



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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**STAFF COMMENTS
 26Z00017**

Anthony Falanga

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

Tax Account Number: 2316489
 Parcel I.D.: 23-36-23-00-524
 Location: 300 feet east of N. Courtenay Parkway approximately 1,600 feet north of E. Crisafulli Road (District 2)
 Acreage: 2.0 acres

NMI Special District Board: 7/09/2026
 Planning and Zoning Board: 7/13/2026
 Board of County Commissioners: 8/06/2026

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	AU	RR-1
Potential*	0 single-family residences	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. Application of these regulations may reduce development potential.

**Pursuant to Sec. 62-102(a), the proposed easement will be for the exclusive use of the parcel for which the building permit will be issued.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to the RR-1 (Rural Residential) zoning classification on 2.0 acres to allow for the development of one (1) single-family residence on the subject property. The subject parcel has no approved access to a county-maintained roadway. The owner will be submitting a proposed access

easement agreement to provide such access consistent with Section 62-102(a) of the Brevard County Code, should the zoning request be approved. The subject parcel is currently undeveloped and is located 300 feet east of N. Courtenay Parkway, approximately 1,600 feet north of E. Crisafulli Road.

The property's configuration has existed since August 1, 1979, as recorded in ORB 2087, Page 653. The Zoning code has required a minimum lot area of 2.5 acres within the AU zoning classification since March 6, 1975. As such, the parcel is deemed to be substandard to the required lot area.

The subject property's AU (Agricultural Residential) zoning classification has remained unchanged since its original establishment in 1958.

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 an accessory use to a principal residence within the RR-1 zoning district.

The subject property is located within both the 1992 and 2018 North Merritt Island (NMI) Small Area Studies. The 1992 study notes that residential density should be reduced from two (2) units per acre to one (1) unit per acre, which applies to 65% of the NMI area. Section 92B.5.13 of the small area study affected the subject parcel by changing the residential density from Suburban 2 to Suburban 1 on a total of 6,500± acres.

Brevard County Utility Service comments state: This property is outside of the Brevard County Water Service Area. Please be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, "Available" is defined in F.S. 381.0065 (2)(a), and the requirements to connect to an existing onsite sewage treatment and disposal system to a central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181, Brevard County Code of Ordinances, because this is within the Brevard County Utility Services Department Service Area. The appropriate sewer facility is operating at a level equal to or less than 85% of the existing plant capacity as determined by the service provider or appropriate authority. Please note that concurrency for the project can only be confirmed with a detailed review of the plans. The current Sykes Wastewater plant capacity as of March 2026, based on actual connections, is 53%.

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. The applicant is encouraged to continue communication with Natural Resources Management prior to any plan or permit submittal or performing any land clearing activities.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RR-1	RES 1
South	Undeveloped	AU	RES 1
East	Grazing land with Ag. exemption	AU	RES 1
West	Undeveloped/Single-family residence	BU-1	CC

North of the subject property are three (3) parcels, all zoned RR-1 with RES 1 FLU. Parcels range from 0.97 acres to 1.03 acres. Each parcel is developed with a single-family residence.

South of the subject property is one (1) parcel, zoned AU with RES 1 FLU. Parcel is 2.0 acres and is undeveloped; however, two structures appear on aerials; they may be unpermitted.

East of the subject property is one (1) parcel at 74.5 acres, zoned AU with RES 1 FLU. It is undeveloped but noted as having an AG exemption and is used for grazing land.

West of the subject property are two (2) parcels, zoned BU-1 with Community Commercial FLU. The northern parcel is 0.66 acres, developed with a single-family residence. The southern parcel is 0.65 acres, vacant and owned by the applicant. Parcel may become future access to N. Courtenay Parkway for the parcel under consideration.

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.

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 principal residence within the RR-1 zoning district.

Future Land Use

The subject property's AU zoning classification is 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 proposed RR-1 zoning classification can be considered consistent with the RES 1 Future Land Use.

Applicable Land Use Policies

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;

Hours of operation, lighting, odor, noise levels, traffic, or site activity, must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

Traffic from the proposed development will have a minimal impact on the surrounding area. The corridor currently operates at 46.92% capacity, and the proposed development is anticipated to increase the traffic to a level of 46.95%.

- 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 (Member Appraisal 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;

Within the 0.5-mile radius of the subject property, there are six (6) FLU designations: Community Commercial (CC), Neighborhood Commercial (NC), Residential 1 (RES 1), Residential 2 (RES 2), Residential 1:2.5 (RES 1:2.5) and Public Facility (PUB). CC and RES 1 are the predominant FLU districts in the area.

The surrounding area is characterized by a predominantly rural residential development pattern consisting of single-family residences on 1+ acre lots, undeveloped land, and agricultural-residential uses. Limited commercial and service-oriented uses are generally corridor-oriented. Overall, the area retains a low-density, rural character.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

There are twenty (20) zoning classifications: AU, BU-1, BU-1-A, BU-2, EU, GML, GML(I), GML(P), GU, IN(L), IU, RR-1, RRMH-1, RU-1-9, SEU, SR, TR-1, TR-1-A, TR-2 and TR-3 within the 0.5-mile radius of the subject property, with the predominant zoning classification being AU.

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

No development has occurred within 0.5 miles of the subject property within the last three years; however multiple sites have requested recent zoning and FLU changes. Those sites are proposed under 26Z00022/26SS00007, 26Z00007/26SS00001, 26Z00024 and 26Z00006.

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

It appears no development has been approved and not yet constructed in the immediate area 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.

The request for a single-family residential zoning classification is consistent with the Brevard County Comprehensive Plan.

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, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

A preliminary traffic concurrency indicates the proposed use will not materially and adversely impact the established residential areas or agricultural lands, by

introducing types or intensity of traffic, parking, or trip generation. This is not an introduction of commercial activity within the identified boundaries of a neighborhood.

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 area is not considered an established residential neighborhood. However, there are clearly established boundaries, such as roads and open spaces.

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 surrounding area is considered a residential area, not a residential neighborhood. The proposed use would not preclude the existence of the existing residential 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 nearby area along the N. Courtenay Parkway corridor is mostly commercial with residential zones further away from this primary roadway. However, there are agricultural uses within the area of the subject property, along with large lot undeveloped properties.

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.

Natural Resources Management (NRM) identified several environmental considerations affecting the property. Although the subject parcel is not located within a FEMA-mapped Special Flood Hazard Area, it is located on North Merritt Island and remains subject to the floodplain protection standards of Section 62-3724(4), including compensatory storage and certification that development will not create adverse flooding impacts on adjacent properties. While the subject property does not contain mapped wetlands or hydric soils, the adjacent parcel proposed for site access contains mapped wetlands, requiring a wetland delineation and compliance with applicable wetland impact, mitigation, and density limitation requirements. Federally and state protected species may also be present, including mapped Florida Scrub Jay habitat on the property and adjacent access parcel, which may require review and permitting by the appropriate

regulatory agencies prior to development activities. The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.

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 N. Courtenay Pkwy., between Hall Rd. and 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 0.03%. The corridor is anticipated to operate at 46.95% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS.

The subject property is within access to centralized sewer from Brevard County Utilities and centralized water from the City of Cocoa.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Floodplain Protection in North Merritt Island
- Wetlands
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

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

For Board Consideration

The Board should consider whether the proposed zoning request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00017

Applicant: Anthony Falanga (Owner: Anthony Falanga)

Zoning Request: AU to RR-1

Note: to make parcel conforming to build SFR

NMI Advisory: 07/09/2026; **Zoning Hearing:** 07/13/2026; **BCC Hearing:** 08/06/2026

Tax ID No.: 2316489

- 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
- Wetlands
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Floodplain Protection in North Merritt Island

This property is located on North Merritt Island (NMI), north of Hall Road. While this property is not located within a mapped Federal Emergency Management Agency (FEMA) Special Flood Hazard Area, the parcel is subject to the development criteria in Section 62-3724(4), 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. **The applicant is encouraged to contact NRM prior to any plan or permit submittal or prior to performing any land clearing activities.**

Wetlands

The subject property does not contain mapped wetlands or hydric soils. However, please be advised the adjacent property that will be used for site access contains mapped NWI wetlands. **A wetland delineation will 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 impacts to wetlands on the adjacent parcel will be included in this maximum percentage. 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

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

Protected and Specimen Trees exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), the purpose and intent of the ordinance is to encourage the protection of Heritage Specimen Trees. 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, there is an area of mapped Florida Scrub Jay habitat / occupancy on the western portion of the property and on the adjacent property that will be used for site access. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters the U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) and/or Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com), as applicable.