



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00034

Leslie Bishop

RU-1-7 Single Family Residential to SR Suburban Residential

Tax Account Number: 3008078
Parcel I.D.s: 30-38-23-H1-47
Location: East side of Tucker Rd, 110 ft North of Leslie Dr (District 3)
Acreage: 0.74 acres

Planning & Zoning Board: 11/17/2025

Board of County Commissioners: 12/11/2025

Consistency with Land Use Regulations

- Current zoning cannot 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)

	CURRENT	PROPOSED
Zoning	RU-1-7	SR
Potential*	1 Single-Family	1 Single-Family
Can be Considered under the Future Land Use Map	NO & YES RES 2 and NC	YES RES 2 and NC

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

** Classification may be considered, if permitted by Policy 2.10 of the Future Land Use Element

Background and Purpose of Request

The applicant is requesting a change of zoning classification from RU-1-7 (Single Family Residential to SR (Suburban Residential) on 0.74 acres to legitimize the subject property with a zoning that is consistent with its future land use designations. The subject property has two FLU classifications.

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

addition to the primary structure under Permit **25BC06983**.

The subject property was part of 677 acres included in Block 47 within the Bay Crest Villa development. The subject property in its' current configuration was created July 11, 1994, via ORB 3406 Page 124. 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:

Z2980 -was a blanket rezoning of parcels zoned RU-1-A to a series of residential zones to replace this obsolete classification. The subject property was rezoned under this blanket action on June 1, 1972.

The subject property is located on a county-maintained right-of-way.

There are currently no open Code Enforcement cases or violations noted on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RU-1-7	RES 2
South	Single-family residence	RU-1-7	RES 2
East	Single-tenant Office Building	RU-1-7	NC
West	Single-family MF Home	RU-1-7	RES 2

The property to the north of the subject property is a 1.26-acre lot improved with a single-family home built in 2002; zoned RU-1-7 and RES 2 FLU.

South is 0.74-acre parcel developed with a single-family home built in 2001; zoned RU-1-7 and RES 2 FLU.

East of the subject property is a 1.25 acres site improved with a single-family home built in 2015, zoned RU-1-7 and NC (Neighborhood Commercial) FLU.

West of the subject property is a 1.03-acre site zoned RU-1-7 improved with single-family home built in 1984 and has a RES 2 FLU.

Land Use

The subject property's RU-1-7 zoning classification is not consistent with the RES 2 Future Land Use designation. The RU-1-7 can be considered consistent with the NC (Neighborhood Commercial) if permitted by Policy 2.10 contained within Chapter XI–Future Land Use Element of Brevard County's Comprehensive Plan.

The proposed SR zoning classification can be considered consistent with the RES 2 FLUM designation. The SR zoning can be considered consistent with the NC FLU classification if permitted by Policy 2.10 contained within Chapter XI–Future Land Use Element of Brevard County's Comprehensive Plan.

Policy 2.10 addresses the integration of residential development with commercial Future Land Use designations. The policy states that residential development is 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. The RU-1-7 as well as the SR zoning classification are considered consistent. The subject property appears to meet the intent of Policy 2.10, in that it would be consistent with abutting properties.

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.

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;

This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life, as the rezoning would legitimize the single-family house on site. Future development would need to meet Brevard County's

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 per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master 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;

The character of the surrounding area is commercial and single-family residential, with the residential lots ranging in size from 0.21 acres to 2.7 acres. Commercial uses are located along Highway 1 east of the subject property.

There are four (4) FLUM designations within a half-mile radius of the subject property. They include RES 2, RES 4, Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded by RES 2 and NC. RES 2 is the prominent FLU designation. The commercial FLU designations are along the Tucker Street corridor. However, the corridor is primarily residential with the exception of two (2) fraternity/club houses with access from Tucker and Highway 1.

Within the past three years, there have been no FLUM changes within a half-mile radius.

There are a variety of zoning classifications in the area, including RU-1-7, RR-1, SR, BU-1, BU-2, GU and GML. The prominent zoning classification in the area is RU-1-7.

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

Within a half-mile radius, there has been no actual development.

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

23Z00017 was a rezoning action to change a parcel from RU-1-7 to SR approximately 1200 feet to the north of the subject property. This application was approved July 13, 2023.

No other rezonings are noted within a ½ mile radius of the subject property.

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 of the Comprehensive Plan 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.

Based on staff analysis, the request 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 property is not located within an existing residential neighborhood but rather in a residential area.

- 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 is not for commercial use. It is located within an existing single-family residential area.

- 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 subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway 1 from Main St. to South St, which has a Maximum Acceptable Volume (MAV) of 23,880 trips per day, a Level of Service (LOS) of D, and currently operates at 51.73% of capacity daily. The maximum development potential from the proposed rezoning does not impact capacity. There is no change in the 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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Please refer to the complete report.

For Board Consideration

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 25Z00034

Applicant: Leslie Bishop (Owner: Leslie Bishop)

Zoning Request: RU-1-7 to SR

Note: to legitimize lot and for consistency with area (25BC06983)

Zoning Hearing: 11/17/2025; **BCC Hearing:** 12/11/2025

Tax ID No.: 3008078

- 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 Species
- Potential Code Enforcement

Land Use Comments:

Aquifer Recharge Soils

This property contains St. Lucie fine sand, 0 to 5 percent slopes; and St. Lucie fine sand, 5 to 12 percent slopes classified as aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within Type 2 and/or Type 3 Aquifer Recharge areas, which are 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), as applicable. The applicant is advised to call Valeria Guerrero with the FWC at 561-882-5714 (O) or 561-365-5696 (C).

The property is within a large area of mapped Florida Scrub Jay habitat / occupancy. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service (USFWS), as applicable. The applicant is advised to call USFWS at: 904-731-3121 or email FW4FLESRegs@fws.gov.

Potential Code Enforcement

Information available to NRM indicates that unpermitted land clearing activities may have occurred on this parcel between 2021 and 2022. The confirmation of unpermitted land clearing activities may result in code enforcement action.