



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00036

Sandra Walsh & Terrie Canada

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

Tax Account Number: 2005444
Parcel I.D.: 20G-35-17-AL-20-2
Location: 3495 Aurantia Road, Mims, FL 32754 (District 1)
Acreage: 2.94 acres

Planning & Zoning Board: 11/17/2025
Board of County Commissioners: 12/11/2025

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	AU	RR-1
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 subject property from AU (Agricultural Residential) to RR-1 (Rural Residential). The purpose of the request is to split the 2.94-acre lot into two lots by creating a flag lot on the southern portion. The applicant has provided a boundary survey outlining lot 1, depicting the current single-family residential dwelling, and the creation of lot 2.

The subject property was platted as A Replat of Section 17 of Indian River Park, a subdivision of The Bernardo Segui Grant Block 20, recorded on August 18, 1916, in PB 2, PG 75.

The subject property retains the original zoning classification of AU when the Brevard County zoning code was established in 1958. The subject property also retains the original FLU, Residential 1 (RES 1) established in the 1988 Brevard County Comprehensive Plan.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could potentially be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to Department of Environmental Health, which issues septic permits.

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

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.

The proposed 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 accessory to a principal residence within the RR-1 zoning district.

The subject parcel is located on the south side of Aurantia Road, a county-maintained road approximately 0.46 miles east of Highway 1.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	(2) Single-family residences, vacant land	AU	RES 1
South	(2) Single-family residences	AU	RES 1
East	Single-family residence	AU	RES 1
West	Single-family residence	AU	RES 1

North of the subject property are three (3) parcels: The first parcel is 2.51 acres, developed with a single-family residence. The second parcel is 3.59 acres of vacant land. The third parcel is 1.56 acres, developed with a single-family residence. South of the subject property are two (2) parcels: The first parcel is 5.0 acres, developed with a single-family residence and has AU

zoning with RES 1 FLU designation. The second parcel is 3.75 acres, developed with a single-family residence.

East of the subject property is a 2.94-acre parcel, developed with a single-family residence.

West of the subject property is a 2.94-acre parcel, developed with a single-family residence.

All of the noted properties are zoned with AU classification and RES 1 FLU designation.

The 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 AU zoning classification is considered consistent with the 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 applicant's request for RR-1 zoning classification is considered consistent under the current 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;

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 0.78 acres to 10 acres. There is one parcel, ± 205 acres in size, located approximately 0.25-mile northeast of the subject property, which is government-managed land.

Single-family residential development is the predominant pattern of development within the area.

This area was platted in 1916, with lot sizes of ± 126 feet in width and ± 305 feet in depth, and up to 10-acre lot sizes. The AU classification is the original zoning in the area established on May 22, 1958. There are numerous parcels with the AU zoning that do not meet today's 2.5-acre lot size requirement. Either they remain in their original platted configurations, or they were reconfigured at some point.

There are five (5) FLU designations: RES 1:2.5, RES 1, PUB, NC, and CC within a 0.5-mile radius of the subject property. RES 1 and RES 1:2.5 are the more prevalent FLU designations.

There are multiple zoning classifications within a 0.5-mile radius of the subject property: AU, RR-1, GML(H), SR, RU-1-7, and BU-1 zoning classifications. AU is the prominent zoning classification within the area.

The closest property with RR-1 zoning classification is approximately 0.1 miles south of the subject property off Maebert Road.

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.

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.

There is one pending zoning action approximately 0.3 miles west of the subject property at the Aurantia Road and Highway 1 intersection, under 25Z00003, to change the zoning from BU-1 with a BDP to BU-1 without a BDP.

- 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 0.07%. The corridor is anticipated to operate at 21.90% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.

Based on staff analysis, the requested rezoning from AU to RR-1 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 single-family residential. The closest commercial zoning is located approximately 0.3 miles directly west of the subject property at Aurantia Road and Highway 1.

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.

A portion of the subject parcel contains mapped hydric soils which indicates 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. The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

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 Burkholm Road and the Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 21,800 trips per day, a Level of Service (LOS) of C, and currently operates at 21.83% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 21.90% 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 not within any public potable water or available sewer lines. If the proposed creation of a second lot is developed with a single-family residence, the property owner would have to provide their own services for water and sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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. 25Z00036

Applicant: Monica Pritchard (Owners: Sandra Walsh and Terrie Canada)

Zoning Request: AU to RR-1

Note: to split into two lots and create a flag lot

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

Tax ID No.: 2005444

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Wabasso sand, 0 to 2 percent slopes; and Copeland-Bradenton-Wabasso complex, limestone substratum); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage 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.**

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.

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.**