

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

TO: Board of County Commissioners

THROUGH: John A Titkanich, Jr., County Administrator

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

DATE: January 2, 2024

SUBJECT: Consideration of an Ordinance of Indian River County, Florida, Amending the Zoning Ordinance and the Accompanying Zoning Map for ± 2.0 Acres from RS-6, Single-Family Residential District to RMH-8, Residential Mobile Home District (RZON96050010-95727) [Quasi-Judicial]

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

DESCRIPTION AND CONDITIONS

The applicant requests to rezone ± 2.0 acres located at the terminus of 54th Drive, approximately 760 feet north of 45th Street, and approximately a quarter of a mile east of 58th Avenue, from RS-6, Single-Family Residential District to RMH-8, Residential Mobile Home District (see Attachment 1). The purpose of this request is to secure the zoning necessary to develop the site with uses permitted in the RMH-8 zoning district.

Existing Land Use Pattern

This portion of the county consists of a mixture of single-family subdivisions, large lot mobile home developments, and some industrial uses to the south. The subject property is currently zoned RS-6, Residential Single-Family. To the north of the subject property is a vacant single-family zoned property, to the south is developed industrial land, to the east and west is RMH-8, occupied residential mobile home properties.

Zoning District Differences

In the terms of permitted uses, there are both similarities and differences between the existing RS-6, Single-Family Residential District and the proposed RMH-8 district. The respective zoning district's purpose statements best illustrate the similarities between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

RS-6: The single-family districts are established to implement the policies of the Indian River County Comprehensive Plan for managing land designated for residential uses, providing single-

family housing opportunities, and ensuring adequate public facilities to meet the needs of residents. These districts are also intended to implement the county's housing policies by providing opportunities for a varied and diverse housing supply.

RMH-8: The mobile home districts are established to implement the policies of the Indian River County Comprehensive Plan for managing land designated for residential use, providing opportunities for developing mobile home subdivisions and ensuring adequate public facilities to meet the needs of residents. These districts are also intended to implement the county's housing policies by providing opportunity 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.

Staff cannot identify any conflicts with the proposed rezoning or any of the land development regulations.

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 particular applicability for this request are the following objectives and policies:

Future Land Use Element Objective 1

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 with 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 1.13

Future Land Use Element Policy 1.13 states that the M-2, Medium-Density Residential-2 land use designation is intended for residential uses with densities up to 10 units/acre. In addition, 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 M-2 on the county's Future Land Use Map, is located within the county's urban service area, and the proposed zoning district would permit residential uses no greater than 8 units/acre, the proposed request is consistent with Policy 1.13.

Future Land Use Element Policy 1.43

Future Land Use Element Policy 1.43 provides criteria that the Board of County Commissioners may use to determine whether or not a proposed zoning district is appropriate for a particular site. Policy 1.43 (10) The general criteria regarding location of residential zoning districts states that:

“10. Where medium density residential lands abut low density residential land, the medium density land may be zoned an intermediate density.”

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

The subject property is designated as M-2, Medium-Density Residential-2 on the Future Land Use Map. The proposed RMH-8 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 are also within the existing M-2 Future Land Use designation (see Attachment 2).

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

The subject property lies at the terminus of 54th Drive. The main access for the overall site is from 45th Street, east of 58th Avenue.

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 states that the site is bordered on the east, west, and south by RMH-8 zoning, and on the north by RS-6 zoning. The applicant owns approximately 14.5 acres directly adjacent to the subject property zoned RMH-8 and would like to add this parcel to the overall site for redevelopment.

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 County’s LDRs, 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 (according to the County’s LDRs) the maximum number of units that could be built on the site, given the size of the property, and the maximum density under the proposed zoning the site information used for the concurrency analysis is as follows:

1. Size of Area to be rezoned: ±2.0 acres
2. Existing Zoning District: RS-6, Residential Single-Family, up to 6 units per acre
3. Proposed Zoning District: RMH-8, Residential Mobile Home, up to 8 units per acre
4. Most Intense Use of Subject Property: 12 Single-Family Units
Under Existing Zoning District
5. Most Intense Use of Subject Property: 16 Mobile Home Units
Under Proposed Zoning District

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

Currently, the property is abutting RMH-8 zoning on the east, west, and south, and RS-6 zoning to the north. Since the subject two-acre property contains no land designated by the state of Florida

or the U.S. Federal Government as environmentally sensitive or protected land, such as wetlands or sensitive uplands, rezoning the site is anticipated to have no adverse impacts on the natural environment.

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 use, and will provide for a logical and orderly 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 land development regulations. 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

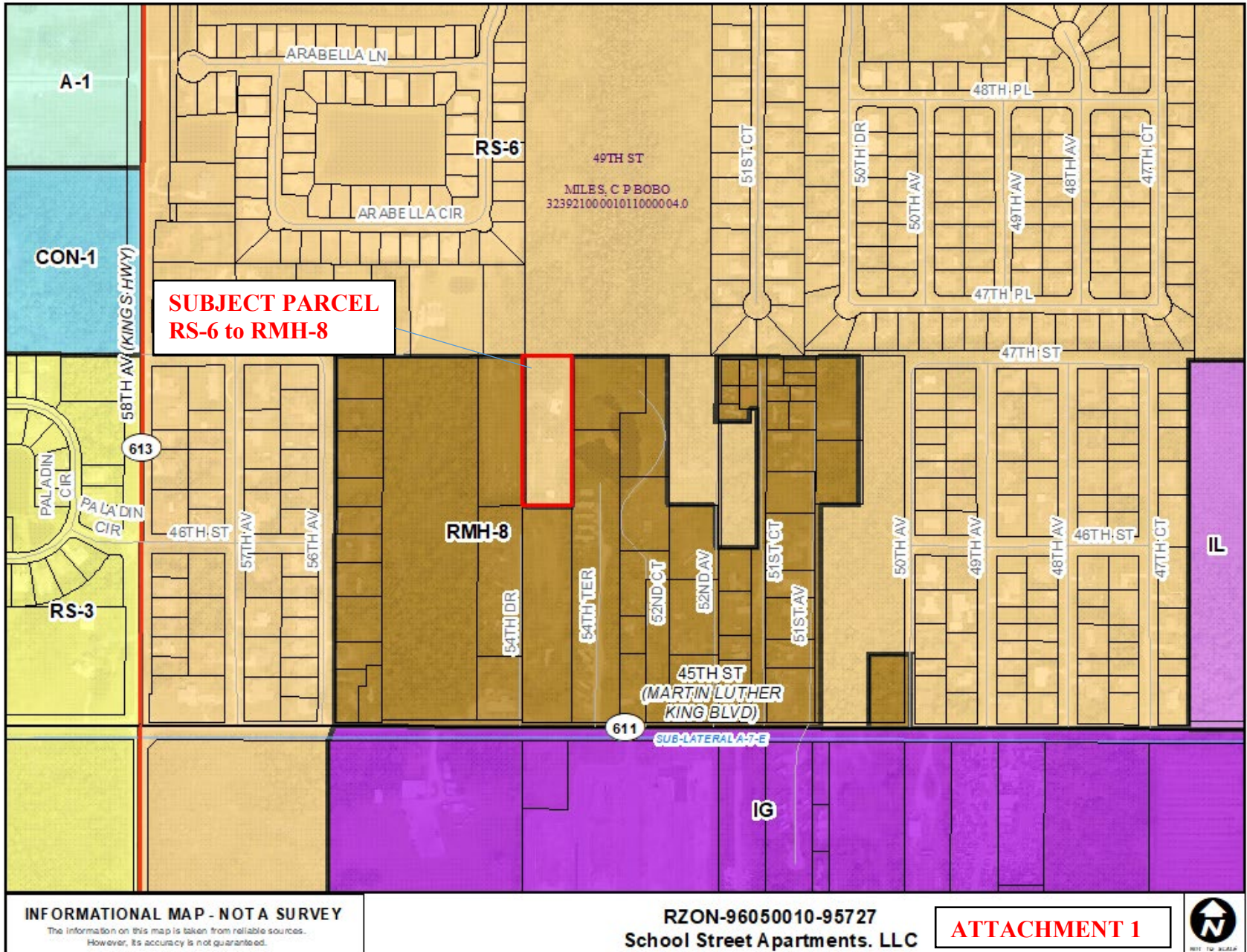
The requested RMH-8 zoning district is compatible with the surrounding area, is consistent with the goals, objectives, and policies of the Comprehensive Plan and is consistent with the County LDRs. Located in an area deemed suitable for residential mobile home uses, the subject property meets all applicable criteria to be rezoned to RMH-8. For those reasons, Staff supports the request.

RECOMMENDATION

Based on the analysis, staff and the Planning and Zoning Commission recommend that the Board of County Commissioners approve the proposed change to rezone the subject property from RS-6, Single-Family Residential to RMH-8, Residential Mobile Home.

ATTACHMENTS

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

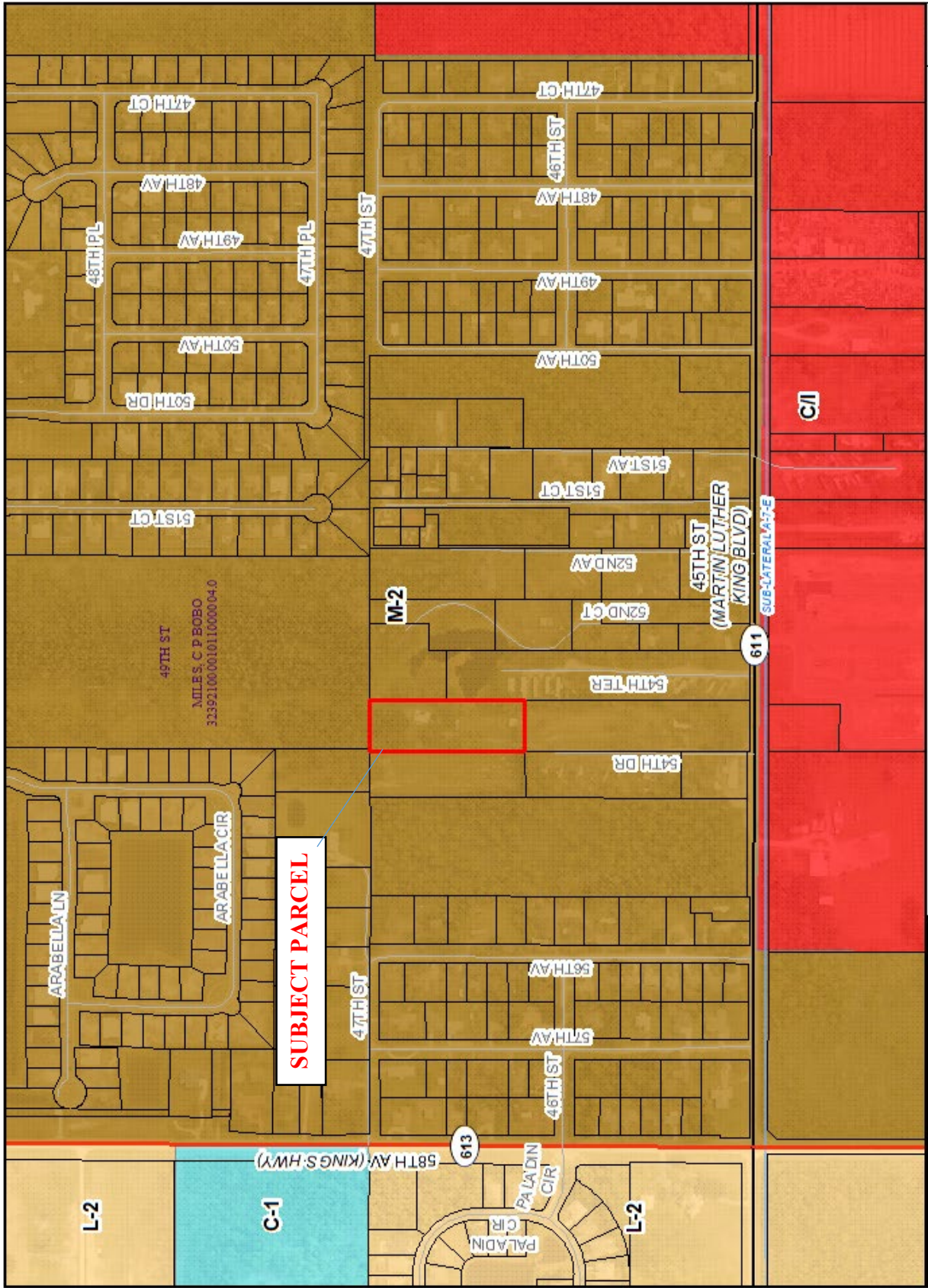


INFORMATIONAL MAP - NOT A SURVEY
 The information on this map is taken from reliable sources.
 However, its accuracy is not guaranteed.

RZON-96050010-95727
School Street Apartments. LLC

ATTACHMENT 1





ATTACHMENT 2

RZON-96050010-95727
School Street Apartments. LLC

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MAP BY: P&Z