



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00045

Patricia & James Kent

GU (General Use) to AU (Agricultural Residential)

Tax Account Number: 2314112
 Parcel I.D.s: 23-35-33-01-18-9
 Location: 5090 Pine St. Cocoa, FL 32927 (District 1)
 Acreage: 2.22

Planning & Zoning Board: 07/13/2026
 Board of County Commissioners: 08/06/2026

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	GU	AU
Potential*	1 Single-Family Residence**	1 Single-Family Residence
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.

** Development potential of one single-family residence attributed to the non-conforming lot of record status of the parcel.

Background and Purpose of Request

The applicant is requesting a change of zoning classification from GU (General Use) to AU (Agricultural Residential) on 2.22 acres. The subject property is improved with a single-family residence and accessory structures. The applicant intends to retain the existing structures and apply for further improvements to the subject property. The subject

property contains an existing structure that exceeds current accessory structure size allowances as provided in Section 62-2100.5(d), Brevard County Code of Ordinances. AU zoning permits accessory buildings to be exempt from size limitations listed within Section 62-2100.5(a, b, and d).

While the parcel does not meet the current minimum lot size for GU zoning (5 acres), Brevard County Property Appraiser’s Office records indicate that the current property configuration was established with the recordation of Canaveral Groves Subdivision, Sec 33 in Survey Book 2, Page 55 in August of 1960. The subject property retains the original GU zoning classification as established with the adoption of the zoning code on May 22, 1958, and the original Future Land Use designation of RES 1:2.5 (Residential, one unit per 2.5 acres) as established by the adoption of the Brevard County Comprehensive Plan on September 8, 1988. Prior to May 19, 1975, GU zoning classification required a minimum lot area of one acre. Since May 20, 1975, the GU zoning classification requires a lot area of five acres. Staff analysis indicated the property configuration was recorded in August 1960; therefore, the subject property could be considered a non-conforming lot of record. Section 62-1188(8) permits consideration of rezoning of non-conforming lots of record to classifications that are consistent with the density allowances of the Comprehensive Plan.

The minimum lot size for AU-zoned properties is 2.5 acres. A variance (application **25V00070**) was approved on November 19, 2025, to permit a variance of 0.28 acres from the required 2.5 acre lot area for the proposed AU zoning. 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 roadside stands, hog farms, zoological parks, and land alteration.

The subject is located on Pine St., a county-maintained right-of-way.

There are currently no open Code Enforcement cases or violations noted 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	Roadway/ Single-family residence	GU	RES 1:2.5
West	Canal/ Single-family residence	AU	RES 1:2.5

The property to the north of the subject property is a 2.22-acre lot zoned AU with a RES 1:2.5 FLU and improved with a single-family home from 1998.

South of the subject property is a 2.22-acre parcel zoned GU with a RES 1:2.5 FLU and developed with a single-family home built in 1990.

East of the subject property across the Pine St. right-of-way is a 2.38-acre site zoned GU with a RES 1:2.5 FLU and improved with a single-family residence from 2002.

West of the subject property across the canal right-of-way is a 4.44-acre site zoned AU with a RES 1:2.5 FLU and improved with a single-family residence.

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.

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.

Land Use

The subject property's GU zoning classification can be considered consistent with the 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 RES 1:2.5 FLUM designation.

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;

This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life, as the rezoning would effectively permit the retention of existing structures on the subject property. Future development would need to meet Brevard County's 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 per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master 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;

There are three (3) FLUM designations within a half-mile radius of the subject property. They include RES 1:2.5, Public Conservation (PUB-CONS), and Residential 1 (RES 1). The subject property is surrounded by RES 1:2.5, which is the predominant FLU designation.

Within the past three years, there have been no FLUM changes within a half-mile radius.

There are four (4) zoning classifications in the area, including GU, AU, AU(L), and RR-1. AU is the predominant zoning classification in the area.

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

Within a half-mile radius, there has been no development.

3. Development approved within three years but not yet constructed.

Within the preceding three years, there has been one (1) approved rezoning of an improved lot within 0.50 mile of the subject property. 25Z00040 changed the zoning from GU to AU on December 11, 2025.

- 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 the relevant policies of the Comprehensive Plan 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.

The character of the surrounding area encompasses an established residential area, with lots ranging in size from 1 acre to 7.14 acres. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

- 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 property is located within an existing residential area with established boundaries and 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 is not for commercial use. It is located within an existing single-family 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 subject parcel is not requested to be rezoned for commercial, industrial, or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Citrus Blvd. from Pine St. to Lee St. which has a Maximum Acceptable Volume (MAV) of 22,400 trips per day, a Level of Service (LOS) of E, and currently operates at 17.37% of capacity

daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.0%. The corridor is anticipated to operate at 17.37.% of capacity daily. The proposal is not anticipated to create a deficiency in Level of Service.

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 lies within the City of Cocoa service area for centralized potable water and sanitary sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Please refer to the complete report provided by the Natural Resource Management Department on the following page.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00045

Applicant: James and Patricia Kent (Owners: James and Patricia Kent)

Zoning Request: GU to AU

Note: to improve lot

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

Tax ID No.: 2314112

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

Land Use Comments:

Hydric Soils

The subject parcel contains mapped hydric soils (Anclote sand, frequently ponded, 0 to 1 percent slopes; and Basinger sand); 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. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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 Basinger sand which may function as highly permeable soils. The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is 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

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, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (GTpermits@myfwc.com) and/or U.S. Fish and Wildlife Service (FW4FLESRregs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.