



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00024

Thomas Dahn

RR-1 (Rural Residential) to AU (Agricultural Residential)

Tax Account Number: 2101970
Parcel I.D.: 21-35-05-00-264
Location: 3131 Lionel Road, Mims, FL 32754. (District 1)
Acreage: 2.73 acres

Planning & Zoning Board: 11/17/2025

Board of County Commissioners: 12/11/2025

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	RR-1	AU
Potential*	1 Single-family residence	1 Single-family residence
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

* 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 property from RR-1 (Rural Residential) to AU (Agricultural Residential), as the applicant would like to start a commercial business farming organic produce for sale to local restaurants and residents, providing fresh farm-to-table organic produce. The subject property is developed with a single-family residence on 2.73 acres. With the proposed use by the applicant, a roadside stand could potentially be used for selling the grown produce on the property. By growing and selling produce on the property, there is a potential for agritourism activities.

Agritourism, as defined by Florida Statute, is any agricultural-related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest, which allows members of

the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training, and exhibition, or harvest-your-own activities and attractions. A roadside stand is pursuant to Section 62-1945.5, which states: Roadside stands are subject to site plan approval, with the following minimum requirements:

- (1) All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a right-of-way.
- (2) Roadside stands shall be subject to site plan approval as provided in Article VIII, site plans.
- (3) Roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.

The subject property's original zoning classification was AU when the Brevard County Zoning Code was established on May 22, 1958. On October 24, 1988, **Z-8227**, changed the zoning classification from AU to RR-1.

On December 7, 1988, the subject property received a flag lot approval under **AA 0406**, giving the subject a flag stem to access Lionel Road. On November 22, 2024, the applicant purchased and added one (1) acre to the subject property. The acre provides an additional 140 feet of frontage along Lionel Road. On June 30, 2025, the property was put into the current configuration of 2.73 acres. By combining the lot into the current configuration, the previous flag lot approval is invalidated.

The subject property retains the original RES 1 FLU designation established by the 1988 Brevard County Comprehensive Plan.

The subject property is not located the recommended FLUM density reduction area adopted within the 2007 Mims Small Area Study on April 10, 2007.

The subject property is located on the south side of Lionel Road, a county-maintained roadway located between Highway 1 to the West and the Indian River to the East.

There are no current code enforcement complaints on the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence across Lionel Rd.	RR-1	RES 1:2.5
South	Flag lot with Single-family residence	RR-1	RES 1
East	Flag lot with single-family residence	RR-1	RES 1

West	Flag lot with Single-family residence	RR-1	RES 1
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North of the subject property is one (1) parcel, 30.0 acres, developed with a single-family residence, with zoning classification RR-1 and RES 1:2.5 FLU designation.

South and east of the subject property is one (1) parcel, a 2.0-acre flag lot, developed with a single-family residence, with zoning classification RR-1 and RES 1 FLU designation.

West of the subject property is one (1) parcel, a 3.28-acre flag lot, developed with a single-family residence, which has RR-1 zoning classification with RES 1 FLU designation.

The current RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses is an accessory use to a principal residence within the RR-1 zoning district.

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

Florida Statute 570.86 defines “agritourism activity” as “any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.” Local government is prohibited from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. Currently, there is no agricultural exemption on the subject property.

FLUE Policy 1.9 –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

Future Land Use

The subject property's RR-1 zoning classification can be considered consistent with the Residential 1 (RES 1) Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed AU zoning classification can be considered consistent with the existing RES 1

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:

The applicant intends to maintain the existing single-family residence. The proposed use may have hours of operation, lighting, odor, noise levels, traffic, or site activity that might affect the existing neighbor. Such activity would include, but is not limited to, the raising/grazing of animals as well as fowl raising and beekeeping (permitted uses within AU). Roadside stands are a Conditional Use which must meet the following requirements: subject to site plan approval, shall meet the same setbacks required for primary structures in the applicable zoning classification, and all parking for workers and patrons shall be on the property of the landowner, as right-of-way parking is not allowed. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

The board should consider whether the proposed use is compatible within the area.

- 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 in the surrounding area can be categorized as vacant land, agricultural pursuits, or single-family residences situated on parcels ranging from approximately 0.9 to 43 acres.

There are three FLU designations within the 0.5-mile search radius: Residential 1 (RES 1), Residential 1:2.5 (RES 1:2.5), and Public-Conservation (PUB-CONS). The prominent FLU is RES 1:2.5

There are four zoning classifications within a 0.5-mile radius of the subject parcel: RR-1, AU, GML and RRMH-1. The prominent zoning classification in the area is RR-1.

There are multiple parcels with AU zoning classification located within a 0.5-mile radius of the subject property. The closest parcel with AU zoning classification is approximately 110 feet northeast of the subject property across Lionel Road.

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

There has been one single-family residence developed on a 2.59-acre parcel, within 0.5 miles of the subject property, over the preceding three years.

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

There has been no development approved within the past three years that has not been constructed within a 0.5 mile of the subject property.

- 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.

Based on staff analysis, the proposed use will introduce commercial activity that is not already present within the area. The applicant intends to sell the produce

from the commercial farming business to local restaurants and residents, which is not anticipated to cause a decrease in LOS in the 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.

Staff analysis has determined that while it is not an established residential neighborhood, there are clearly established roads, and residential lot boundaries.

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 proposed use is a commercial agricultural use which would not preclude the existence of an existing 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 area is primarily a sparse residential area with vacant land and no commercial zoning nearby.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.1 located between Lionel Road to Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 30,700 trips per day, a Level of Service (LOS) of C, and currently operates at 36.38% of capacity daily. The maximum development potential from the proposed rezoning has minimal change to the percentage of MAV. The corridor is anticipated to operate at 36.40% 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 already developed with a single-family home that has septic for sewer and a well for water. Well water will be used for the growing of organic produce.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

For Board Consideration

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

In addition, the Board may wish to consider the potential impacts of Agritourism, or any of the more intense agricultural uses permitted in AU, on surrounding properties.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00024

Applicant: Thomas Dahn (Owner: Thomas Dahn)

Zoning Request: RR-1 to AU

Note: for commercial farming business

Zoning Hearing: 09/15/2025; **BCC Hearing:** 10/02/2025

Tax ID No.: 2101970

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern 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 (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. 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.