

**INDIAN RIVER COUNTY, FLORIDA  
M E M O R A N D U M**

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**TO:** Board of County Commissioners

**THROUGH:** John A. Titkanich, Jr., County Administrator

**PREPARED BY:** Cindy Thurman; Senior Planner, Long Range Planning

**DATE:** April 4, 2024

**SUBJECT:** Consideration of an Ordinance of Indian River County, Florida Amending the Zoning Ordinance, and the Accompanying Zoning Map for ±19.6 Acres from A-1, Agricultural District to RS-3, Single-Family Home Residential District (RZON2002030112-96026) [Quasi-Judicial]

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It is requested that the data presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of April 23, 2024.

**DESCRIPTION AND CONDITIONS**

This request is to rezone ±19.6 acres from A-1, Agricultural District (up to 1 unit per 5 acres) to RS-3, Single-Family Residential District (up to 3 units per acre). As shown in Attachment 1, the subject property is located on the north side of Island Club Manor, west of Highway A1A and east of Jungle Trail. The purpose of this request is to secure the zoning necessary to develop the site with uses and density permitted in the RS-3 Zoning District. The requested RS-3 zoning designation is also consistent with the subject property's L-2, Low Density Residential-2 land use designation.

**Existing Land Use Pattern**

The property is located on a western portion of the north barrier island across the Indian River from Orchid Isles Subdivision. This portion of the barrier island includes the Captain Forester Hammock Preserve, a State-owned property that the County has a long-term lease to manage as a conservation area to the north, and the Island Club Riverside Subdivision to the south.

The area's existing land use pattern therefore consists of a mixture of conservation land to the north and east, single family development to the south, and the Indian River Lagoon to the west. The property is currently vacant and is zoned A-1, Agricultural District, which permits densities up to 1 unit per 5 acres.

To the north of the subject property is CON-1, Public Lands Conservation District, and RM-6, Residential Multiple-Family Zoning District. To the south is the Island Club Riverside subdivision which is zoned RS-6. The closest RS-3 Zoning is to the west across the Indian River Lagoon in the Orchid Isles Subdivision.

Conservation zoning and single-family residential zoning with low density land use patterns are consistent with the existing development patterns. The future land use designation of L-2 anticipates these districts will fill-in the urban service area between transportation corridors and along the medium density districts.

### **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing A-1 zoning and the proposed RS-3 zoning. The respective zoning district's purpose statements best illustrate the distinctions between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

A-1: The Agricultural-1 District is intended to provide areas suitable for agriculture, tree farming, and the conservation and management of open space, vegetative cover, natural systems, aquifer recharge areas, wildlife areas and scenic areas. This district is also intended to provide opportunities for residential uses at very low densities to promote housing opportunities in the county. This district is further intended to permit activities which require non-urban locations and do not detrimentally impact lands devoted to rural and agricultural activities.

RS-3: The single-family residential district is established to implement the policies of the County Comprehensive Plan for managing land designated for residential uses, providing single-family housing opportunities, and ensuring adequate public facilities and to meet the needs of residents. Single-family districts are also intended to implement the county's housing policies by providing opportunities for a varied and diverse housing supply.

### **ANALYSIS**

The following analysis is per Chapter 902: Amendments to the Official Zoning Atlas, Section 902.12(3) which states that all proposed amendments shall be submitted to the Planning and Zoning Commission which shall consider such proposals in accordance with items (A) through (K) of Section 902.12(3).

#### **Item A – Whether or not the proposed amendment is in conflict with any applicable portion of the land development regulations (LDRs).**

The subject property has an L-2 land use designation. Per the land use zoning matrix provided in section 911.07 of the County LDRs, the requested RS-3 zoning designation is consistent with the subject property's L-2 land use designation. The proposed RS-3 zoning designation is also consistent with the surrounding area's zoning and development pattern and will not create any incompatibilities or nonconformities. All other LDR requirements will be reviewed for

compliance via the County's development review process (e.g. conventional subdivision or planned development).

**Item B – Whether or not the proposed amendment is consistent with all the elements of the Indian River County Comprehensive Plan.**

The elements of the Comprehensive Plan contain goals, objectives, and policies that direct the community's development. Policies are statements in the plan that identify courses of action and provide the basis for all County land decisions. While all comprehensive plan policies are important, some have more applicability than others in reviewing rezoning requests. Of applicability for this request are the following objectives and policies:

Future Land Use Element Objective 1 states that the county will have a compact land use pattern, which reduces urban sprawl. By allowing the site to be developed in a manner that is consistent with the site's land use designation, the request allows a more compact land use pattern within the urban service area and reduces the chances that urban sprawl will occur. For these reasons the request is consistent with Objective 1.

Future Land Use Element Policy 1.12 states that development in low-density residential areas shall be limited to the following:

Single-family residential uses

- up to 6 units per acre in L-2 designated areas.
- residential uses with densities up to 6 units per acre

Future Land Use Element Policy 1.13 states that these residential land uses must be located within the urban service area.

Since the subject property is located within an area designated as L-2 on the County's Future Land Use map, is located within the County's urban service area, and the proposed RS-3 zoning district would permit residential uses no greater than 3 units per acre, the proposed request is consistent with Policies 1.12 and 1.13.

Future Land Use Element Policy 1.43 provides criteria that the Board of County Commissioners may use to determine whether a proposed zoning district is appropriate for a particular site. Policy 1.43 is satisfied for single-family development if the development is adjacent to other single-family areas and separated from major commercial or industrial areas.

The subject property is adjacent to other single-family areas and is separated from major commercial or industrial areas. Therefore, the requested rezoning is consistent with Policy 1.43.

Future Land Use Element Objective 7: Protection of Natural Resources Policies 7.1 - 7-3.

The first three policies of objective seven regulate areas prone to flooding within the 100-year floodplain in a manner that is consistent with that established by the National Flood insurance.

program, provide for the transfer of development rights from estuarine wetland to approved upland, and limit building densities for impacted areas.

Future Land Use Policy 7.4 requires an environmental survey as part of the approval of the development order for any development activity in areas designated as environmentally sensitive or important, as defined in policies 5.4 and 6.11 of the Conservation Element.

Future Land Use Policy 7.5 requires review of new impacts of stormwater runoff so that new development will not negatively impact adjacent properties or receiving surface waterbody quality.

Future Land Use Policy 7.6, through the maintenance of building regulations, provides for setbacks and protection from solid and liquid wastes, including pesticides and herbicides.

This site has historically been zoned agriculturally and land clearing has been permitted on the property. Any other LDR requirements will be reviewed for compliance via the County's development review process (e.g. conventional subdivision or planned development).

**Item C - Whether or not the proposed amendment is consistent with existing and proposed land uses.**

The subject property is designated as L-2, Low-Density Residential-2 on the Future Land Use map. The proposed RS-3 zoning is consistent with the Future Land Use map designation and no future land use amendment is being proposed as part of this request. The surrounding properties have L-2 and C-1 Future Land Use designations (see Attachment 2).

**Item D - Whether or not the proposed amendment is in compliance with the adopted county thoroughfare plan.**

The subject property lies west of Highway A1A, along the north side of Island Club Manor, which is a private local road. The main access for the overall site is via easement on Island Club Manor, with access to Highway A1A.

Any previous easement access granted regarding Island Club Manor for access to this parcel or the platting of the subdivision to the south would be part of the site's development review process, if applicable.

**Item E – Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below the level adopted in the comprehensive plan.**

The proposed rezoning request's Traffic Impact Analysis (TIA) was reviewed and approved by Traffic Engineering Division staff. That analysis showed that all roadway segments within the area of influence would operate at an acceptable level of service within the most intense use of the property under the proposed zoning district.

**Item F – Whether or not there have been changed conditions which would warrant an amendment.**

The Applicant’s justification of change states that: “the site is currently zoned A-1 within the Future Land Use of L-2, and the site is 19.35 acres. The site is located on the west side of A1A connecting via Island Club Manor, and south of County Road 510. The vision of the project is to create a residential subdivision with future homesites that are close to  $\frac{3}{4}$  of an acre in size and vistas onto the Indian River Lagoon. The gross density of the proposed site is under 1 du/acre at 0.82 dwelling units per acre. The underlying Future Land Use supports up to 6 units per acres, so the request to amend the zoning district to RS-3 is justified. Moving to the RS-3 is consistent with the underlying future land use, and propose project presents a lower density than any of the adjacent developments.”

The property is surrounded on two sides with conservation land use. Given the surrounding environmental and refuge preservation considerations, a low-density residential subdivision with homesites that are almost an acre in size as a proposed land use is more compatible than the existing underlying land use that potentially allows land uses of up to 6 units per acre. A higher density is more likely to be incompatible with conservation efforts.

**Item G – Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation.**

Based upon the analysis conducted by staff it has been determined that all concurrency-mandated facilities, including stormwater management, solid waste, water, wastewater, and recreation have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning. Per the County LDRs, the applicant may be required to pay connection and other customary fees and comply with other routine administrative procedures. If approved, rezoning does not guarantee any vested rights to receive water and wastewater treatment service. As with all development, a more detailed concurrency review will be conducted during the development review process.

Per Section 910.07 of the LDRs, a conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are not development projects, County regulations call for the concurrency review to be based upon the most intense use of the subject property allowed within the requested zoning district.

For residential rezoning requests, the most intense use is the maximum number of units that could be built on the site, given the size of the property, and the maximum density allowed under the proposed zoning. The site information used for the concurrency analysis is as follows:

1. Size of Area to be rezoned:  $\pm$ 19.6 acres
2. Existing Zoning District: A-1, Agricultural, up to 1 unit per 5 acres
3. Proposed Zoning District: RS-3, Single-Family Residential, up to 3 units per acre

4. Most Intense Use of Subject Property: 4 Single-Family Units  
Under Existing Zoning District
5. Most Intense Use of Subject Property: 58 Single-Family Units  
Under Proposed Zoning District

**Item H – Whether or not the proposed amendment would result in significant adverse impacts on the natural environment.**

The property directly abuts the Captain Forester Hammock Preserve and may contain wetlands and potential habitat for listed species. As such, an environmental assessment of the property will be required. Additional federal, state and County coordination and/or permitting may be required based on the results of the environmental assessment.

The property is in Flood Zone AE, and drainage and flood protection regulations, including those for flood hazard zones, are applied to single-family development in this area.

**Item I – Whether or not the proposed amendment would result in the orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The proposed amendment is consistent with the comprehensive plan and the surrounding land uses. Development of a low-density residential subdivision would contribute to an orderly and logical development pattern.

**Item J – Whether or not the proposed amendment would be in conflict with the public interest and is in harmony with the purpose and interest of the land development regulations.**

The request is in harmony with the purpose and intent of the LDRs. No detrimental effect to the public welfare has been identified.

**Item K – Any other matters that may be deemed appropriate by the planning and zoning commission or the board of county commissioners in review and consideration of the proposed amendment such as police protection, fire protection, and emergency medical services.**

Based upon analysis conducted by staff, it has been determined that all concurrency – mandated facilities, including police protection, fire protection, and emergency medical services have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning.

**CONCLUSION**

Based on the analysis, staff has determined that the requested zoning district is compatible with surrounding areas, is consistent with the comprehensive plan, meets all concurrency criteria, and

meets all applicable rezoning criteria. Furthermore, the requested RS-3 zoning district is compatible with land uses in the surrounding area.

At the March 14, 2024, Planning and Zoning Commission meeting, the Commission voted to recommend that the Board of County Commissioners approve this rezoning request.

### **RECOMMENDATION**

Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve this request to rezone the subject property from A-1, Agricultural, to RS-3, Single-Family Residential.

### **ATTACHMENTS**

1. Existing Zoning Map
2. Future Land Use Map
3. Application
4. Ordinance