



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

25Z00033

Dick Holdings, LLC

Conditional Use Permit (CUP) for a Private Heliport in Agricultural Residential (AU)

Tax Account Number: 2317013
Parcel I.D.: 23-36-27-00-15
Location: 5695 N. Courtenay Pkwy Merritt Island FL 32953; West side of N. Courtenay Pkwy., approximately 715-feet north of Church Road (District 2)
Acreage: 26.84-acres

North Merritt Island Board: 11/13/2025
Planning and 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	AU	AU with CUP for Private Heliport
Potential*	10 single-Family lots	1 Single-Family lot under CUP conditions
Can be Considered under the Future Land Use Map	YES RES 1:2.5, NC and CC	YES RES 1:2.5, NC & CC

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

Background and Purpose of Request

The applicant is seeking a Conditional Use Permit (CUP) for a Private Heliport in the AU (Agricultural Residential) zoning classification. Private heliports are considered an accessory use to a single-family residence within the AU zoning classification subject to Section 62-1943.5 of Brevard County Code. A residence was constructed under building permit # **23BC11540** and was completed on June 09, 2025.

A portion of the parcel has an agricultural orchard grove and an agricultural exemption. The parcel was combined into its current configuration on February 27, 2023.

The parcel has access to N. Courtenay Parkway, a County maintained public road.

ZONING HISTORY:

- **23Z00048** adopted September 7, 2023, AU & BU-1 to all AU.
- **DNZ-9869** denied March 20, 1997, BU-1 to BU-2 w/BDP.
- **Z-5332** adopted June 30, 1980, the AU portion of the parcel was rezoned from GU (General Use) to AU (Agricultural Residential) .
- **Ord. 73-13** changed RU-1, RU-3 & BU-1 to GU.
- **Z-1957** denied August 04, 1966, requested from BU-1 to AU .

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Orchard Groves	AU & BU-1	RES 1:2.5, NC & CC
South	Residential and Commercial uses	SR with BDP & BU-1	RES 2, NC & CC
East	N. Courtenay Pkwy.	N/A	N/A
West	Orchard Groves	AU & RR-1	RES 1:2.5 & RES 1

North - The abutting parcels to the north are 1.35 and 2.49 acre tracts with agricultural orchard groves use AU and BU-1 zoning. The larger parcel to the east abutting N. Courtenay Parkway has an agriculture exemption; the smaller western parcel does not.

South - There are five (5) abutting parcels to the south. The two parcels having frontage along N. Courtenay Parkway are both zoned BU-1 with a parcel size of 0.68 and 0.69 acres. The northern parcel has commercial and residential uses while the southern parcel is noted as having commercial related amenities. Of the three parcels zoned SR with a BDP, one is developed with a single-family residence; the other two parcels are vacant. The two eastern most lots are 1.21 and 1.09 acres. The adjacent lot to its west is 1.09 acres and is developed with a residence since 2006.

East - To the east side of N. Courtenay Parkway are five (5) parcels. The northern parcel, 1.13-acre, is zoned BU-1 and is developed with commercial use. The second and third lots are zoned AU. The second lot is a 1.01 acre parcel developed with a residence since 1960; the third lot, 0.47 acre, is also developed with a home since 1955.

West - Of the four (4) abutting parcels to the west, the northern two parcels are zoned AU. The northern parcel 15-acres has agricultural use of orchard groves while the southern

parcel remains vacant. The southern two parcels zoned RR-1 are owned by the applicant and account for a total of 20.63 acres. The property is noted for bees (honey farm) and has an agriculture exemption.

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.

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 and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

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.

The BU-1 zoning classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

Future Land Use

The subject property’s AU zoning classification can be considered consistent with the Residential 1:2.5 (RES 1:2.5), Neighborhood Commercial (NC) and Community Commercial (CC) Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan.

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;

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity. This application also provides the specific model of the helicopter and its noise characteristics together with a noise exposure map for the helicopter use pursuant to Section 62-1943.5 (1)(c), (1)(d) and (1)(e) of Brevard County Code.

- 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 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 general area is agricultural with orchard grove use on large lots with a mix of single-family homes and a commercial corridor along the westerly 300 feet of N. Courtenay Pkwy. on lots ranging in size from approximately 0.69 acre to 15 acres.

There is an existing pattern of agricultural use with orchard groves parcels surrounding the subject parcel on large lots greater than 2.49 acres. There are six (6) Future Land Use Designations RES 1:2.5, RES 1, RES 2, RES 4_DIR, NC and CC, within a half mile of the subject property.

There are fourteen (14) Zoning classifications within a half-mile radius. Those zoning classifications are AU, BU-1, BU-1-A, BU-2, EU, EU-2, GML, GML(H), GU, IN(L), RR-1, RU-1-9, SEU and SR. The prominent zoning is AU.

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

It appears there has been no development within the last three years or agritourism activity have occurred within the last three years.

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

It appears there has been no development approved within the last three years.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

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 requested CUP is not anticipated to materially or adversely affect the surrounding developments.

Traffic from the proposed private heliport 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.

This parcel is not located in a platted subdivision. Staff analysis has determined the subject property is located within an established agricultural and residential area.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The request is located in an existing agricultural area with the use of orchard groves. It appears that no agritourism activity have occurred within the last three years.

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 developed with single-family residence along with agricultural use of orchard groves.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Parkway between Hall Road to N. Tropical Trail which has a Maximum Acceptable Volume (MAV) of 39,170 trips per day, a Level of Service (LOS) of D, and currently operates at 46.92% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.26%. The corridor is anticipated to operate at 47.18% 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 rezoning falls below the minimum number of new residential lots that would require a formal review.

The subject property has access to The City of Cocoa potable water. The subject property has access to Brevard County sewer which runs along the west side of N. Courtenay Pkwy.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1943.5, Private Heliports.

This request should be evaluated in the context of **Section 62-1943.5**, governing the private heliport use accessory to a single-family residence.

Sec. 62-1943.5. Private heliports.

Private heliports: Private heliports as an accessory use to a single-family residence may be permitted as a conditional use within the GU, PA, AGR, AU and REU zoning classifications subject to the following conditions:

(1) No more than one helicopter may be located on any residential property.

a. A conceptual site plan, binding on the property owner, shall be submitted which shows the following:

1. Legal boundaries of said property.

Response: A site plan with legal boundaries has been provided.

2. Display the overall dimensions of the actual landing and take-off areas.

Response: A 24' by 24' landing area has been shown on the site plan.

3. Indicate the front, side, and rear setbacks from the closest point of private heliport.

Response: All setbacks have been indicated on the site plan.

Staff analysis: The applicant has submitted the conceptual plan with required information noted.

b. Applicants shall submit a detailed map which depicts the approach zone for said heliport and the relation to existing single family homes.

Response: The approach zone has been indicated on the site plan.

Staff analysis: The applicant has submitted the required detailed map.

c. Applicants shall present documentation as to the specific model of helicopter, including the noise characteristics, to be placed on the property.

Response: The model number and the helicopter documentation are shown on the site plan.

Staff analysis: The applicant has submitted the type of helicopter with its noise characteristics.

d. Applicants shall submit a noise exposure map as prepared by a certified engineer for proposed flight path.

Response: The noise exposure map is shown on the site plan.

Staff analysis: The applicant has submitted a noise exposure map as prepared by a certified engineer for proposed flight path.

e. In order to maintain a reasonable decibel level for surrounding homes, the proposed flight paths shall not exceed current FAA noise requirements.

Response: The FAA has approved the helipad, and this helicopter meets the FAA standards.

Staff analysis: The applicant has submitted the noise contour along the proposed flight path. The flight path starts initially in a southerly direction and then changes course to a due west direction towards the Indian River.

f. Surfacing of the landing facility shall be such so as to minimize the blowing of any dust, dirt or other objectionable material onto neighboring property.

Response: The landing area will be grass and it is in the middle of orchard with trees surrounding on all sides, this will prevent any dust and dirt blowing onto the neighboring properties.

Staff analysis: The applicant proposes to minimize potential nuisance issues.

g. Private heliport operations shall not be used for commercial purposes.

Response: This helicopter will only be used for personal use of the owner and there will not be for any commercial use.

Staff analysis: The applicant states that the heliport will not be used for commercial purposes.

(2) No helicopter shall be permitted which is designed for carrying more than four persons.

Response: The helicopter only has four people capacity.

Staff analysis: The applicant has provided information noting the helicopter capacity.

(3) Take-off and landing areas and all attendant facilities shall be located at least 500 feet from all property lines. These areas shall be encircled by a fence or natural buffer not less than five feet in height. Each private heliport shall be limited to two round trips per day during daylight hours.

Response: The 24'x24' landing area does have 500 feet setback from all the property lines. The surrounding grove serves as a natural vegetative buffer well over 5 foot in height. Only occasional daytime landings will be performed.

Staff analysis: The applicant has submitted a plan that meet the code requirement.

(4) Facilities for fueling are prohibited.

Response: The fueling will not occur on this site.

Staff analysis: The applicant states they will comply and not provide fueling facilities.

(5) The board of county commissioners shall make a finding that the proposed activity would have no adverse impact prior to approval of this conditional use.

Response: Acknowledged.

Staff analysis: The applicant acknowledges that comment/requirement.

(6) All property owners within 1,000 feet of the subject property shall be notified of the conditional use permit (CUP) request.

Response: Acknowledged.

Staff analysis: Staff will send notices to property owners within 1,000 feet of the subject property.

(7) Helicopters for agricultural purposes are exempt from the requirements of this section on parcels zoned PA, AU or AGR with 100 acres or more of improved agricultural use.

Response: Acknowledged.

Staff analysis: The applicant acknowledges that comment/requirement.

(8) Each owner shall be responsible to insure that the proposed private heliport be in compliance with F.S. ch. 330 and federal aviation regulations.

Response: Acknowledged.

Staff analysis: The applicant acknowledges that comment/requirement.

(9) Proposed private heliports shall comply with sections 62-2201 and 62-2202 of this chapter.

Response: The proposed private heliport does comply with the above referenced sections of the code.

Staff analysis: The applicant acknowledges that comment/requirement.

General Standards of Review

Section 62-1901(c)(1)(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.

Applicant's Response: This will be a private helipad to be used during the allowed hours of decibel noise. Single helicopter for private use.

Staff analysis: The proposed CUP must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in the N. Courtenay Parkway traffic Level of Service (LOS).

Section 62-1901(c)(1)(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.

Applicant's Response: This will be a private helipad to be used during the allowed hours of decibel noise. Single helicopter for private use.

Staff analysis: The subject property is a large AU zoned residential tract. The private heliport use, a conditional use permit (CUP), is a unique use limited in nature as an accessory use to the development of a single-family residence in the GU, PA, AGR, AU and REU zoning classifications. Special criteria and Board consideration are required in order to establish compatibility with the adjacent area/community. It is

not anticipated to cause any issues with the current development or surrounding residential uses or cause a deficiency in LOS. Any issues related to LOS, performance standards or parking would be handled at site plan review.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable 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 a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: This will be a private helipad to be used during the allowed hours of decibel noise. Single helicopter for private use.

Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided.

Section 62-1901(c)(2)(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.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent 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 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.

Applicant's Response: Private helipad to be accessed by the pilot and up to 3 passengers at most at one time.

Staff analysis: The helipad has been centralized on this property as it is required to meet a 500-foot setback from the property lines. Vehicular traffic impacts are limited to the one existing single-family residence with direct connection to N. Courtenay Parkway.

Section 62-1901(c)(2)(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.

Applicant's Response: Infrequent trips during the allowable noise decibel hours and maintaining elevation over 500-feet before landing.

Staff analysis: The proposed use must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code requirements, or a violation will be created.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: The helicopter use will comply with landing and take-off happening during allowable time periods.

Staff analysis: There are no anticipated noise level issues, but the site must comply with the noise ordinance within Brevard County Performance standards Sections 62-2251 through 62-2272 and FAA regulations.

Section 62-1901(c)(2)(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.

Applicant's Response: Private helipad with self-disposal of waste.

Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be affected.

Section 62-1901(c)(2)(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.

Applicant's Response: NA, private helipad to be used for landing and take-off.

Staff analysis: The CUP should not exceed the adopted level of service for potable water or wastewater as use does not require connection to potable water or wastewater service.

Section 62-1901(c)(2)(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.

Applicant's Response: As per regulations, the helipad will have the landing surface constructed of material to minimize dust and a buffer fence around the pad to control any

debris during landing.

Staff analysis: The proposed plans identify sufficient screening. The property shall meet the Brevard County Performance Standards.

Section 62-1901(c)(2)(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.

Applicant's Response: The use of landing lights on the helipad will only be used during landing and will not be bright enough to affect adjacent properties when used during the allowable decibel hours.

Staff analysis: Any new signage and lighting will need to meet the requirements of Brevard County Code.

Section 62-1901(c)(2)(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.

Applicant's Response: Acknowledged.

Staff analysis: The hours of operation have not been identified. The Board may wish to limit the operational hours to a limited portion of the day.

Section 62-1901(c)(2)(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.

Applicant's Response: Acknowledged.

Staff analysis: A two-story residential building was constructed onsite. The helipad does not require an additional structure to be developed. Site improvements, landing pad, will meet the 35-foot height requirements noted above.

Section 62-1901(c)(2)(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.

Note: 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.

Applicant's Response: NA, private helipad for personal use.

Staff analysis: The subject property is developed for a single-family residence. The proposed private heliport will be accessory to that single-family use. No additional traffic is anticipated.

Environmental Constraints

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.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Floodplain Protection in North Merritt Island
- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

See NRM comments 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 recognizing existing development trends. Pursuant to Section 62-1901(b), Brevard County Code of Ordinances, "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;" as such, the Board may consider such additional conditions as the establishment of times for the proposed helicopter use (arrival and departure times).

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 25Z00033

Applicant: Vaheed Teimouri (Owner: Dick Holdings LLC)

Zoning Request: CUP for private heliport in AU zoning

Note: Use land for a private heliport

NMI Hearing: 11/13/2025; **Zoning Hearing:** 11/17/2025; **BCC Hearing:** 12/11/2025

Tax ID No: 2317013

- 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:

- Floodplain Protection in North Merritt Island
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Land Use Comments:

Floodplain Protection in North Merritt Island

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development.

Wetlands and Hydric Soils

This property contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Wabasso sand, 0 to 2 percent slopes, Chobee mucky loamy fine sand, and Samsula muck, frequently ponded, 0 to 1 percent slopes), indicators 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.

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. For residential parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 62-3694(c)(6). 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.

Aquifer Recharge Soils

The eastern portion of this property contains mapped aquifer recharge soils (Paola fine sand, 0 to 8 percent slopes) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have 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.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire parcel is mapped within the Indian River Lagoon 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.

Protected and Specimen Trees

Protected and Specimen trees may exist on the parcel. Per Section 62-4341(18) of the Brevard County Landscaping, Land Clearing, and Tree Protection ordinance, Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. 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.

Protected Species

Information available to NRM indicates that federally and/or state protected species may be present on the property. There is an area of mapped Florida Scrub Jay habitat on the western portion of the property, and there is potential for existence of Gopher Tortoises on site. 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 and/or U.S. Fish and Wildlife Service, as applicable.