



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00031

John McLeod

GU (General Use) to SR (Suburban Residential)

Tax Account Number: 2802679
Parcel I.D.: 28-36-13-00-763
Location: South side of Carriage Gate West of Minton Rd (District 5)
Acreage: 0/94 acres

Planning & Zoning Board: 10/13/2025

Board of County Commissioners: 11/06/2025

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)

	CURRENT	PROPOSED
Zoning	GU	SR
Potential*	0 single-family	1 single-family
Can be Considered under the Future Land Use Map	YES 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 0.94 acres from GU (General Use) to SR (Suburban Residential) to have a zoning classification that is consistent with the subject property's lot size. The lot was recorded on March 22, 1973, in ORB 1328, Page 84 of the Public Records of Brevard County, as parcel 763. At that time, the GU zoning classification required a minimum lot size of one (1) acre; therefore, the subject property cannot be considered a nonconforming lot of record as it never met the lot size criteria.

The subject property is improved with a single-family home as well as two accessory structures. A building permit has been submitted, under **25BC12722**, to replace the

accessory structure located near the southern property line. The replacement building will meet the 10' setbacks required in the SR zoning. The large storage accessory structure to the west exceeds the allowed size limitation. The applicant will need to apply for a variance to retain the structure or remove it. The third structure viewed on the survey marked carport is a pole structure with a tarp type roof and not a fixed accessory building.

The GU zoning classification and RES 2 FLU designation are original to the property. The subject property meets the minimum size, lot width, and depth requirements for the proposed SR zoning classification. The SR zoning classification and the RES 2 Future Land Use Map (FLUM) designation are consistent.

The SR zoning classification is established in the area north of the subject.

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

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant	SR	RES 2
South	Vacant	GU	RES 2
East	Single-family residential/City of West Melbourne	R-1A	LD-RES
West	Single-family residential	AU	RES 2

The property to the north of the subject property is across Carriage Gate Dr. and is a 0.38-acre lot owned by the Carriage Gate HOA with SR zoning.

The property to the south is a vacant 1-acre parcel, zoned GU.

To the east of the subject property is the Green Leaf subdivision. It contains 56 lots, is 100% developed with single-family homes, and is zoned R-1A by the City of West Melbourne.

The property west of the subject property is a 2.78-acre parcel developed with a single-family home built in 1928, zoned AU.

Three of the properties are within the RES 2 FLU and the West Melbourne site is within LD-RES FLU.

GU 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.

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 and beekeeping.

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.

Land Use

The subject property's GU zoning classification can be considered 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 site, however, is insufficient in size for the GU zoning, which requires 5 acres of land area.

The proposed SR zoning is consistent with the existing RES 2 designation.

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.

The proposed shed replacement is not anticipated to diminish the enjoyment of, safety, or quality of life in the existing neighborhoods in the area. Any new development 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 Appraisers 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.

There are four (4) FLU designations (RES 2, RES 4, CC, and NC.) within one-half mile of this site. The most prominent FLU designation is RES 2.

There have been no FLU changes within 0.5 miles of the last 3 years.

This analysis focuses on the south side of Highway 95. The existing pattern of development of the surrounding area is single-family residential, both in unincorporated and incorporated areas. Lots range in size from 0.50 acres to 2.5 acres. Within the unincorporated areas, there is a mixture of zoning classifications; GU, AU, SR, RR-1, and BU-2 Site within a 0.50 mile radius. The RR-1 is on the fringe of the radius. There minimal GU zoning and the BU-2 is located on the southeast fringe of the radius.

There have been two (2) zoning changes approved within one-half mile over the preceding three (3) years, 22Z00006 (GU to BU-2 with BDP and removal of CUP for tower and antenna) and 23Z00012 (Amended BDP; zoned BU-2 southeast fringe).

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

There has been no new development approved but not yet constructed within the past three years.

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 maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0%. The concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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 an existing residential neighborhood but rather in a residential area. There is a residential neighborhood located to the north and northwest.

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 neighborhood.

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 Kings Hwy. from Grissom Pkwy. to US Highway 1, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 77.83% of capacity daily. The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0%. The corridor is anticipated to operate

at 77.83% of capacity daily. The proposal is not anticipated to create any 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 serviced by City of Cocoa Water.

Environmental Constraints

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

Comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

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

Item No. 25Z00031

Applicant: John McLeod (Owner: John McLeod)

Zoning Request: GU to SR

Note: to legitimize lot; has RES 2 FLU

Zoning Hearing: 10/13/2025; **BCC Hearing:** 11/06/2025

Tax ID No.: 2802679

- 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
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils (Malabar sand, high); 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.**

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. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northeastern 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.

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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) 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.**