



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

25Z00040

**Linda M. Muenz and Erran L. Muenz Jr.
General Use (GU) to Agricultural Residential (AU)**

Tax Account Number: 2313962
Parcel I.D.: 23-35-33-01-9-4
Location: West side of Fan Palm Avenue, approximately 460 feet south of the Date Palm Avenue (District 1)
Acreage: 2.23 acres

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	GU	AU
Potential*	1 unit	1 unit
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 seeking a change of zoning classification from GU (General Use) to AU (Agricultural Residential) for the purposes of having personal use of agricultural-residential accessory structures and uses, including raising and grazing of animals.

The subject property was recorded in Survey Book Canaveral Groves Subd SB 2 PG 55 Lot 4 BLK 9 in August 1960. The configuration of the has not changed. Pursuant to Section 62-1188(5), a lot recorded in a survey book prior to May 20, 1975, and is less than five acres may be determined to be nonconforming lot of record.

The property meets the minimum lot width and depth requirements for the proposed AU zoning, however, is 0.27 acres under the minimum required lot area of 2.5 acres. The applicant applied for a 0.27 acre variance to the minimum lot area required by Section 62-1334 (4) to be eligible to apply for

the proposed AU zoning. The variance application, **25V00059**, to the minimum AU lot size requirement was approved by the Board of Adjustment (BOA) on 10/15/2025.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU	RES 1:2.5
South	Single-family residence	GU	RES 1:2.5
East (across Fan Palm Ave.)	Single-family residence	GU	RES 1:2.5
West	Single-family residence	AU	RES 1:2.5

Abutting the subject property to the north is a 2.23 acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 FLU designation.

Abutting the subject property to the South is a 2.23 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation.

To the East, across Fan Palm Avenue is a 1.63 acre parcel developed as a single-family residence with GU zoning and RES 1:2.5 FLU designation.

To the West of the subject property, is a 2.23 acre parcel developed as a single-family residence with AU zoning and RES 1:2.5 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.

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 permits all agricultural pursuits, including the raising/grazing of animals, fowl, and 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. Agritourism activities would also be permitted.

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. At this time, there is no agricultural exemption on the subject property.

FLUE Policy 1.10 The Residential 1:2.5 Future land use designation. The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses.

Future Land Use

The subject property's GU zoning classification can be considered consistent with the Residential 1:2.5 (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 can be considered consistent with the existing RES 1:2.5 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 parcel has an existing single-family residence. The request is not anticipated to diminish the enjoyment of safety or quality of life in existing residential area. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by 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 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 of the surrounding development can be characterized as single-family residences on properties 1.5 acre to 4.5 acres in size.

There are three (3) FLU designations (RES 1:2.5, RES 4 and PUB-CONS) within a 0.5-mile radius of the subject property. RES 1:2.5 is the prominent FLU in this area.

There are five (5) zoning classifications (GU, AGR, AU, AU(L), and RR-1) within a 0.5-mile radius of the subject property. GU is the prominent zoning classification in this area.

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

There has been no development within 0.5 miles approved within the past 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.

Based on staff analysis, the requested rezoning from GU to AU 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.

Staff analysis has determined the property is located in an existing residential area.

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.

The request is not for commercial use. It is located in an existing single-family residential neighborhood. 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.

The area is single-family residential use. 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 a portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Valkaria sand); 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.

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. located between Pine Street and Lee Street, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 25.91% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV

utilization by 0.00%. The corridor is anticipated to operate at 25.91% 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 parcel is within the City of Cocoa public potable water service and septic service.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

For Board Consideration

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

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 25Z00040

Applicant: Essan Muenz, Jr. and Linda Muenz (Owners: Essan Muenz, Jr. and Linda Muenz)

Zoning Request: GU to AU

Note: for agricultural uses

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

Tax ID No.: 2313962

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

Land Use Comments:

Wetlands and Hydric Soils

A portion of the subject parcel contains mapped St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Valkaria sand); 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. **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.**

Aquifer Recharge Soils

This property contains Valkaria 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 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.**

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.