



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00030

Richard Brandon

GU (General Use) to AU (Agricultural Residential)

Tax Account Number: 2314034
Parcel I.D.: 23-35-33-01-14-6
Location: 5460 Florida Palm Ave. Cocoa, FL 32927 (District 1)
Acreage: 2.38 acres

Planning & Zoning Board: 10/13/2025
Board of County Commissioners: 11/06/2025

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	GU	AU
Potential*	0 Single-family residence	1 Single-family residence
Can be Considered under the Future Land Use Map	YES RES 1:2.5	YES RES 1:2.5

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

Background and Purpose of Request

The applicant is requesting a rezoning of his property from GU (General Use) to AU (Agricultural Residential) on a 2.38-acre parcel. The subject property has a pool permit submitted under permit 25BC08817; if this zoning action is approved, it would allow for the pool to be completed. The prior action germane to this request is **25AA00029**, which is an administrative waiver for the AU zoning lot size requirement and side setback along with a waiver to the RES 1: 2.5 lot size requirement approved June 27, 2025. The waiver granted 0.12 acres (less than 10%) of the required 2.5-acre minimum lot size of both zoning classification and FLU designation. In addition, it also granted a waiver of 0.9ft. (less than 10%) of the required 15ft. side setback. The lot shall be considered consistent with the AU zoning classification and RES 1:2.5 FLU designation. Approval of this request will provide consistency with the FLU designation and legitimize the existing improvements and continued agricultural uses.

The subject property was created and recorded in Survey Book 2, page 55, dated August 1960. This was prior to the Comprehensive Plan adopted in 1988.

Historically, the GU zoning classification has been interpreted as a holding category. Some areas were classified with a density that did not align with the zoning. The sites within these areas became nonconforming to the Comprehensive Plan and/or to the zoning.

The subject property can be considered a non-conforming lot of record. However, the applicant's request for AU zoning would allow for current agricultural pursuits on the property as the AU zoning allows for agricultural pursuits and single-family residential dwelling use. In addition, if approved, the AU zoning would allow for up to seven (7) accessory structures on the property with no size limit to each structure. GU zoning the applicant would be limited by the size of the living area of the home as a total of all accessory buildings on the property. The applicant would need several variances to address the accessory structures due to the amount and sizes if AU zoning were not approved.

****Section 62-1188(8)** permits consideration of rezoning of non-conforming lots of record to classifications that are consistent with the density allowances of the Comprehensive Plan.

The subject property consists of one (1) parcel located on the west side of Florida Palm Ave 835 feet south of Date Palm St and 980 feet north of Cabbage Palm St in Canaveral Groves. The site is developed with a single-family house built in 2000. The site also contains two pole barns: 1,680 square feet and 144 square feet in size. Additional buildings include three sheds: 112 square feet, 775 square feet, and 420 square feet in size.

Florida Palm Ave is a county maintained right of way.

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

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single Family Residential	GU	RES 1:2.5
South	Single-Family residential	AU	RES 1:2.5
East	Single Family Residential	GU	RES 1:2.5
West	vacant	GU	RES 1

To the north is a single-family residence on 2.38 acres with GU zoning and RES 1:2.5 FLU designation.

To the south is a single-family residence located on 2.38 acres and zoned AU with a RES 1:2.5 FLU designation.

To the east, across Florida Palm Avenue, is a single-family residence on a 2.23-acre site zoned GU with a RES 1:2.5 FLU designation.

To the west is a 1.24-acre vacant site. It is zoned GU with a RES 1 FLU designation.

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

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.

Future Land Use

The subject property's GU zoning classification is consistent with the RES 1:2.5 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 is consistent with the current 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 subject property is currently developed with a single-family residence which can be considered compatible with the current spacious residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.

Development of the subject property would need to meet performance standards set forth in code sections 62-2251 through 62-2272.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if 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 to the east, north, and south is characterized as agricultural single-family uses on lots containing 2.38 to 4.46 acres in size. Most sites are less than 2.5 acres.

There are three (3) FLU designations within a 0.5-mile radius of the subject property: RES 1, PUB-CONS, and RES 1:2.5. The predominant FLU designation in this area is RES 1:2.5.

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

There has been no new development within 0.5 miles of the subject property within the last three years.

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.

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.

There are no established neighborhoods within a 500 ft. radius of the subject property. The area, known as Canaveral Groves, can be characterized as a single-family residential area with spacious lot sizes and roadways.

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.

There are no neighborhood commercial land uses established in this 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.

There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area is not transitional.

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.

Natural Resources has noted the entire subject parcel contains mapped hydric soils (Eau Gallie sand); an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

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

Preliminary Concurrency

The closest concurrency management segment to the subject property is Citrus Blvd between Pine St and Lee St/Canaveral Groves Blvd. which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 24.72% of capacity daily. The maximum development potential from the proposed rezoning increases the

percentage of MAV utilization by 0.0%. The corridor is anticipated to operate at the same level of 24.72% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

See the attached Department of Natural Resources 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.

Item No. 25Z00030

Applicant: Richard Brandon (Owner: Richard Brandon)

Zoning Request: GU to AU

Note: Requesting to rezone to AU for barn and bee equipment

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

Tax ID No.: 2314034

- 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 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
- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator 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.**

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands or adversely affect the functions of the wetlands**. 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. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

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 Brevard County mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Aquifer Recharge Soils

This property contains Basinger sand which may also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within 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 (≥ 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.**

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.