



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00048

Clinton & Kimberly (Fleet) Smith

RU-1-7 (Single-family Residential) to SR (Suburban Residential)

Tax Account Number: 3010597
Parcel I.D.: 30-38-23-HI-12.4
Location: 9080 Central Ave Micco, FL 32976, West side of Central Avenue,
approximately 575 feet south of 10th Street (District 3)
Acreage: 2.26 acres

Planning & Zoning Board: 1/12/2026
Board of County Commissioners: 2/05/2026

Consistency with Land Use Regulations

- Current zoning is consistent 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)

	CURRENT	PROPOSED
Zoning	RU-1-7	SR
Potential*	0 Single-family residence	1 Single-family residence
Can be Considered under the Future Land Use Map	NO RES 2	YES RES 2

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

Background and Purpose of Request

The applicant is requesting to rezone the subject property from RU-1-7 (Single-Family Residential) to SR (Suburban Residential). The purpose of the rezoning is to establish zoning that is consistent with the property's existing RES-2 Future Land Use designation and to allow the construction of a single-family residence on approximately 2.26 acres. A boundary survey dated July 29, 2025, depicting the proposed single-family dwelling, has been submitted in support of the request.

The applicant was notified of the inconsistency during a building permit review for an addition to

the primary structure under Permit **25BC11647**.

The subject property was originally platted within portions of Blocks 12 and 13, as recorded in Plat Book 0, Page 37 within the Bay Crest Villa development on October 12, 1912. The subject property in its' current configuration was created December 30, 2004, as described in Official Record Book 5403, Page 3876. It is not a nonconforming lot of record.

RU-1-7 classification encompasses lands devoted to single-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

SR classification encompasses lands devoted to single-family residential development of relatively spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet.

Zoning History:

The 1958 Brevard County zoning code established a zoning classification of RU-1.

Z2980 -a blanket rezoning to replace the obsolete RU-1 classification to a series of residential zoning classifications. The subject property was rezoned under this blanket action on June 1, 1972.

The subject property retains the original Future Land Use (FLU) designation of Residential 2 (RES 2) established in the 1988 Brevard County Comprehensive Plan.

On December 3, 2004, the subject property received a flag lot approval under **AA 2050**, giving the subject property a flag stem for direct access to Central Avenue, a county-maintained roadway.

This property contains aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance. Gopher Tortoises can be found in areas of aquifer recharge soils.

There is an active Code Enforcement case (**25CE-01134**) for unpermitted land clearing and land alteration activities on the property, under the jurisdiction of Brevard County Natural Resources Department. The case is pending.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	1 Single-family residence, vacant land	RU-1-7	RES 2
South	2 residential units not attached	RU-1-7	RES 2
East	Vacant land	RU-1-7	RES 2
West	2 residential units not attached	RU-1-7	RES 2

North of the subject property are two (2) parcels: The first parcel is 0.71 acres, developed with a single-family residence. The second parcel is 1.35 acres of vacant land.

East of the subject property is a 0.9-acre vacant parcel.

West of the subject property is a 3.05-acre parcel, developed with two (2) single-family units not attached.

South of the subject property is a 2.81-acre parcel, developed with two (2) single-family units, not attached

All of the noted properties are zoned with RU-1-7 classification and RES 2 FLU designation.

RU-1-7 classification encompasses lands devoted to single-family residential development, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

Future Land Use

The subject property's RU-1-7 zoning classification is not consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The applicant's request for SR zoning classification is considered consistent under the current RES 2 FLUM designation.

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

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:

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;

Approval of this request would permit a single-family residence on the proposed creation of a second lot which is not anticipated to significantly diminish the enjoyment, safety, or quality of life. The proposed use would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

- 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.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if a material reduction has or will occur due to the proposed request.

- 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;

The historical land use pattern of the surrounding development is characterized as single-family residential lots that vary in size from approximately 0.33 acres to 5.4 acres.

Single-family residential development is the predominant pattern of development within the area.

This area was platted in 1912, with lot sizes ranging from \pm 5,670 square feet to 963 acres.

There are five (5) FLU designations: RES 1, RES 2, RES 4, NC and CC within a 0.5-mile radius of the subject property. RES 2 is the prevalent FLU designation.

There are multiple zoning classifications within a 0.5-mile radius of the subject property: GU, SR, RR-1, GML(P), IN(L), RU-1-7, RU-2-10(7), TR-1, TU-1(25), BU-1-A, BU-1, and BU-2 zoning classifications. RU-1-7 is the prominent zoning classification within the area. The closest SR zoning is approximately 230 feet south of the subject property.

2. actual development over the immediately preceding three years; and

New development within 0.5 miles of the subject property within the last three years has been limited to a small number of single-family homes mainly north of the subject property.

One (1) rezoning was approved under 23Z00017, RU-1-7 to SR on June 12, 2023. A permit for a single-family residence is in review.

3. development approved within the past three years but not yet constructed.

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

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.

Traffic from the potential development of a single-family residence will have a minimal impact on the surrounding area, while the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 70.06% of capacity daily. Specific concurrency issues will be addressed at the time of building permit review.

The requested rezoning from RU-1-7 to SR zoning classification is not anticipated to materially or adversely affect the surrounding developments. This request is not anticipated to have a measurable impact on the area in terms of trip generation or parking. No commercial or industrial activity is proposed.

- 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.

The subject property is not located within a residential neighborhood. However, the area can be considered a residential area with established roads.

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.

The request does not include commercial uses.

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.

The area is predominantly developed with single-family residences. The closest commercial zoning is located approximately 0.3 miles northwest of the subject property with access on Seventh Avenue.

Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Federally and/or state protected species may be present on the property. Specifically, Gopher Turtles can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable.

Please refer to the full NRM comments at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.1 between Indian River County Line and Micco Road, which has a Maximum Acceptable Volume (MAV) of 21,800 trips per day, a Level of Service (LOS) of C, and currently operates at 70.02% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 70.06% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided, as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is mapped as being within a sewer and potable water service area. The property may have the ability to connect.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees
- Protected Species
- Code Enforcement

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00048

Applicant: Clinton Smith (Owners: Clinton Smith and Kimberly Fleet Smith)

Zoning Request: RU-1-7 to SR

Note: for consistent zoning and FLU (25BC11647)

Zoning Hearing: 01/12/2026; **BCC Hearing:** 02/05/2026

Tax ID No.(s): 3010597

- 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 rezoning 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.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees
- Protected Species
- Code Enforcement

Land Use Comments:

Aquifer Recharge Soils

This property contains Pomello sand and St. Lucie fine sand, 0 to 5 percent slopes, classified as aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. 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.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. 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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Code Enforcement

There is an active Code Enforcement case (25CE-01134) for unpermitted land clearing and land alteration activities on the property. The case is pending.