



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

**STAFF COMMENTS
 26Z00009**

Gunnar Downes (Jenna Tindall)

GU (General Use) to AU (Agricultural Residential)

Tax Account Number: 2405759
 Parcel I.D.: 24-35-17-01-1-14

Location: West side of Satellite Blvd. on Keydeer Ave., approximately 0.1 miles south of Sharpie Ave. (District 1)

Acreage: 2.565 acres

Planning & Zoning Board: 06/15/2026
 Board of County Commissioners: 07/09/2026

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	GU	AU
Potential*	0 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 has submitted a request to rezone the property from GU (General Use) to AU (Agricultural Residential), as the property currently does not meet the GU zoning requirements for today’s standard for minimum lot size. The applicant stated the property owner would like to have the ability to use the property for agricultural pursuits and animals, along with the possibility of developing a single-family residence in the future.

The GU zoning classification requires a minimum 5-acre parcel with a minimum 300-foot depth and 300-foot width. The subject property does not meet this criterion, although the parcel could

be considered a non-conforming lot of record. However, the property owner would like to use the property for agricultural pursuits; therefore, a rezoning is being requested. 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 subject property does meet these minimum requirements.

NRM Comments have noted:

- There is an active Code Enforcement case (25CE-00788) which started on May 6, 2025, when a complaint was received by Brevard County Natural Resources Management Department (NRMD) for unpermitted land clearing and alteration activities on the property in 2024/2025. These activities occurred on approximately half of the combined properties, down to the water's edge. The activities may also have impacted jurisdictional wetlands. In addition, NRMD staff have determined that there are likely erosion and siltation issues that have occurred from the alteration at the shoreline, which would result in a water quality issue. The case is currently pending.
- The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained). 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). This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE.
- Within the 100-year riverine floodplain, residential density is limited to no more than two dwelling units per acre. Within the 25-year riverine floodplain, residential density is limited to not more than one dwelling unit per two-and-one-half acres. Within the 10-year riverine floodplain, residential density is limited to not more than one dwelling unit per ten acres. Within the mean annual riverine floodplain, residential land uses shall be prohibited unless the project has a special reason or need to be there and it is in the best public interest (i.e., a public project).

Zoning History:

The subject property's current zoning classification is GU, which is also the original zoning classification when the Brevard County Zoning Code was established on May 22, 1958.

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

The subject property is located on the west side of Satellite Blvd., a county-maintained roadway, between Key Deer Ave. and Sharpie Ave.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant land	GU	RES 1
South	Vacant land	GU	RES 1
East	Vacant land	GU	RES 1
West	Vacant land	GU	RES 1

North of the subject property across the drainage canal is one (1) parcel, 1.05 acres, vacant land, with zoning classification GU and RES 1 FLU designation.

South of the subject property is one parcel, 1.16 acres, vacant land, with zoning classification GU and RES 1 FLU designation.

East of the subject property across Satellite Blvd. are two (2) parcels, 1.0 acre and 1.03 acres respectively, vacant land, with zoning classification GU and RES 1 FLU designation.

West of the subject property is one (1) parcel, 1.16 acres, vacant land, which has GU zoning classification with RES 1 FLU designation.

The GU 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.

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 a roadside stand, hog farms, zoological parks, and land alteration.

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 GU 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 states the property owner would like to have the property in compliance with current zoning standards, along with the ability to have agriculture pursuits and animals along with possibly developing a single-family residence in the future. The proposed use may have hours of operation, lighting, odor, noise levels, traffic, or site activity that might affect existing neighbors. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Such agricultural activity would include, but is not limited to, the raising/grazing of animals as well as fowl raising and beekeeping, along with the packing, processing, and sale of commodities raised on premises (permitted uses within AU).

The applicant has not advised whether the property owner would like to sell commodities raised on site if the rezoning were to be approved. But it should be noted that the AU zoning classification does afford the owner the possibility of having a roadside stand to sell those commodities raised on the subject property. Roadside stands are 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.

- 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 predominantly vacant land with very sparse single-family residential development on larger parcels of land starting at approximately 1.0 acres and larger in size.

There is one FLU designation within the 0.5-mile search radius: Residential 1 (RES 1).

There are five zoning classifications within a 0.5-mile radius of the subject parcel: GU, AU, ARR, AGR, and RRMH-1. The prominent zoning classification in the area is GU.

There are a couple of 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 0.1 miles north of the subject property on the west side of Satellite Blvd at Sharpie Ave.

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

There has been one single-family residence, a mobile home, developed on a 4.7-acre parcel, within 0.5 miles of the subject property, over the preceding three years.

This same parcel had a rezoning under 24Z00001 approved on 05/2/2024 to rezone the property from AU to RRMH-1.

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.

There are multiple properties in the area that have varying agriculture zoning classifications, such as AU, AGR, and ARR. They all allow property owners to have agricultural uses such as agricultural pursuits, raising and grazing of animals, fowl raising, and beekeeping, along with plant nurseries as either permitted or accessory use.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed request increases the percentage of MAV utilization by 0.02%. Specific concurrency issues related to any future development will be addressed at the time of site plan review.

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, open spaces, canals, 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 an agricultural and residential 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.

FLUE 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.

The subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. 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.

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).

Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is S.R.520 located between Brevard/ Orange County Line to S.R. 524, which has a Maximum Acceptable Volume (MAV) of 45,800 trips per day, a Level of Service (LOS) of C, and currently operates at 35.66% 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 35.68% 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 vacant land that would require septic for sewer and a well for water. Well water will be required for any agricultural uses on the property.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees
- Code Enforcement

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. 26Z00009**

Applicant: Jenna Tindall (Owner: Gunner Downes)

Zoning Request: GU to AU

Note: to build SFR and have animals and agricultural uses

Zoning Hearing: 06/15/2026; **BCC Hearing:** 07/09/2026

Tax ID Nos.: 2405759 and 2405760

- 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:

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees
- Code Enforcement

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Tomoka muck, undrained); indicators that wetlands are 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. 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 or performing any land alteration or clearing activities. Please see "Code Enforcement" below.

Floodplain Protection

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 property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage and density restrictions.**

Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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."

Within the 100-year riverine floodplain, residential density is limited to no more than two dwelling units per acre. Within the 25-year riverine floodplain, residential density is limited to not more than one dwelling unit per two and one-half acres. Within the 10-year riverine floodplain, residential density is limited to not more than one dwelling unit per ten acres. Within the mean annual riverine floodplain, residential land uses shall be prohibited unless the project has a special reason or need to be there and it is in the best public interest (i.e., a public project).

The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal or performing any land alteration or clearing activities. Please see “Code Enforcement” below.

Protected and Specimen Trees

Protected and Specimen Trees 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.

The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal or performing any land alteration or clearing activities. Please see “Code Enforcement” below.

Code Enforcement

There is an active Code Enforcement case (25CE-00788) for unpermitted land clearing and alteration activities on the property in 2024/2025. These activities occurred on approximately half of the combined properties, down to the water’s edge. The activities may also have impacted jurisdictional wetlands. The case is pending.