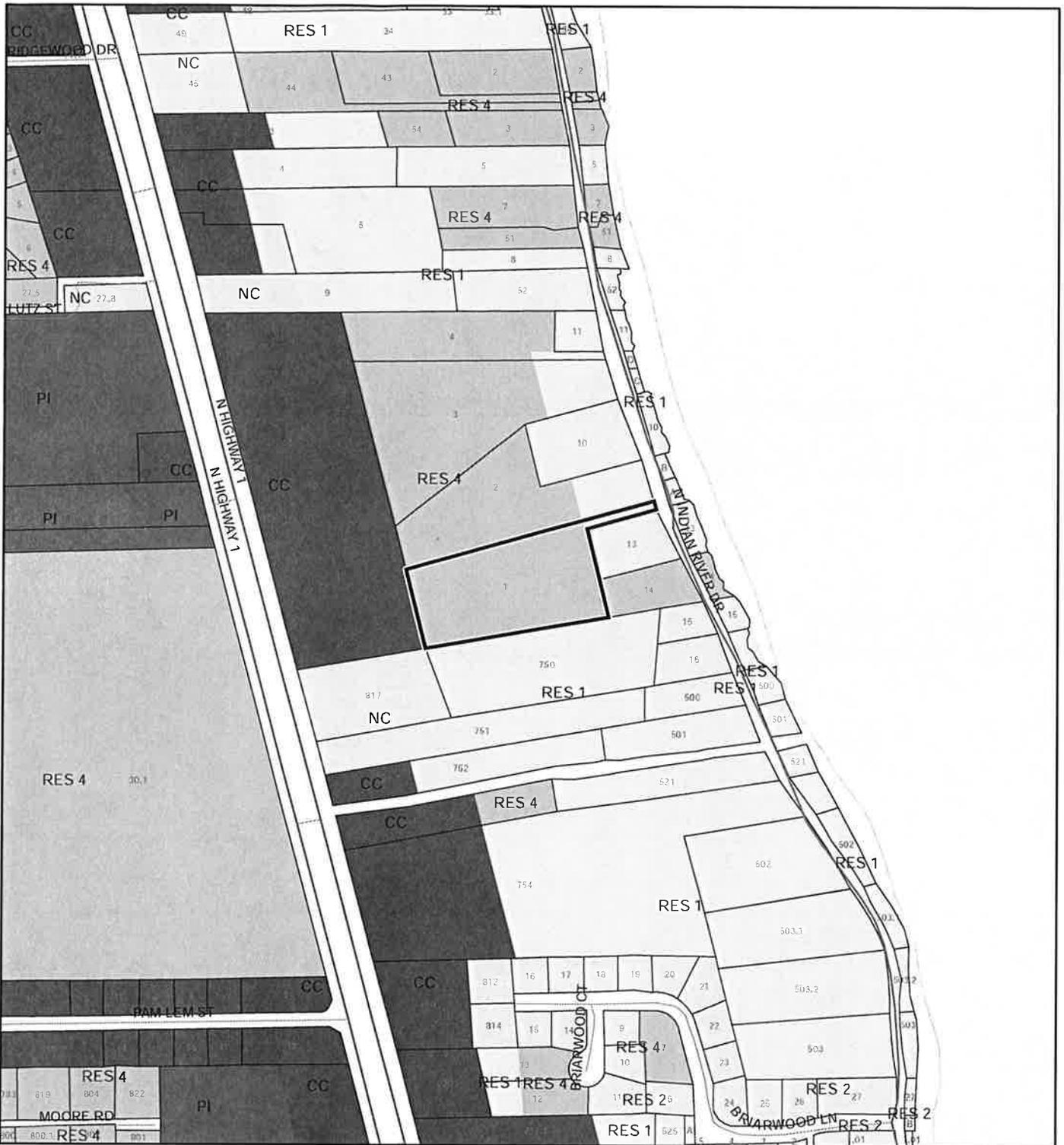
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-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

MOROS, LINDA L.
18PZ00103



1:4,800 or 1 inch = 400 feet

 Subject Property

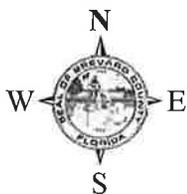
 Parcels

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AERIAL MAP

MOROS, LINDA L.
18PZ00103



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2018

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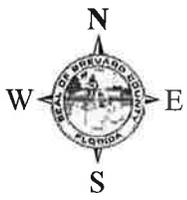
 Subject Property

 Parcels

NWI WETLANDS MAP

MOROS, LINDA L.

18PZ00103



1:4,800 or 1 inch = 400 feet

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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

MOROS, LINDA L.

18PZ00103



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SJRWMD FLUCCS WETLANDS

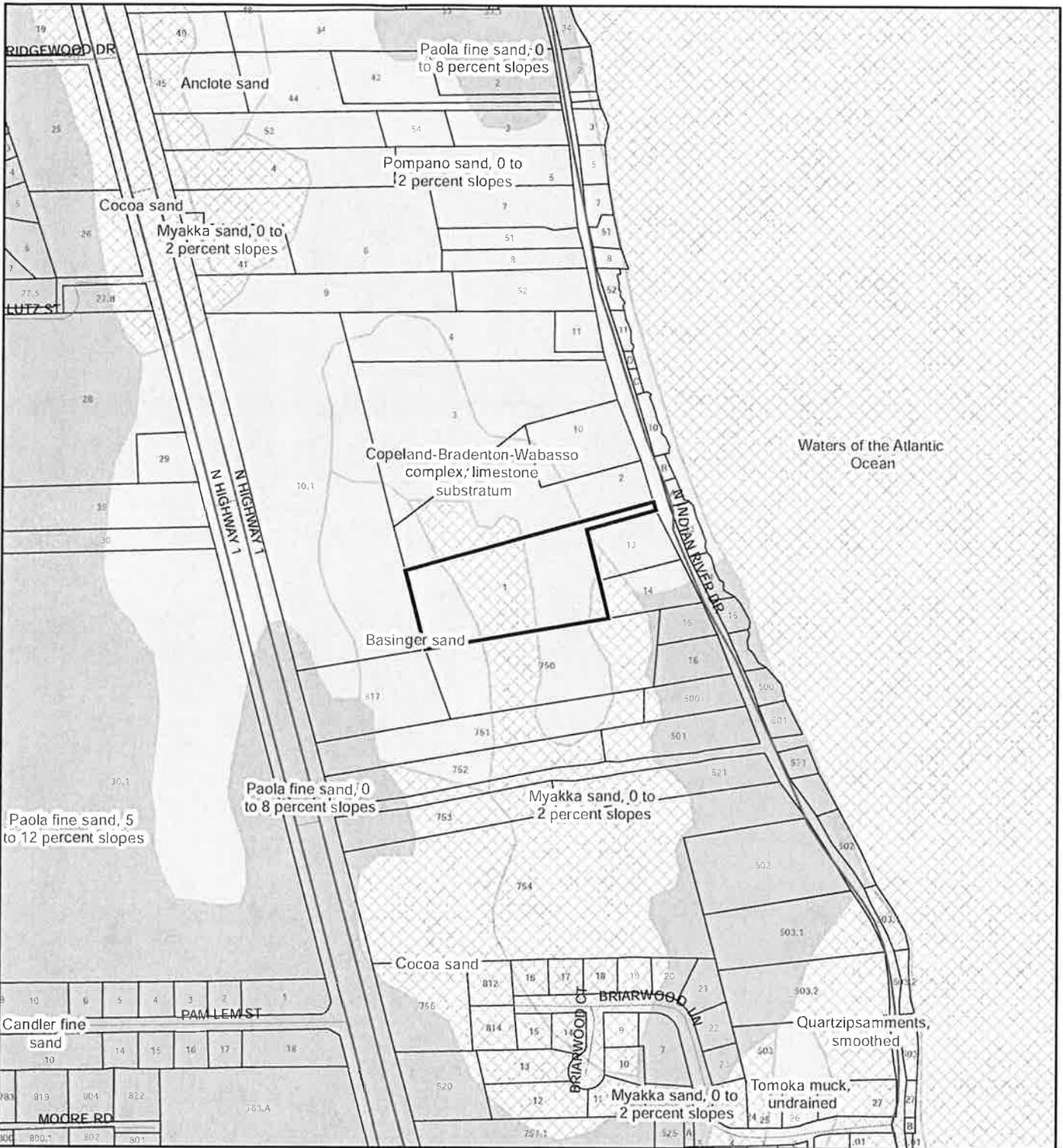
-  Wetland Hardwood Forests - Series 6100
-  Wetland Coniferous Forest - Series 6200
-  Wetland Forested Mixed - Series 6300
-  Vegetated Non-Forested Wetlands - Series 6400
-  Non-Vegetated Wetland - Series 6500

 Subject Property

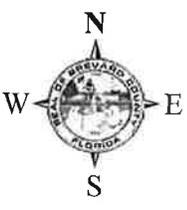
 Parcels

USDA SCSSS SOILS MAP

MOROS, LINDA L.
18PZ00103



Waters of the Atlantic Ocean



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

MOROS, LINDA L.

18PZ00103



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/24/2018

FEMA Flood Zones

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EAGLE NESTS MAP

MOROS, LINDA L.

18PZ00103



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

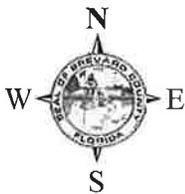
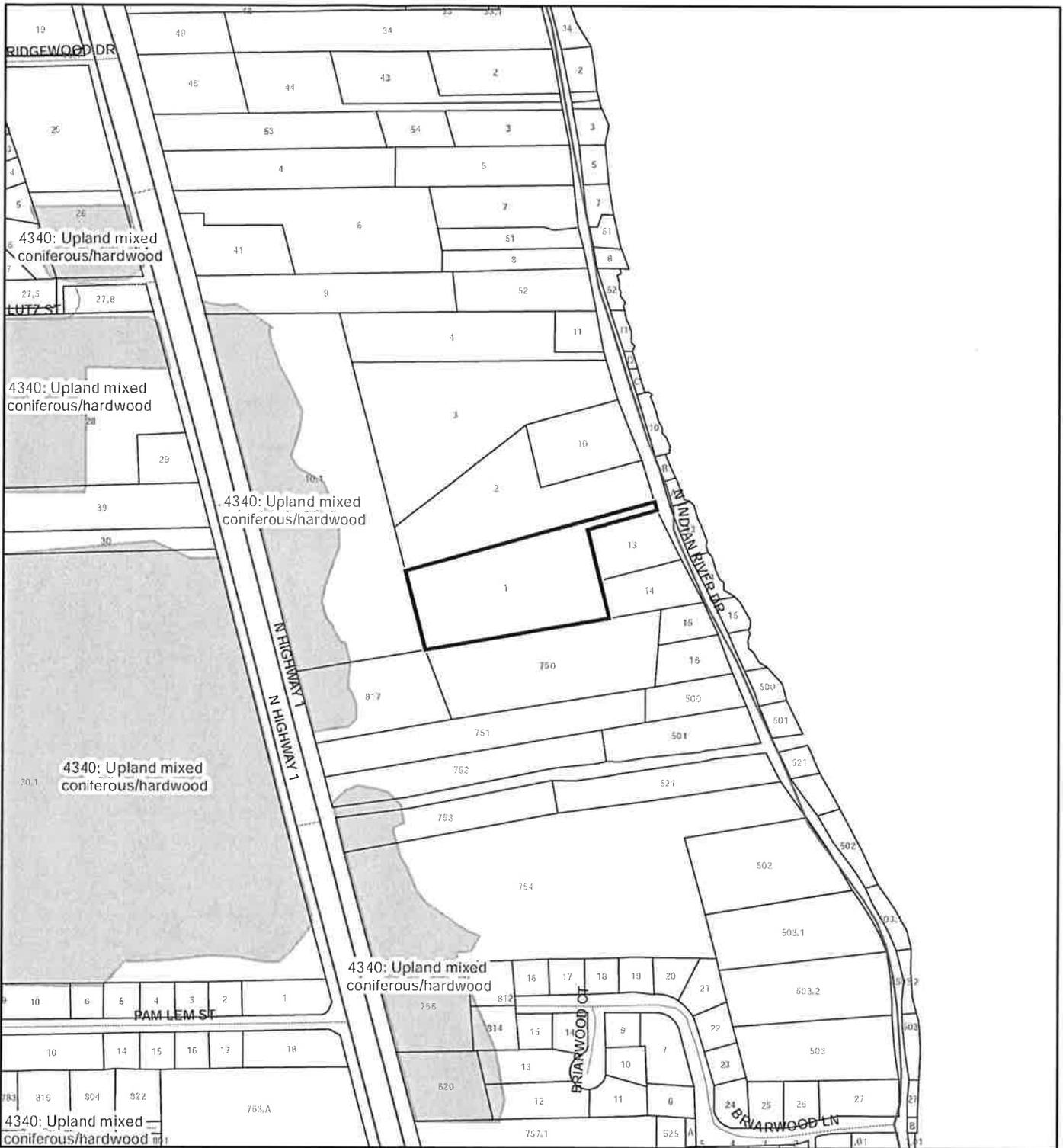
 Eagle Nests
FWS 2010

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SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

MOROS, LINDA L.
18PZ00103



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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, November 5, 2018, 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; Robert LaMarr, Vice Chair; Ron Bartcher, Ben Glover; Brian Hodgers; Robert Solito; Mark Wadsworth; Bruce Moia; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Rebecca Ragain, Planning and Development Assistant Director; 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, December 6, 2018, at 5:00 p.m.

Excerpt from complete agenda.

Linda L. Moros request a change of zoning classification from EU-2 (Estate Use Residential) and SEU (Suburban Estate Use) to AU (Agricultural Residential). The property is 3.35 acres, located on the west side of North Indian River Drive, approximately 0.4 miles north of Briarwood Lane. (3861 North Indian River Drive, Cocoa) (18PZ00103) (District 1)

Linda Moros – We just recently purchased some property on North Indian River Drive; we're hoping to build our forever home, and I hope my forever home is a little bit smaller than what the current zoning requires, so we're asking to go to Agricultural for a couple of reasons. One, I can build a small home, and he can build a big workshop, and we can have a happy marriage for the rest of our lives. The second reason is so we can have chickens and bees; we've always liked having chickens, and we want to have bees, and we want to have our children have those, too. That's the main reason we requested the rezoning back to Agricultural, and to also stay consistent with the neighborhood.

Henry Minneboo – I think if you're approved today, you can't have 500 chickens out there.

Linda Moros – I don't want 500 chickens.

Henry Minneboo – That was just a joke.

Linda Moros – Ten gives you a good amount of eggs to take care of your neighbors.

Henry Minneboo – Does anybody on the board have a question? Is there anybody in the audience who would like to speak for or against this item? I bring it back to the board.

Ben Glover – I'd like to make a motion for approval.

Bruce Moia – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.



BOARD OF COUNTY COMMISSIONERS

Rita Pritchett, District 1 Commissioner

2000 South Washington Avenue, Ste. 2

Titusville, FL 32780

(321) 607-6901

D1.commissioner@brevardfl.gov

Planning and Development
Zoning Meeting December 6, 2018
3861 Indian River Drive Cocoa (18PZ00103)

Commissioner Pritchett met the owners at the above address regarding their request for change of zoning classification from EU-2 and SEU to AU. The owners wish to build a 1500 square foot house on the property and be able to have chickens. Some of the other properties around them are AU and they have a letter of no objection from the next door neighbor.



Bryan A. Lober, Commissioner, District 2
2575 N. Courtenay Pkwy, Suite 200
Merritt Island, FL 32953

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Planning and Development
Zoning Meeting December 6, 2018

Moros (18PZ00103)

- On December 3, 2018, District 2 staff met with the applicant, who seeks a change in the zoning classification. The intention is to allow for the building of a house that would be suitable for the applicant in terms of size. The applicant anticipates raising chickens and bees. Discussion included the following: size and use of the property and how this would mesh with the neighborhood; feedback from nearby property owners; and findings by County staff and the Planning & Zoning Board.

District 2 Includes

Cocoa • Kennedy Space Center • Merritt Island • Port Canaveral • Cape Canaveral • Avon by the Sea • Cocoa Beach • Snug Harbor • Patrick AFB • Rockledge