



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**26Z00003**

**Maricic Family Trust (Kimberly Rezanka)**

**General Use (GU) and Agricultural Residential (AU) to Estate Use Residential (EU)**

Tax Account Number: 2511133  
 Parcel I.D.: 25-36-23-00-515  
 Location: East and west side of South Highway 1, approximately 430 feet south of Barnes Boulevard (District 2)  
 Acreage: 1.87 acres  
 Planning and Zoning Board: 04/13/2026  
 Board of County Commissioners: 05/07/2026

**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>	GU and AU	EU
<b>Potential*</b>	0 units	5 units
<b>Can be Considered under the Future Land Use Map</b>	YES NC and RES 4	YES NC and RES 4

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

**Background and Purpose of Request**

The applicant is requesting a change of zoning classification from GU (General Use) and AU (Agricultural Residential) to EU (Estate Use Residential) zoning to cure a nonconforming lot size issue. The applicant does not plan to divide the property with the intention of developing a residential subdivision. The property’s current zoning designations of AU and GU require a minimum lot size of 2.5 and 5 acres, respectively. The subject property is 1.87 acres, which does not meet the minimum size to develop.

AU and GU zoning were the original established zoning classifications for the subject property upon the adoption of the Brevard County Zoning Regulations on May 22, 1958.

Neighborhood Commercial (NC) and Residential 4 (RES 4) were the original established Future Land Use designations for the subject property as established by the Brevard County Comprehensive Plan on September 8, 1988.

The subject property is part of Lot 3 as described in Deed Book 257, Page 412, excluding road and highway rights-of-way. Properties recorded in deed books predate both the Brevard County Zoning Code established May 22, 1958, and the Comprehensive Plan established September 8, 1988. The property was split into its current configuration on February 27, 2018 as recorded in the Official Records Book 8100, Page 1682, and lies on both the east and west sides of South Highway 1.

Brevard County Code Section 62-2116(2) states, “Where the land area on either side of the public or private right-of-way or road fails to meet the minimum requirements for lot size in the designated zoning classification, then the landowner shall be deemed the owner of one lot, plot, tract or parcel for the purposes of this chapter, and the principal structure or dwelling unit shall be located on the side or part having the greater land area.”

The EU zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with the surrounding residential. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The property meets the minimum lot width and depth requirements for the proposed EU zoning, and the minimum required lot area of 15,000 square feet.

The applicant is on notice 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 Section 381.0065 (2)(a), Florida Statutes, and the requirements to connect to an existing onsite sewage treatment and disposal system to a central sewerage system are defined in Section 381.00655 (1)(a), Florida Statutes. Brevard County has the exclusive right to furnish the sewer service per Section 110-181, Brevard County Code of Ordinances, because this is within the Brevard County Utility Services Department Service Area.

There are no current code enforcement complaints on the property.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Vacant, Single-family residence	BU-2, BU-1 and EU	CC and NC
<b>South</b>	Commercial development, Single-family residence	GU, BU-1 and EU	CC, NC and RES 4
<b>East</b>	Single-family residence	EU	RES 4
<b>West</b>	Railroad ROW, Retention pond	GU	IND

Abutting the subject property to the north on the west side of South Highway 1 is a vacant 1-acre parcel with BU-2 zoning and CC FLU designation. On the east side of South Highway 1 and north of the subject property is a vacant 0.53-acre parcel with BU-1 zoning and CC FLU designation and a 1.3-acre parcel with EU zoning and NC FLU designation developed with a single-family residence.

Abutting the subject property to the south on the west side of South Highway 1 is a vacant 1.28-acre parcel with GU zoning and an NC FLU designation. On the east side of South Highway 1 and south of the subject property is a 0.86-acre parcel developed as a retail store with BU-1 zoning and CC FLU designation and a 1.04-acre parcel with EU zoning and a RES 4 FLU designation developed with a single-family residence.

East of the subject property is a 0.9-acre parcel with EU zoning and a RES 4 FLU designation developed with a single-family residence.

West of the subject property and west of the East Coast Railroad right-of-way, is a 1.55-acre parcel developed as a retention pond with GU zoning and IND FLU designation.

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 BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

The EU zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with the surrounding residential. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The AU agricultural residential 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.

The GU zoning classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

## **Future Land Use**

The proposed EU zoning classification can be considered consistent with the existing NC and RES 4 designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

## **Applicable Land Use Policies**

### **FLUE Policy 2.10 - Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

**Criteria:**

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.

**The property owner is requesting a rezoning of the property in order to allow the development of a single-family residence and does not plan to divide the property with the intention of developing a residential subdivision.**

- B. Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

**The property owners are not seeking a residential density bonus.**

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;

**The request is not anticipated to diminish the enjoyment of, safety, or quality of life in existing residential areas. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.**

- 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 (Master Appraiser 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;

**The historical land use patterns of the surrounding development can be characterized as mixed uses with single-family residences located on properties to the east and south of the subject property and abutting Rockledge Drive. Commercial uses located along the east side of South Highway 1 near the subject property include retail, automotive repair, and indoor pet day care uses.**

**There are six (6) FLU designations (CC, NC, RES 4, IND, PUB-CONS, and PRIV-CONS) within a 0.5-mile radius of the subject property. CC is the prominent FLU in this area.**

**There are eighteen (18) zoning classifications (EA, BU-1, RU-2-10(7), IU, IU-1, RRMH-1, GU, RR-1, TR-1, BU-2, AU, EU, RU-1-13, RU-2-10, RP, EU-2, TU-1(16), and RU-2-6) within a 0.5-mile radius of the subject property. EU is the prominent zoning classification in this area.**

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

**Within 0.5 miles of the subject property, there has been one zoning action approved to rezone property from AU to EU within the past three years. This rezoning was to allow for a 6,726 square foot addition to a single-family residence. The addition is currently under construction.**

**Additionally, a site plan was approved within 0.5 miles of the subject property for a self-storage facility, which is currently under construction.**

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

**In the past three years, within 0.5 miles of the subject property, there has been one zoning action approved to rezone property from AU to EU to allow for the addition of a detached garage to a single-family residence. The detached garage has not been 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.

**The requested rezoning from GU and AU to EU zoning classification is not anticipated to materially or adversely affect the surrounding development. 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 property is abutting existing residential areas to the east and south. Those areas can be characterized as single-family residential with spacious lot sizes, roadways, and an eastern boundary on the Indian River.**

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.

**Commercial uses are located along the east side of South Highway 1. The existing single-family residential neighborhood is located south and east of the subject property.**

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 transitional with multiple commercial uses located within a 0.5 mile radius of the subject property. During the previous five (5) years, an 11.64-acre property in the area north of the subject property was rezoned from BU-1 and AU to BU-2 for the development of a self-storage facility which is currently under construction. Another, 1.01 acres north of the subject property, was rezoned from AU to RU-2-4 and RU-2-6 with a Binding Development Plan (BDP) limiting development to two new duplexes with a high nutrient reduction septic system. This project has not been constructed.**

**The current development pattern in this area is predominantly commercial when frontage is on South Highway 1. Residential areas are primarily located behind the commercial development to the east and south of the subject property, with frontage on Rockledge Drive. Both commercial and residential development are well established in this area, and this transitional pattern is likely to continue.**

### **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.

**The western portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained); indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The subject has also been identified as having Aquifer recharge soils, as well as being within the FEMA Special Flood Hazard Area (SFHA) A. Furthermore, protected species may be present on the property.**

**Please review all comments from the Natural Resources Management Department found at the end of this report.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is South Highway 1 located between Viera Boulevard and Barnes Boulevard, which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 72.03% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.00%. The corridor is anticipated to operate at 72.05% 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 parcel is within the City of Cocoa public potable water service area and septic service.

## **Environmental Constraints**

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

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

### **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. 26Z00003**

**Applicant:** Kimberly Rezanka (Owner: Maricic Family Trust)

**Zoning Request:** AU and GU to EU

**Note:** to cure non-conforming lot size issue

**Zoning Hearing:** 04/13/2026; **BCC Hearing:** 05/07/2026

**Tax ID No.:** 2511133

- 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:**

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

**Land Use Comments:**

**Wetlands and Hydric Soils**

The western portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), 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. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** 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. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

## **Aquifer Recharge Soils**

The eastern portion of the property contains Paola fine sand, 0 to 8 percent slopes and Candler fine sand, 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.

## **Floodplain Protection**

The western portion of the property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

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

The western portion of this 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. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331, requires the preservation or relocation of Specimen Trees on site to the Greatest Extent Feasible. 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. **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, the western portion of the property contains mapped scrub jay occupancy, and gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.