



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS  
25Z00051**

**Eric D. & Pamela S. Martin Trust (Landon Scheer)**

**BU-1 (General Retail Commercial) to BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial)**

Tax Account Number: 2318710  
Parcel I.D.: 23-36-35-00-266  
Location: East side of N. Courtenay Pkwy., approx. 320 ft. north of Norwich St. (No address assigned. In the North Merritt Island area.) (District 2)  
Acreage: 0.70 +/- acres

NMI Dependent Special District: 01/08/2026  
Planning and Zoning Board: 01/12/2026  
Board of County Commissioners: 02/05/2026

**Consistency with Land Use Regulations**

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1	BU-1 & BU-2
<b>Potential*</b>	FAR of 1.0 or 41 Multi-family dwelling (L.L.A.)**	FAR of 1.0 or 41 Multi-family dwelling (L.L.A.)**
<b>Can be Considered under the Future Land Use Map</b>	Yes CC	Yes CC

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

\*\* Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from BU-1 to BU-2 on the 0.70 eastern portion of the one (1) parcel totaling a 1.38-acre property to resemble the property

bordering the site to the north. The western half of the property will remain BU-1 without any modifications. The BU-1 portion will be developed as a personal hobby shop as permitted in that zoning classification. The applicant intends to develop the eastern portion with eight (8) recreational vehicles and eight (8) boat outdoor storage spaces. The site will also have motion sensor lighting and a Type A buffer on the south and west property boundaries. Fencing and landscaping along the right of way frontage will also be provided. The applicant is strategically placing the outdoor storage to the rear of the subject property to improve the aesthetic appearance of the project.

The applicants' proposed use falls under a permitted use with conditions under Section 62-1483. The use specifically is found in Section 62-1833.5 (a), which has the condition: Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.

The subject property is currently undeveloped and located on the east side of North Courtenay Parkway, a state-maintained road, approximately 300 feet north of Norwich Street.

BU-1 zoning classification is devoted to general retail shopping, offices, and personal services to serve the needs of the community. BU-1 does not permit warehousing and wholesale.

The subject property recorded as being split out to the current configuration on July 21, 1987, as recorded in ORB 2822, PG 1839.

## **Zoning History**

On May 22, 1958, the Brevard County Zoning Code was established with the subject property having the AU (Agricultural Residential) classification.

**Z-1219**, December 5, 1963; Denied request to rezone from AU to IU, but approved BU-1 to a depth of 600 feet, and a Special Use permit for Plumbing Supply Warehouse and Wholesale Facility. At the time, the subject property was part of a larger parcel.

**Z-1957**, On August 3, 1966; Denied request to rezone from BU-1 and BU-2 to AU. At the time, the subject property was part of a larger parcel.

**CC (Community Commercial)** is the original FLU designation established by the 1988 Brevard County Comprehensive Plan.

As the subject property already has commercial zoning, approval of the rezoning request from BU-1 to BU-1 and BU-2 does not change the applicant's, or their successor's, ability to develop affordable housing residential units, up to 30 units per acre, under **BCC Policy-100 (Live Local Act)**.

In 2023, the Live Local Act was enacted and was revised in 2024. The act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are rental units that, for a period of at least 30 years, are affordable as defined in FS [420.0004](#). In unincorporated

Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 1.38 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00, or 41 multi-family units as stipulated by the Live Local Act.

The Brevard County Utility Services Department comments state: “Please be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, “Available” is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181 BCCO because this is within the Brevard County Utility Services Department Service Area. Please note that a Brevard County force main is roughly 115 feet from Tax ID 2318710 on N Courtenay Parkway.”

A portion of the subject property contains mapped aquifer recharge soils and Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). N. Courtenay Parkway is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

At this time, there are no active code enforcement issues associated with the subject property.

### **Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Commercial – 1 Retail Unit	BU-1 & BU-2	CC
<b>South</b>	Single-Family Residence	BU-1	CC
<b>East</b>	2 Single-Family Residences	AU	NC
<b>West</b>	N. Courtenay Pkwy.	ROW/BU-1, RR-1	N/A

North of the subject property is a 1.36-acre parcel developed with a single commercial building with BU-1 (western half) & BU-2 (eastern half) zoning classification and a CC FLU designation.

South of the subject property is a 1.36-acre parcel developed with a single-family residence with BU-1 zoning classification and a CC FLU designation.

East of the subject property are two (2) 2.52-acre parcels, each developed with a single-family residence zoned AU with an NC FLU designation.

West of the subject property is N. Courtenay Pkwy, a state-maintained roadway.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.

The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

### **Future Land Use**

The BU-1 and BU-2 zoning classifications can be considered consistent with the CC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan of the Future Land Use (FLU) Element.

### **Applicable Land Use Policies**

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

**FLUE Policy 2.7** - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

#### **Criteria:**

- A. Permitted/prohibited uses;

**BU-1, General Retail Commercial zoning classification encompasses lands devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.**

**The BU-2 classification permits retail, wholesale and warehousing commercial land uses on minimum 7,500 square foot lots. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.**

- B. Existing commercial zoning trends in the area;**

**BU-1 is the predominant commercial zoning classification within 0.5 miles of the subject property, with small increments of BU-1-A and BU-2 also in the area.**

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;**

**Staff analysis has determined that the surrounding areas of the subject property are developed with a mixed use of single-family residences, a mobile home park, vacant lands, and commercial developments. Abutting the North Courtenay Parkway corridor are primarily commercial properties. Where the property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.**

**The subject property is undeveloped but proposed as the western BU-1 portion will be developed as a personal hobby shop with south side facing bay doors and the eastern BU-2 portion will be developed with eight (8) recreational vehicles and eight (8) boat outdoor storage spaces. The site will also have motion sensor lighting and a Type A landscape buffer on the south and west property boundaries. Fencing and landscaping along the right of way frontage will also be provided. The applicant is strategically placing the outdoor storage to the rear of the subject property to improve the aesthetic appearance of the project and is in keeping with the recommendations of the 2005 North Courtenay Parkway Corridor Study.**

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;**

**It is not anticipated that the proposed development would cause a deficiency in adopted LOS standards for roads and solid waste based on the preliminary concurrency analysis.**

**Connection to centralized water and sewer is available in this area between Brevard County Utilities and the City of Cocoa.**

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and the following land use issues were identified:

**The subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. A wetland delineation may be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). North Courtenay Parkway is a designated MQR at this location. The mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. This property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Protected and Specimen trees may exist on the parcel.**

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

**No other issues were identified that may emerge that would be addressed through performance-based zoning criteria.**

### **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;

**A concept plan was reviewed proposing a personal hobby shop on the front (west) portion of the BU-1 zoning and RV and Boat parking on the rear (east) half of the subject property. This property will need to comply with the regulations of Section 62-1482 and 62-1483 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.**

**Traffic is not anticipated to impact the surrounding area as the proposed rezoning will not increase current LOS levels from the property. The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed request increases the percentage of MAV utilization by 0.01%. Specific concurrency issues related to any future development will be addressed at the time of site plan review.**

- 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.

**Only a certified MAI (Member Appraisal Institute) appraisal can determine if 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;

**Within the 0.5-mile radius of the subject property, there are several FLU designations: RES 1, RES 1:2.5, RES 2, RES 4, NC, and CC. NC, CC and RES 2 are the predominant FLU designations on the east side of N. Courtenay Pkwy. NC, CC and RES 4 are the predominant FLU designations on the west side of N. Courtenay Pkwy.**

**There have been no FLUM amendments within one-half mile of the subject property in the past three years.**

**Within the 0.5-mile radius of the subject property, there are several zoning classifications: AU, RR-1, RU-1-13, RU-1-7, RU-2-4, RU-2-30, EU-2, SR, TR-3, BU-1-A, BU-1, BU-2, GML, GML(H), GML(I), and IN(L) with the predominant residential zoning classification being EU-2 and BU-1 being the predominant commercial zoning classification.**

**The existing pattern is a mixture of single-family residential dwellings, a mobile home park, and commercial uses along N. Courtenay Pkwy commercial corridor. There are a few undeveloped properties blended in.**

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

**There have been no new developments within one-half mile of the subject property in the past three years.**

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

**One development (Brevard County Fire Rescue Station 40) has been approved within the last three years and is under construction via building permit 25BC01798. There have been two zoning actions approved within one-half mile in the past three years:**

- 22Z00033: On 10/12/2022, approved rezoning from AU to RU-1-13 with a BDP on 1.41 acres.**
- 23Z00030: On 07/13/2023, approved rezoning from AU to GML(I) on 2.86 acres. (Brevard County Fire Rescue Station 40)**

- 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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**Staff analysis of a preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential neighborhoods by introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a 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.

**The area is established with commercial development and residential neighborhoods. There are clearly established boundaries, such as roads and open spaces.**

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 involve a community commercial use in an existing commercial corridor.**

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.

**This proposal is not for residential uses.**

#### **FLUE 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.

**Wetlands may be present on the property. A wetland delineation will be required before any land clearing activities, site plan design, or building permit submittal. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). North Courtenay Parkway is a designated MQR at this location.**

**The property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions.**

**The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.**

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

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is North Courtenay Parkway (SR 3), between Hall Road and N. Tropical Trail, which has a Maximum Acceptable Volume (MAV) of 39,170 trips per day, a Level of Service (LOS) of D, and currently operates at 46.92% of capacity daily. The maximum development potential from the proposed rezoning does not affect the percentage of MAV utilization. The corridor is anticipated to operate at the current level of 46.93% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues related to any future development will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is a commercial development and not intended for residential uses.

The subject property is serviced by the City of Cocoa for centralized water and Merritt Island sewer.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

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 whether the proposed zoning request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00051**

**Applicant:** Landon Scheer (Owners: Eric D. and Pamela S. Martins Trust)

**Zoning Request:** BU-1 to BU-2

**Note:** Rezone eastern half of property to BU-2; western half to stay BU-1

**Advisory Board:** 01/08/2026; **Zoning Hearing:** 01/12/2026; **BCC Hearing:** 02/5/2026

**Tax ID No.:** 2318710

- 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:**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Hydric Soils**

A portion of the subject parcel contains mapped hydric soils (Basinger sand); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Courtenay Parkway is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

**Aquifer Recharge Soils**

This property contains Basinger sand, that may also function as a highly permeable soil. 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.

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Protected and Specimen Trees**

Protected and Specimen trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. 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. 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 and buffer requirements.

**Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. The property is located within an area of mapped Florida Scrub Jay occupancy. Additionally, there is potential for existence of Gopher Tortoises on site. 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.