



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

2/5/2026

Subject:

Clinton Smith and Kimberly Smith request a zoning classification change from RU-1-7 to SR. (25Z00048) (Tax Account 3010597) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning from RU-1-7 (Single-Family Residential) to SR (Suburban Residential).

Summary Explanation and Background:

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.

The applicant was notified of the inconsistency during a building permit review for an addition to the primary structure under Permit 25BC11647.

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 on notice of this 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 the result of this application (the building permit, which is also pending the result of this application, would encompass the alterations).

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. South of the subject property is a 2.81-acre parcel, developed with two (2) single-family units. All of the noted properties are zoned with RU-1-7 classification and have the Future Land Use designation of RES 2.

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

On January 12, 2026, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of the resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00048

On motion by Commissioner Adkinson, seconded by Commissioner Delaney, the following resolution was adopted by a unanimous vote:

WHEREAS, Clinton Smith and Kimberly Smith request a zoning classification change from RU-1-7 (Single-Family Residential) to SR (Suburban Residential), on property described as Tax Parcel 12.4, as recorded in OR Book 7738, Page 1421 of the Public Records of Brevard County, Florida. **Section 23, Township 30, Range 38.** (2.26 acres) Located on the east side of Central Ave., 315' south of Backwoods Ln, and 200 feet north of Baldwin Dr. (9080 Central Ave., Micco); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-7 to SR, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of February 05, 2026.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Thad Altman
Thad Altman, Chair

Brevard County Commission

As approved by the Board on February 05, 2026.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – January 12, 2026

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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.

- 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.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the 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.
 - 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.
 - 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.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<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.

LOCATION MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/31/2025

-  Buffer
-  Subject Property

ZONING MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

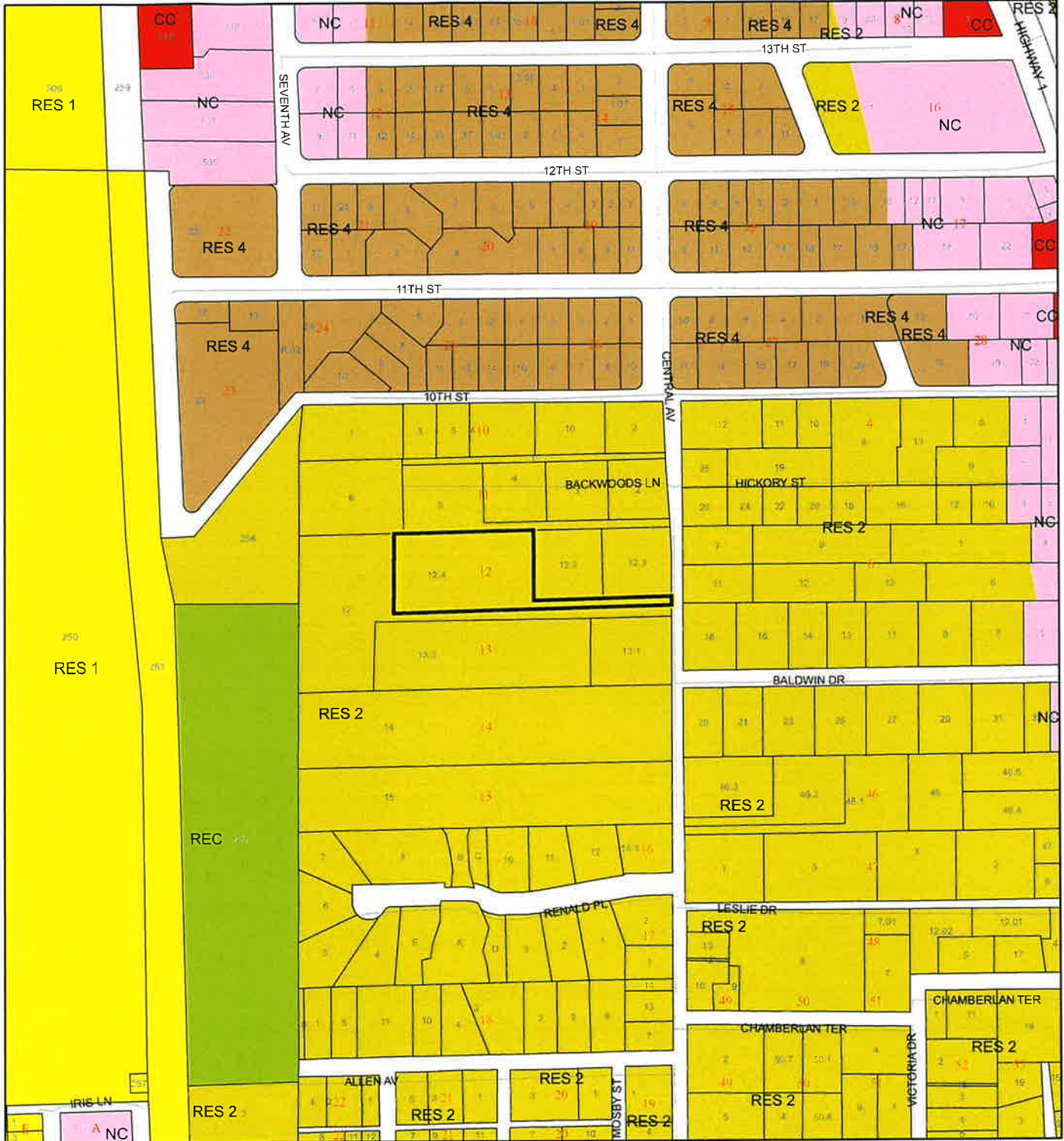
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

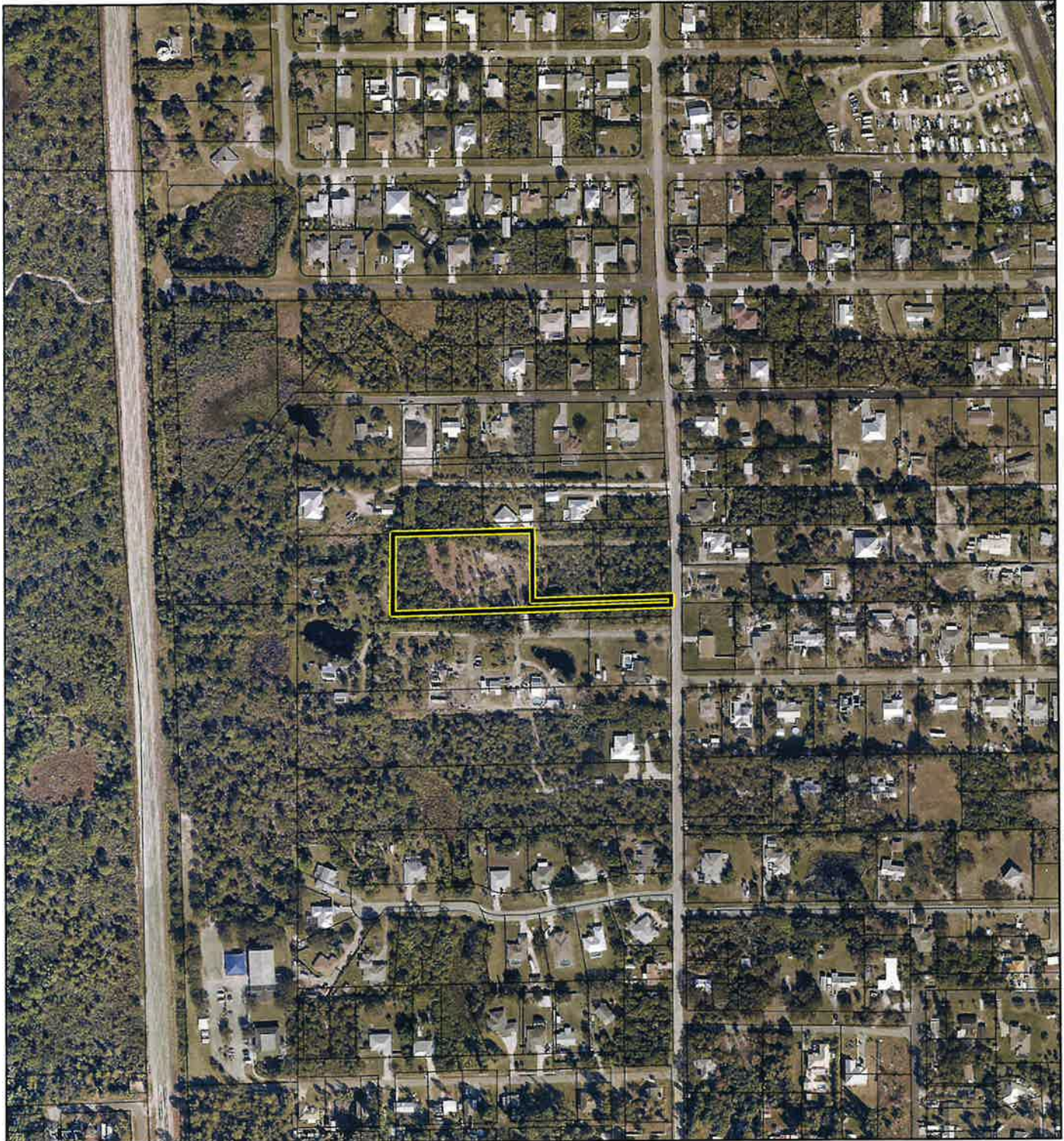
 Subject Property
 Parcels

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AERIAL MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

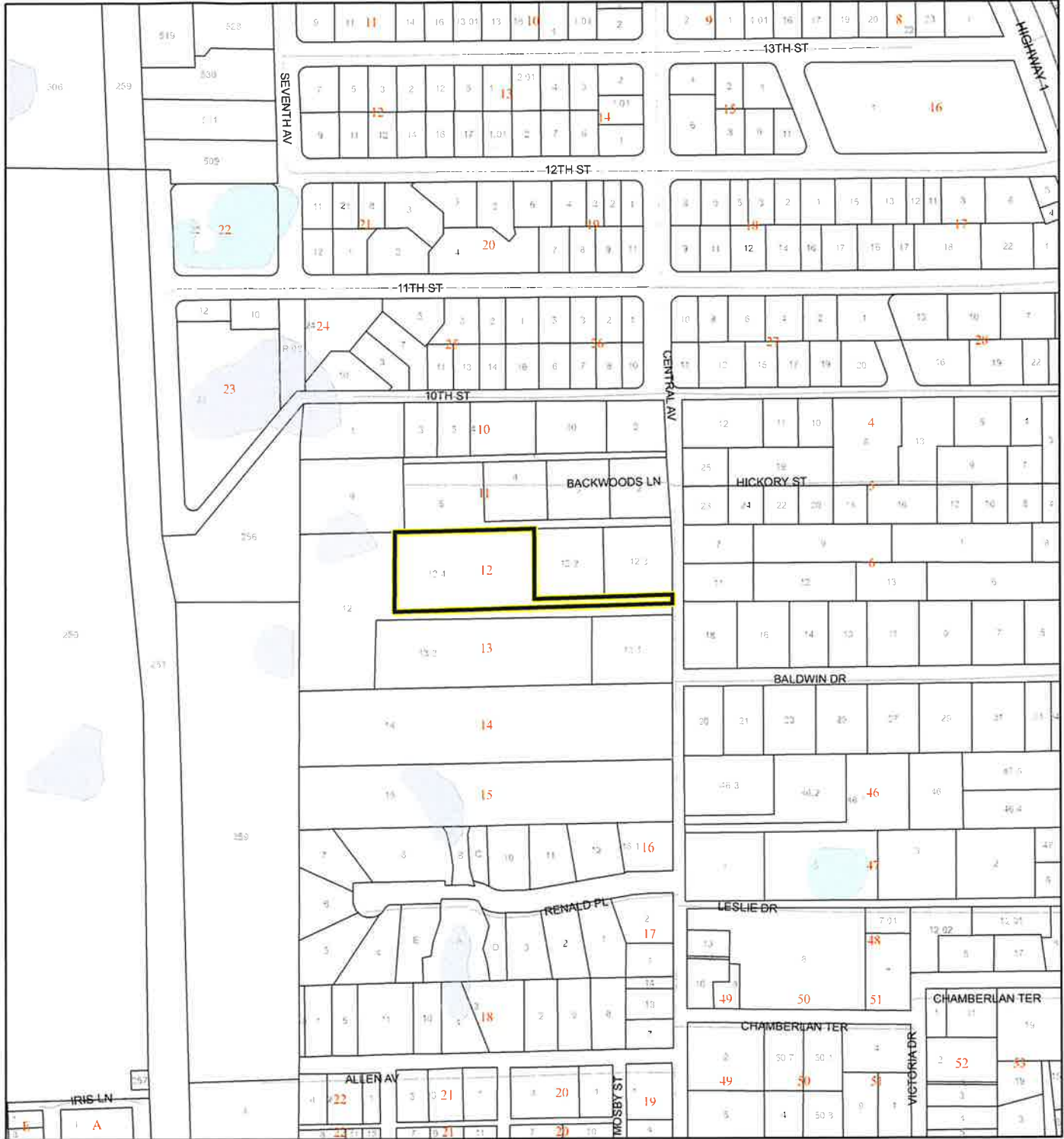
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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 Subject Property
 Parcels

NWI WETLANDS MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048




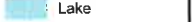








1:4,800 or 1 inch = 400 feet

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National Wetlands Inventory (NWI)

- | | |
|---|---|
|  Estuarine and Marine Deepwater |  Freshwater Pond |
|  Estuarine and Marine Wetland |  Lake |
|  Freshwater Emergent Wetland |  Other |
|  Freshwater Forested/Shrub Wetland |  Riverine |
|  Subject Property |  Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

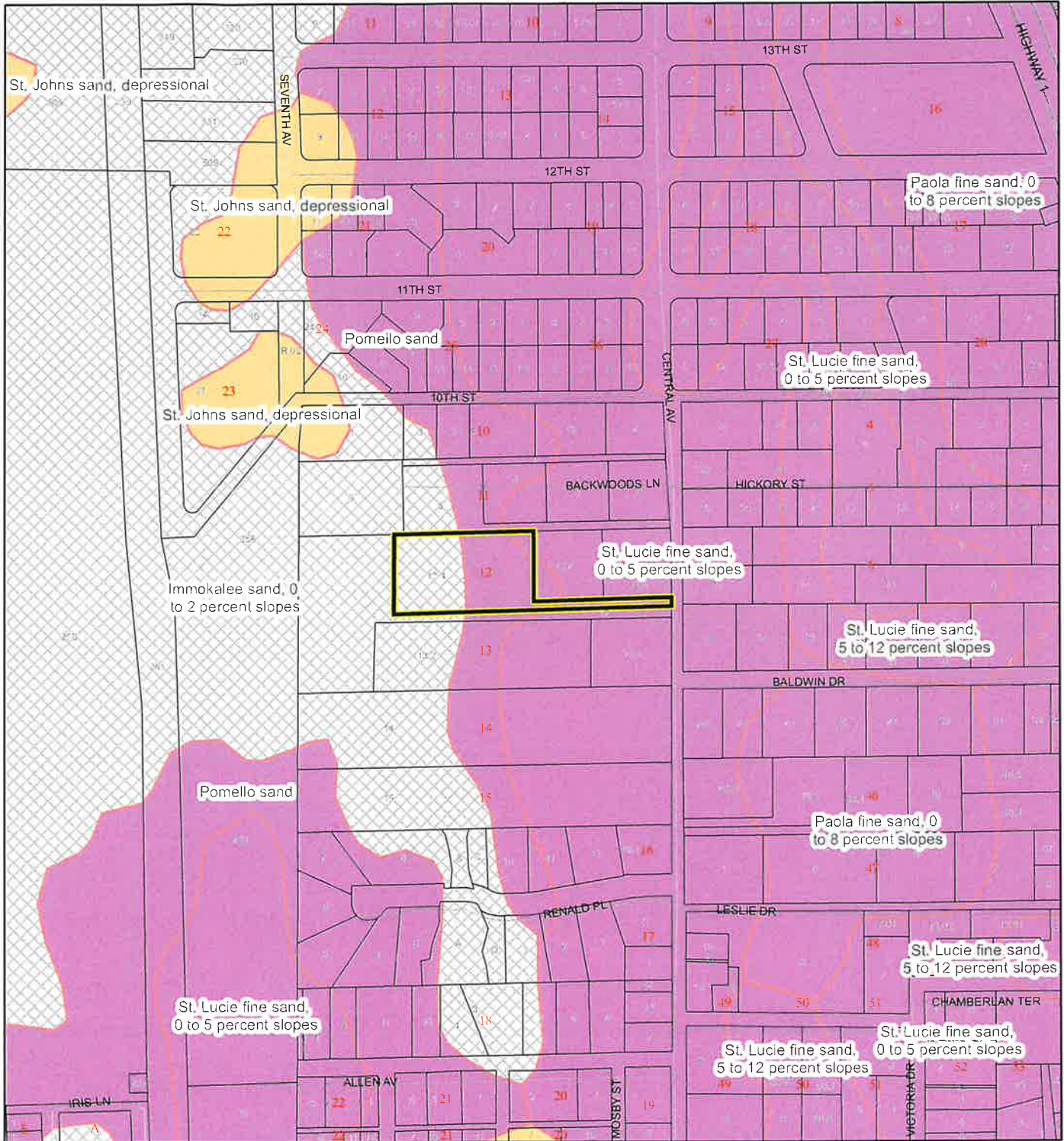
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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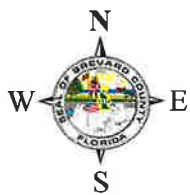
FEMA Flood Zones

- A
- AE
- AH
- AO
- Open Water
- VE
- Subject Property
- Parcels
- X

COASTAL HIGH HAZARD AREA MAP

Clinton Smith & Kimberly (Fleet) Smith

25Z00048



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

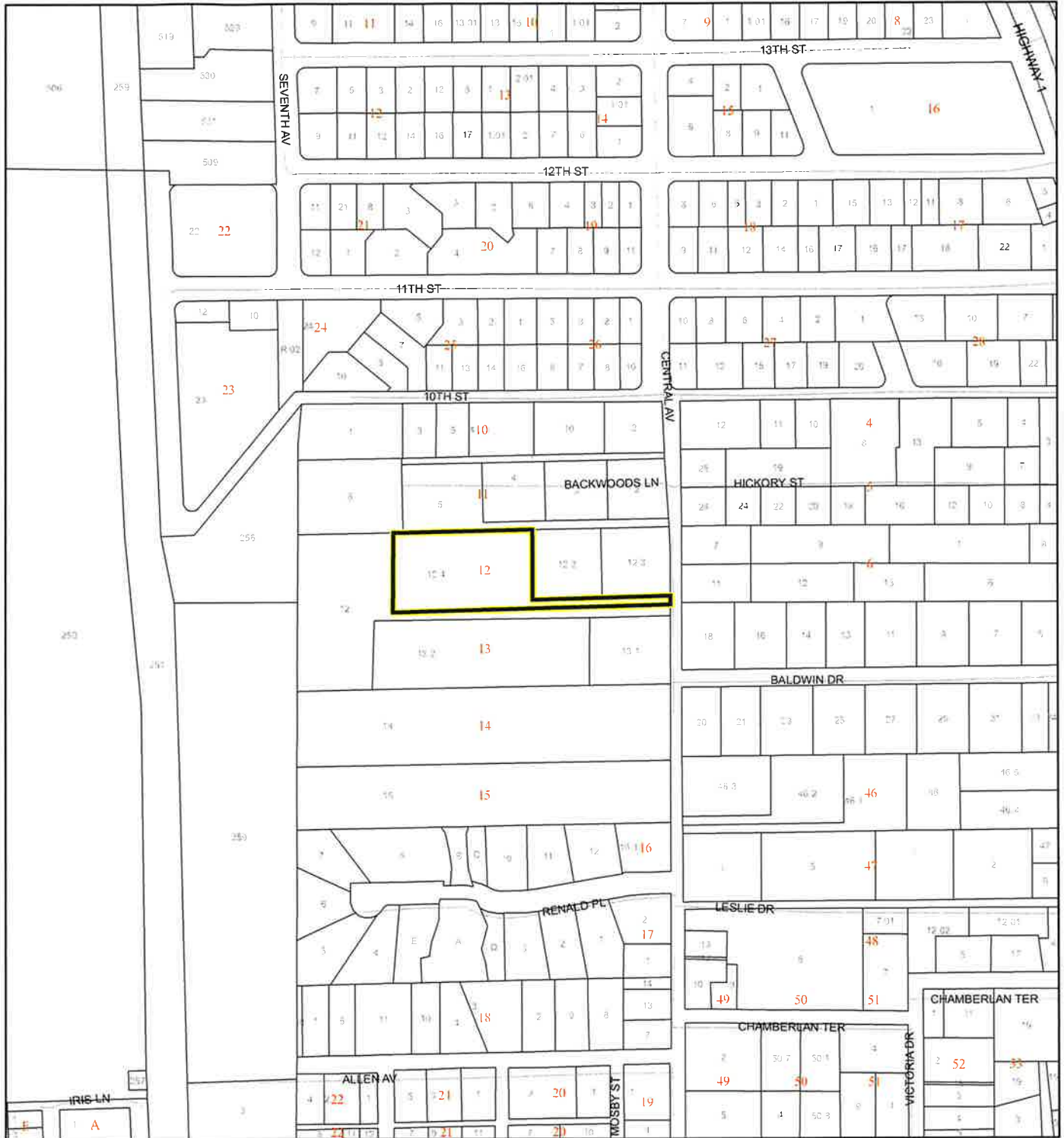
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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 Subject Property

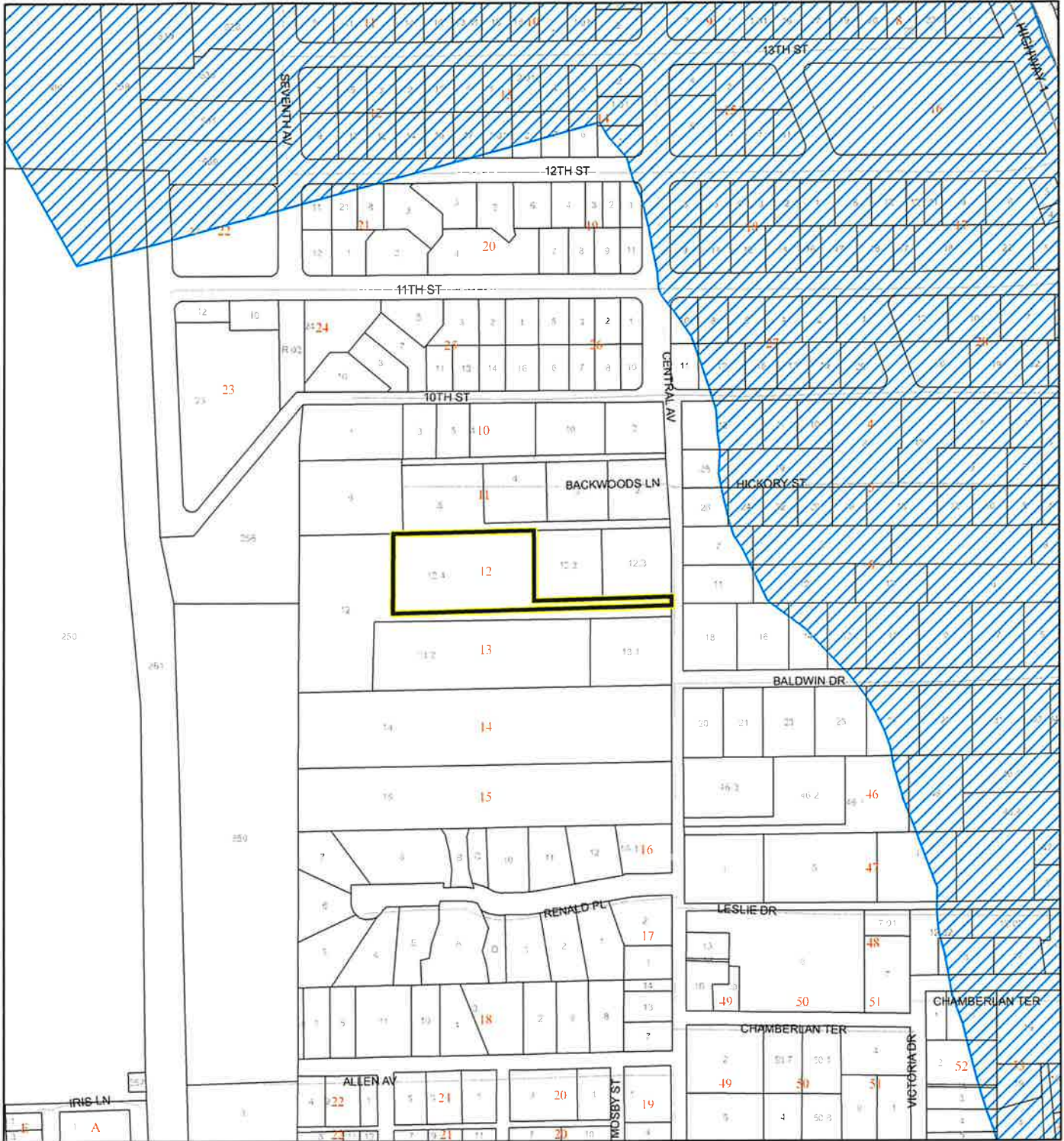
 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP




Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Clinton Smith & Kimberly (Fleet) Smith
25Z00048



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 2026**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

H.6. Clinton Smith and Kimberly Smith request a zoning classification change from RU-1-7 to SR. (25Z00048) (Tax Account 3010597) (District 3)

Paul Body read the item into the record.

Kimberly Smith spoke to the application. We're here requesting a rezoning classification. Right now, it's an existing FLU residential 2 with existing zoning RU-1-7 and we have a current permit that we're trying to get through the process and those two are conflicting apparently. So, we are asking to rezone for SR. We do have a current permit that's in process for just a single-family home on the property.

NO PUBLIC COMMENT

Ms. Amato inquired if there is still an active code case on the property.

Ms. Smith responded we can't clear it until we have the permit.

Mr. Esseesse commented usually code cases are held in obedience until the zoning request has gone through the process. I'm not sure of the nature of the violation.

Ms. Amato inquired if the zoning is to fix it. Unpermitted land clearing and land alteration activities on the property under the jurisdiction of Brevard County Natural Resources Department according to the agenda.

Ms. Smith responded the gentleman that owns the two lots in front of us, we have a shared right-of-way, and he cleared his property, and he put it in our right-of-way. The neighbors called in a complaint about his because it's about two acres and he cleared a whole acre and put it on the right-of-way for our property. Since then, he didn't have the money to get rid of the waste either. So, we had to pay to get it removed. We've been working with that department to get everything taken care of. There's a lot of dirt on the property, too, that our other neighbor, the land's been vacant all this time, and the other neighbor had been piling dirt over there that is now ours, that we're going to have to get rid of. So, we're having to take care of all of these things to not have the complaint and to get it cleared.

Ms. Orriss commented the zoning is clearly not the fix. You just must fix it.

Ms. Smith replied yes ma'am, and they said the only way is either not build on it and put more trees or get the building permit. And we must have the zoning to get the building permit. This is the last piece of that puzzle.

Neal Johnson asked how large is the property that you're looking to build on?

Ms. Smith responded it's 2.2 acres.

Mr. Johnson replied and you're building a single-family home on that property.

Ms. Smith responded yes.

Motion to recommend approval of Item H.6. by John Hopengarten, seconded by Neal Johnson.
Motion passed unanimously.

Meeting adjourned at 6:28 p.m.

DRAFT