



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

12/11/2025

Subject:

Thomas Dahn requests a zoning classification change from RR-1 to AU. (25Z00024) (Tax Account 2101970) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural residential).

Summary Explanation and Background:

The applicant is requesting to rezone the property from RR-1 (Rural Residential) to AU (Agricultural Residential), as the applicant would like to start a commercial business farming organic produce for sale to local restaurants and residents, providing fresh farm-to-table organic produce. The subject property is developed with a single-family residence on 2.73 acres. With the proposed use by the applicant, a roadside stand could potentially be used for selling the grown produce on the property. Should the request be approved, there is a potential for agritourism activities.

Agritourism, as defined by Florida Statute, is 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. A roadside stand is pursuant to

Pursuant to Section 62-1945.5, Brevard County Code of Ordinances, Roadside stands are subject to site plan approval, with the following minimum requirements:

- (1) All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a right-of-way.
- (2) Roadside stands shall be subject to site plan approval as provided in Article VIII, site plans.
- (3) Roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.

The subject property's original zoning classification was AU when the Brevard County Zoning Code was

established on May 22, 1958. On October 24, 1988, **Z-8227**, changed the zoning classification from AU to RR-1.

North of the subject property is one (1) parcel, 30.0 acres, developed with a single-family residence, with zoning classification RR-1 and RES 1:2.5 FLU designation. South and east of the subject property is one (1) parcel, a 2.0-acre flag lot, developed with a single-family residence, with zoning classification RR-1 and RES 1 FLU designation. West of the subject property is one (1) parcel, a 3.28-acre flag lot, developed with a single-family residence, which has RR-1 zoning classification with RES 1 FLU designation.

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

On November 17, 2025, the Planning and Zoning Board considered the request and voted unanimously to recommend approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00024

On motion by Commissioner Feltner, seconded by Commissioner Delaney, the following resolution was adopted by a unanimous vote:

WHEREAS, Thomas Dahn requests a zoning classification change from RR-1 (Rural Residential) to AU (Agricultural residential), on property described as Tax Parcel 264, as recorded in OR Book 7868, Page(s) 944 and OR Book 10164, Page(s) 277 of the Public Records of Brevard County, Florida. **Section 05, Township 21, Range 35.** (2.73 acres) Located south of Lionel Rd., approximately 979 ft. east of Hammock Rd. (3131 Lionel Rd., Mims); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RR-1 to AU, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 11, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Thad Altman, Chair
Brevard County Commission

As approved by the Board on December 11, 2025.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – November 17, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. 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.

- 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.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

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 of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the 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.
 - 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.
 - 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.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

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 unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

**STAFF COMMENTS
 25Z00024**

Thomas Dahn

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

Tax Account Number: 2101970
 Parcel I.D.: 21-35-05-00-264
 Location: 3131 Lionel Road, Mims, FL 32754. (District 1)
 Acreage: 2.73 acres

Planning & 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	RR-1	AU
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 property from RR-1 (Rural Residential) to AU (Agricultural Residential), as the applicant would like to start a commercial business farming organic produce for sale to local restaurants and residents, providing fresh farm-to-table organic produce. The subject property is developed with a single-family residence on 2.73 acres. With the proposed use by the applicant, a roadside stand could potentially be used for selling the grown produce on the property. By growing and selling produce on the property, there is a potential for agritourism activities.

Agritourism, as defined by Florida Statute, is 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. A roadside stand is pursuant to Section 62-1945.5, which states: Roadside stands are subject to site plan approval, with the following minimum requirements:

- (1) All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a right-of-way.
- (2) Roadside stands shall be subject to site plan approval as provided in Article VIII, site plans.
- (3) Roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.

The subject property's original zoning classification was AU when the Brevard County Zoning Code was established on May 22, 1958. On October 24, 1988, **Z-8227**, changed the zoning classification from AU to RR-1.

On December 7, 1988, the subject property received a flag lot approval under **AA 0406**, giving the subject a flag stem to access Lionel Road. On November 22, 2024, the applicant purchased and added one (1) acre to the subject property. The acre provides an additional 140 feet of frontage along Lionel Road. On June 30, 2025, the property was put into the current configuration of 2.73 acres. By combining the lot into the current configuration, the previous flag lot approval is invalidated.

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

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

The subject property is located on the south side of Lionel Road, a county-maintained roadway located between Highway 1 to the West and the Indian River to the East.

There are no current code enforcement complaints on the subject property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence across Lionel Rd.	RR-1	RES 1:2.5
South	Flag lot with Single-family residence	RR-1	RES 1
East	Flag lot with single-family residence	RR-1	RES 1

West	Flag lot with Single-family residence	RR-1	RES 1
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North of the subject property is one (1) parcel, 30.0 acres, developed with a single-family residence, with zoning classification RR-1 and RES 1:2.5 FLU designation.

South and east of the subject property is one (1) parcel, a 2.0-acre flag lot, developed with a single-family residence, with zoning classification RR-1 and RES 1 FLU designation.

West of the subject property is one (1) parcel, a 3.28-acre flag lot, developed with a single-family residence, which has RR-1 zoning classification with RES 1 FLU designation.

The current 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 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 hog farms, zoological parks, and land alteration.

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. Currently, there is no agricultural exemption on the subject property.

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 RR-1 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 intends to maintain the existing single-family residence. The proposed use may have hours of operation, lighting, odor, noise levels, traffic, or site activity that might affect the existing neighbor. Such activity would include, but is not limited to, the raising/grazing of animals as well as fowl raising and beekeeping (permitted uses within AU). Roadside stands are a 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. The proposed rezoning will need to comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

The board should consider whether the proposed use is compatible within the area.

- 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 vacant land, agricultural pursuits, or single-family residences situated on parcels ranging from approximately 0.9 to 43 acres.

There are three FLU designations within the 0.5-mile search radius: Residential 1 (RES 1), Residential 1:2.5 (RES 1:2.5), and Public-Conservation (PUB-CONS). The prominent FLU is RES 1:2.5

There are four zoning classifications within a 0.5-mile radius of the subject parcel: RR-1, AU, GML and RRMH-1. The prominent zoning classification in the area is RR-1.

There are multiple 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 110 feet northeast of the subject property across Lionel Road.

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

There has been one single-family residence developed on a 2.59-acre parcel, within 0.5 miles of the subject property, over the preceding three years.

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.

Based on staff analysis, the proposed use will introduce commercial activity that is not already present within the area. The applicant intends to sell the produce

from the commercial farming business to local restaurants and residents, which is not anticipated to cause a decrease in LOS in the 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.

Staff analysis has determined that while it is not an established residential neighborhood, there are clearly established roads, 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 a commercial agricultural 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.1 located between Lionel Road to Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 30,700 trips per day, a Level of Service (LOS) of C, and currently operates at 36.38% 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 36.40% 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 already developed with a single-family home that has septic for sewer and a well for water. Well water will be used for the growing of organic produce.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

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 of the more intense agricultural uses permitted in AU, on surrounding properties.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00024

Applicant: Thomas Dahn (Owner: Thomas Dahn)

Zoning Request: RR-1 to AU

Note: for commercial farming business

Zoning Hearing: 09/15/2025; **BCC Hearing:** 10/02/2025

Tax ID No.: 2101970

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

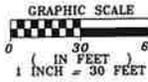
The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at 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.

Protected and Specimen Trees

Protected (≥ 10 inches in diameter) and Specimen Trees (≥ 24 inches in diameter) 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. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 21, SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE NORTH 01 DEGREES 11 MINUTES 37 SECONDS WEST ALONG THE EAST LINE OF THE AFOREMENTIONED NORTHEAST QUARTER 774.63 FEET; THENCE WEST 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WEST 306.26 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 48 SECONDS WEST 531.46 FEET TO THE SOUTH RIGHT-OF WAY OF LIONEL ROAD; THENCE EAST ALONG SAID RIGHT-OF-WAY 25.01 FEET; THENCE SOUTH 01 DEGREES 11 MINUTES 37 SECONDS EAST 311.46 FEET; THENCE EAST 140.57 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 48 SECONDS EAST 311.0 FEET TO THE SOUTH RIGHT-OF WAY OF LIONEL ROAD; THENCE EAST ALONG SAID RIGHT-OF WAY 140.44 FEET; THENCE SOUTH 01 DEGREES 08 MINUTES 48 SECONDS EAST 531.46 FEET TO THE POINT OF BEGINNING.



EXPLANATION OF ABBREVIATIONS

- A/C AIR CONDITIONING
- CBS CONCRETE BLOCK STRUCTURE
- CONC CONCRETE
- D/W DRIVEWAY
- FN&D FOUND NAIL & DISC
- FIR FOUND IRON ROD
- FIRM FEDERAL INSURANCE RATE MAP
- FPL FLORIDA POWER & LIGHT (UTILITY COMPANY)
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- MAG MAGNETIC
- PC PAGE
- POL POINT ON LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- PLS PROFESSIONAL LAND SURVEYOR
- R/W RIGHT OF WAY
- WF WOODEN FENCE
- WPP WOODEN POWER OR TELEPHONE POLE

LEGEND:

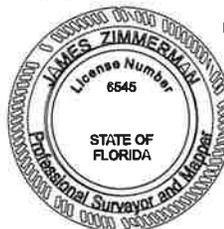
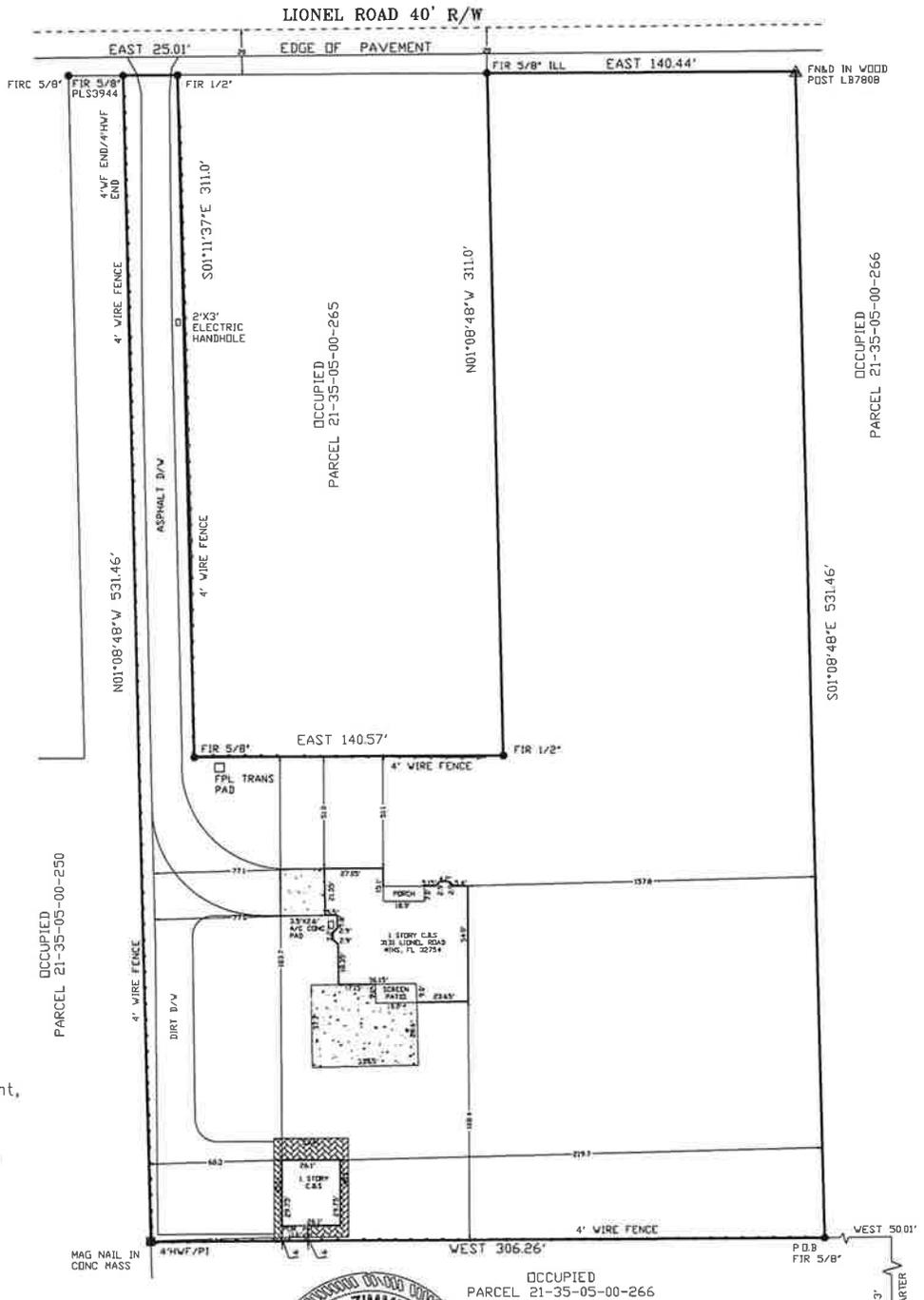
- Found iron rebar, size and cap #
- Found concrete monument, size and identification #
- ▲ Found nail and disk, identification # as shown

PAVERS

CONCRETE

SURVEYOR'S NOTES:

1. Unless otherwise noted, only platted easements are shown hereon.
2. P.U.D.E. denotes Public Utilities and Drainage Easement.
3. No underground utilities or improvements were located unless otherwise shown.
4. Unless otherwise noted, any elevations shown are assumed for construction purposes.
5. Bearings shown hereon are based on the northerly property line of LIONEL ROAD being N90°00'00"E according to the plot described hereon, and may not be a True North Azimuth.
6. This site appears to lie within F.I.R.M. Zone "X" Community Panel Number 12003C_0105H, dated 01/29/21.



Section 5, Township 21S, Range 35E

BOUNDARY & IMPROVEMENT SURVEY		Drawn by: KS	LAYOUT SERVICES, INC. LAND SURVEYING & MAPPING
Certified to: THOMAS DAHN		Checked by: JT	
I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and belief, based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.		Scale: 1" = 30'	25820 HOLIDAY DRIVE ASTOR, FL 32102 (321) 529-4484 layout@att.net
Digitally signed by James Zimmerman Date: 2025.06.30 15:57:53 -0400'		Date: 4/29/25	
James Zimmerman Professional Land Surveyor No. 6545 Certificate of Authorization No. 7540 State of Florida		DATE 6/30/25	REVISIONS ADDED SEAL

LOCATION MAP

DAHNS, THOMAS
25Z00024



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

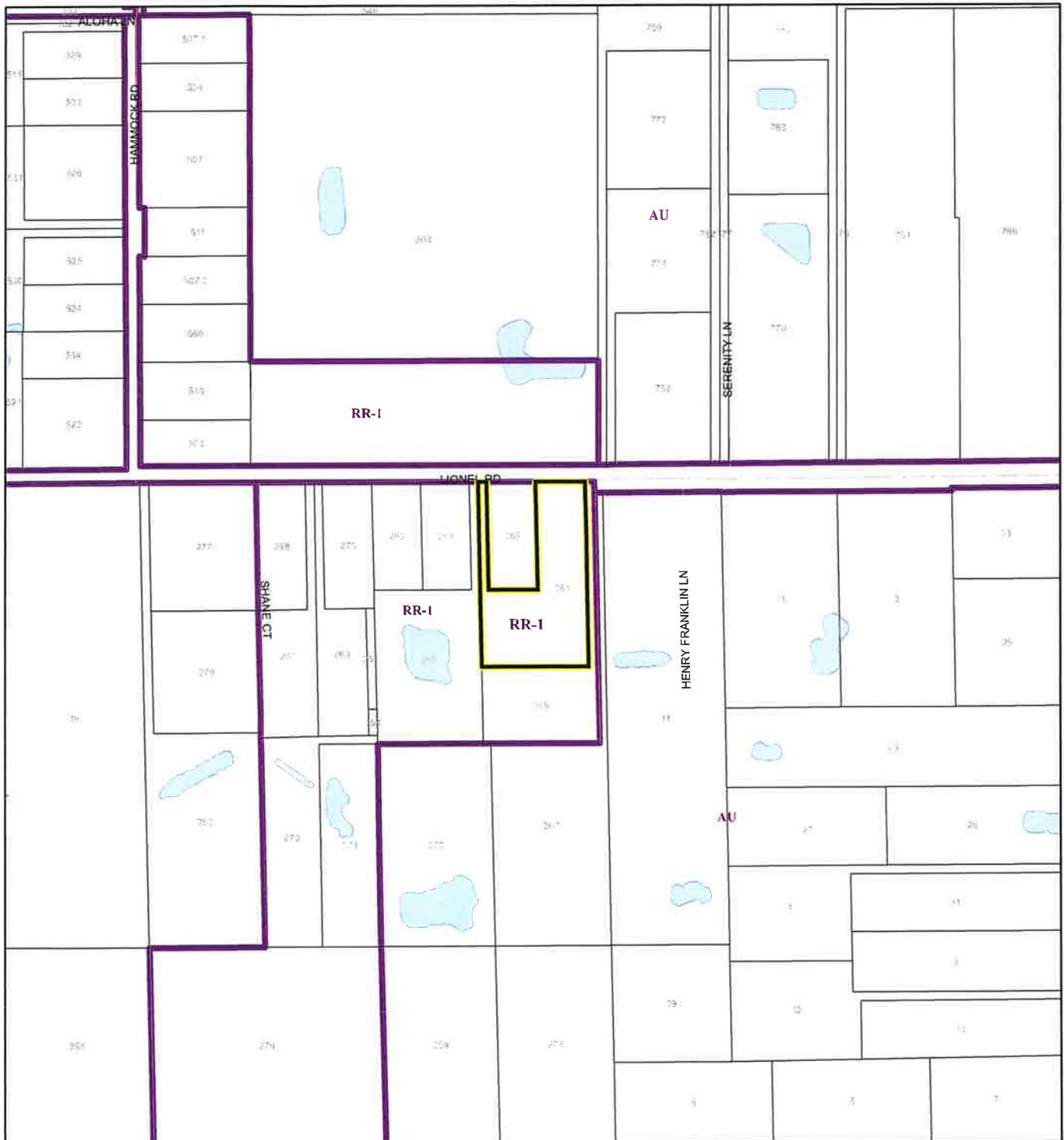
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Buffer
-  Subject Property

ZONING MAP

DAHAN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/8/2025

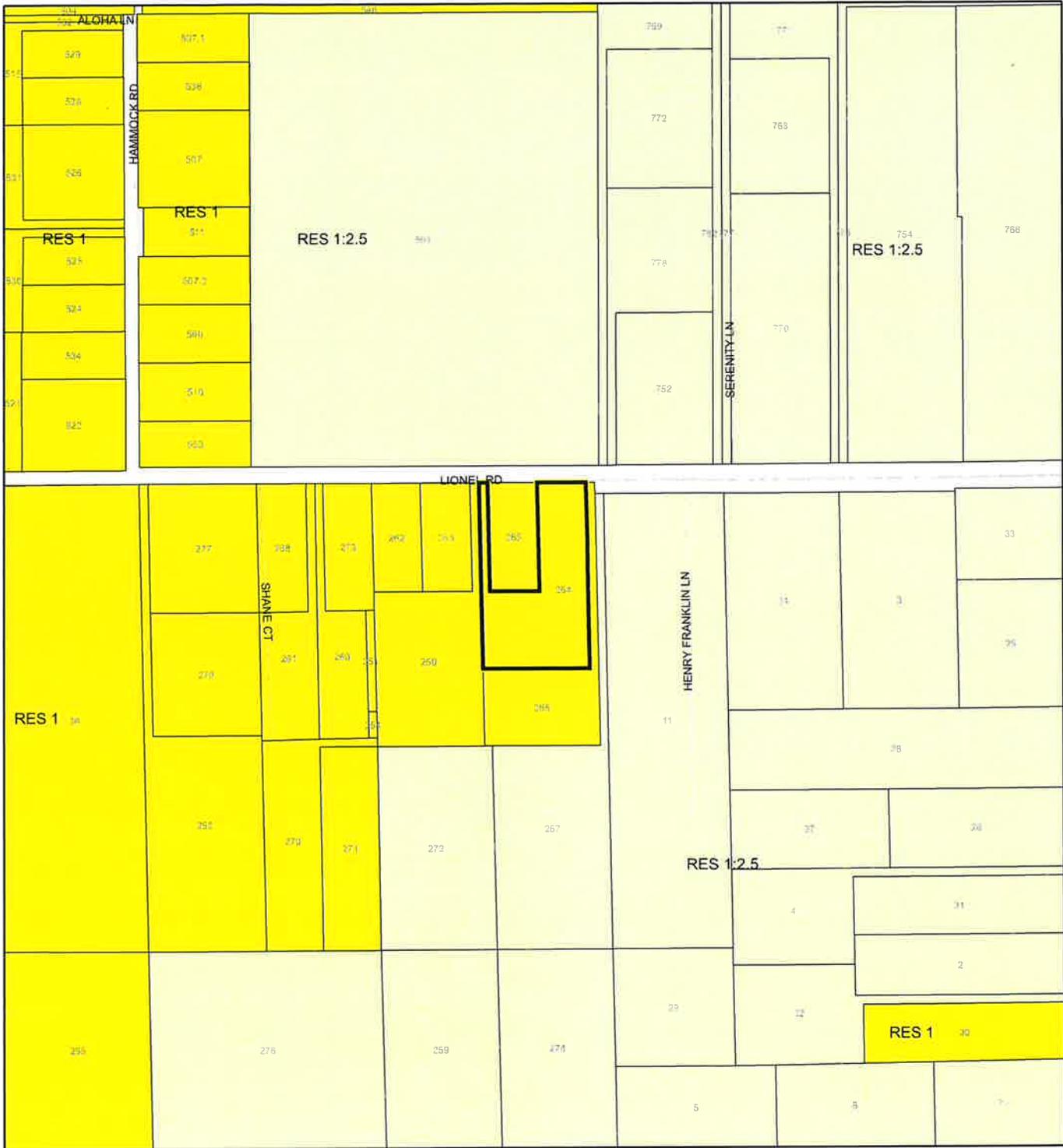
 Subject Property

 Parcels

 Zoning

FUTURE LAND USE MAP

DAHN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

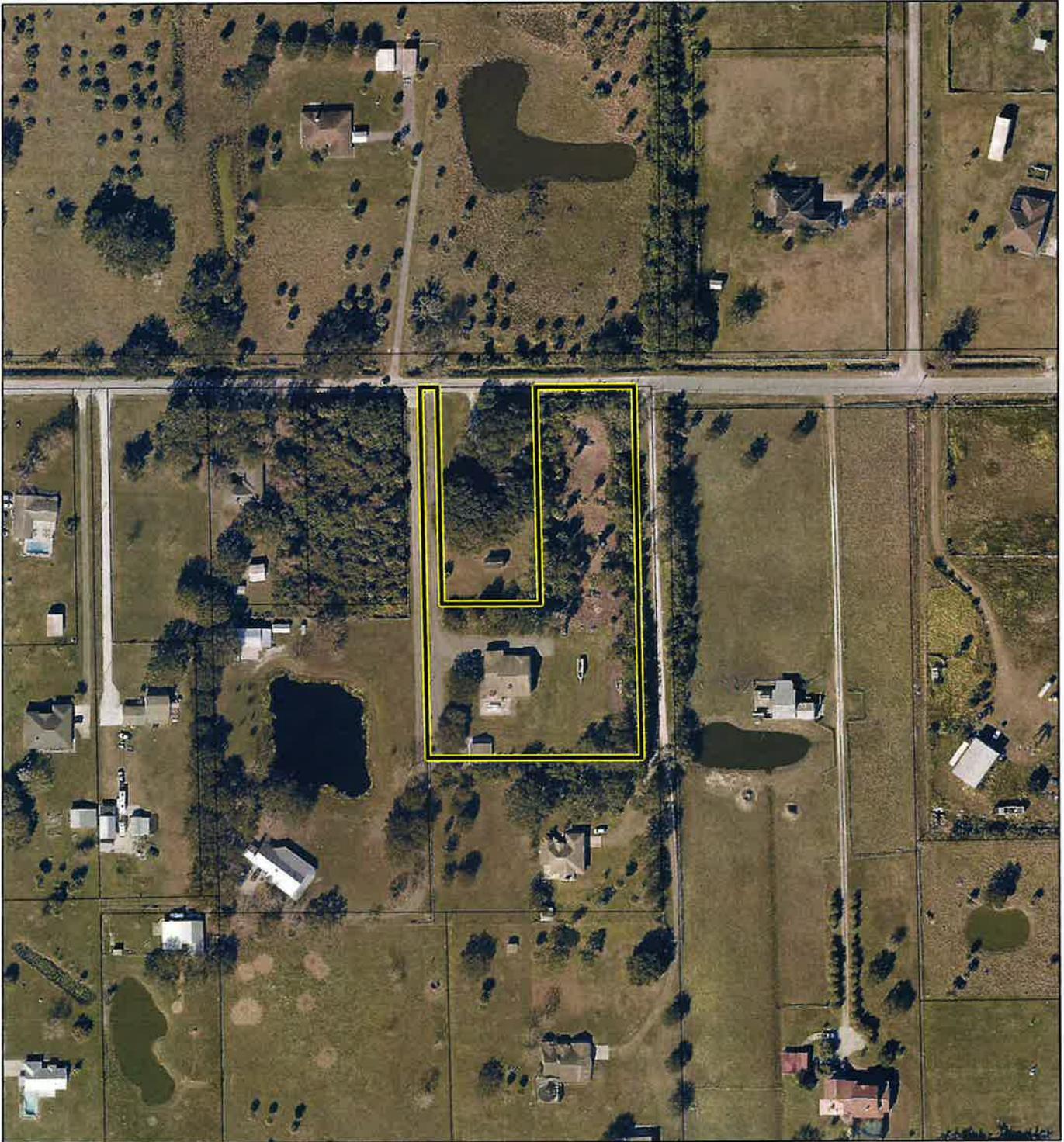
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

AERIAL MAP

DAHNS, THOMAS

25Z00024



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

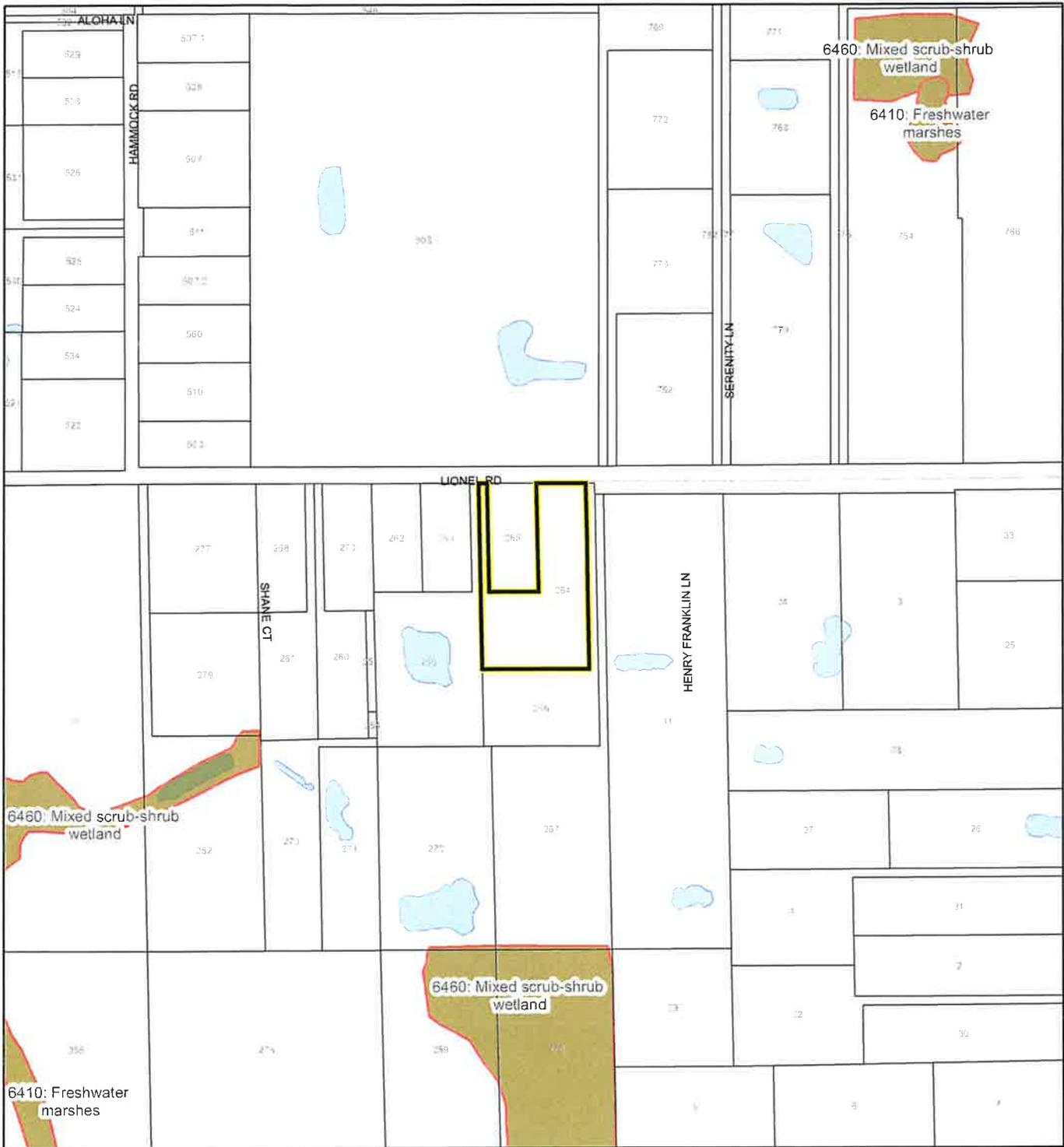
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Subject Property
-  Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

DAHAN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/8/2025

SJRWMD FLUCCS WETLANDS

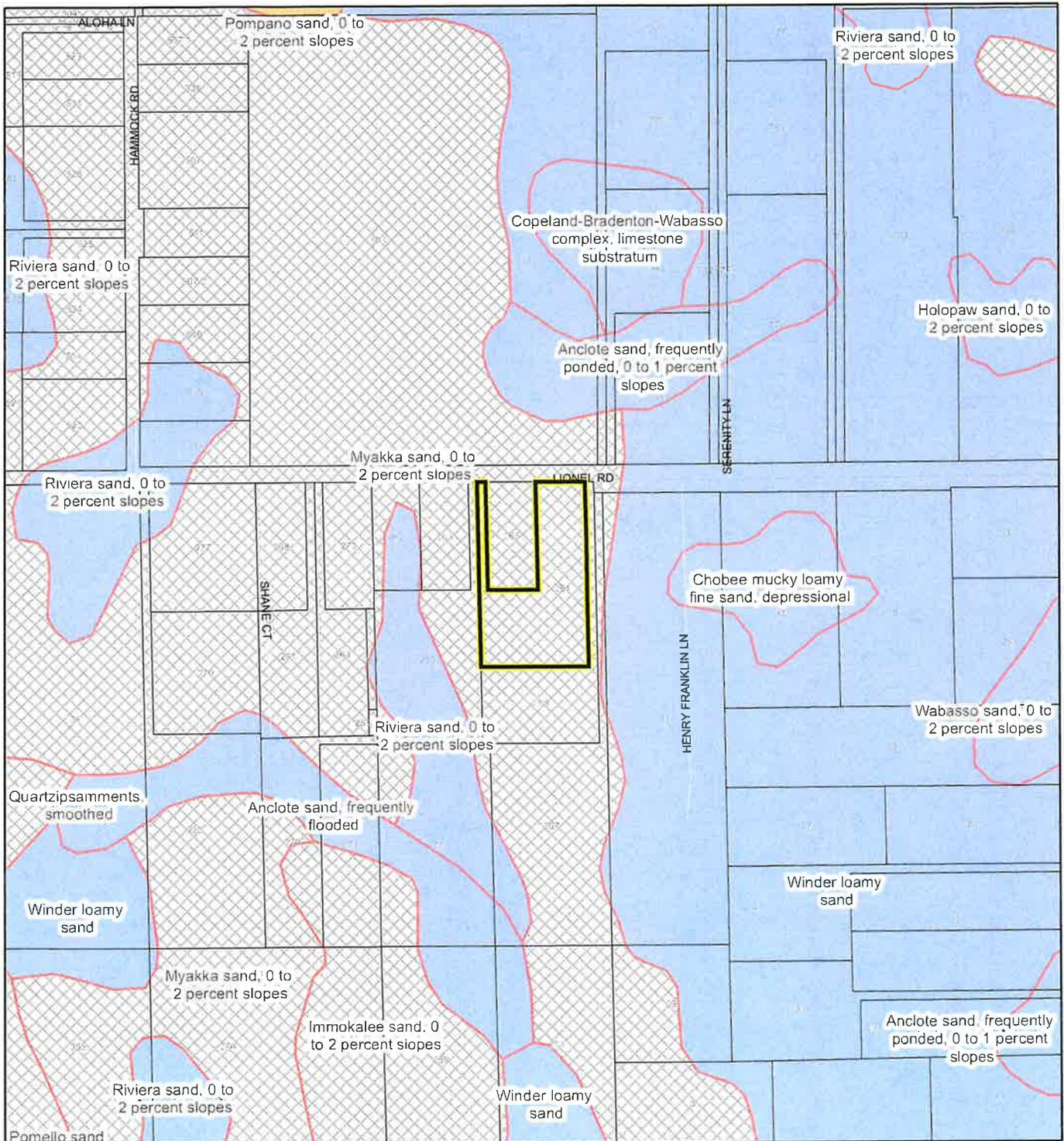
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

DAHAN, THOMAS

25Z00024



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

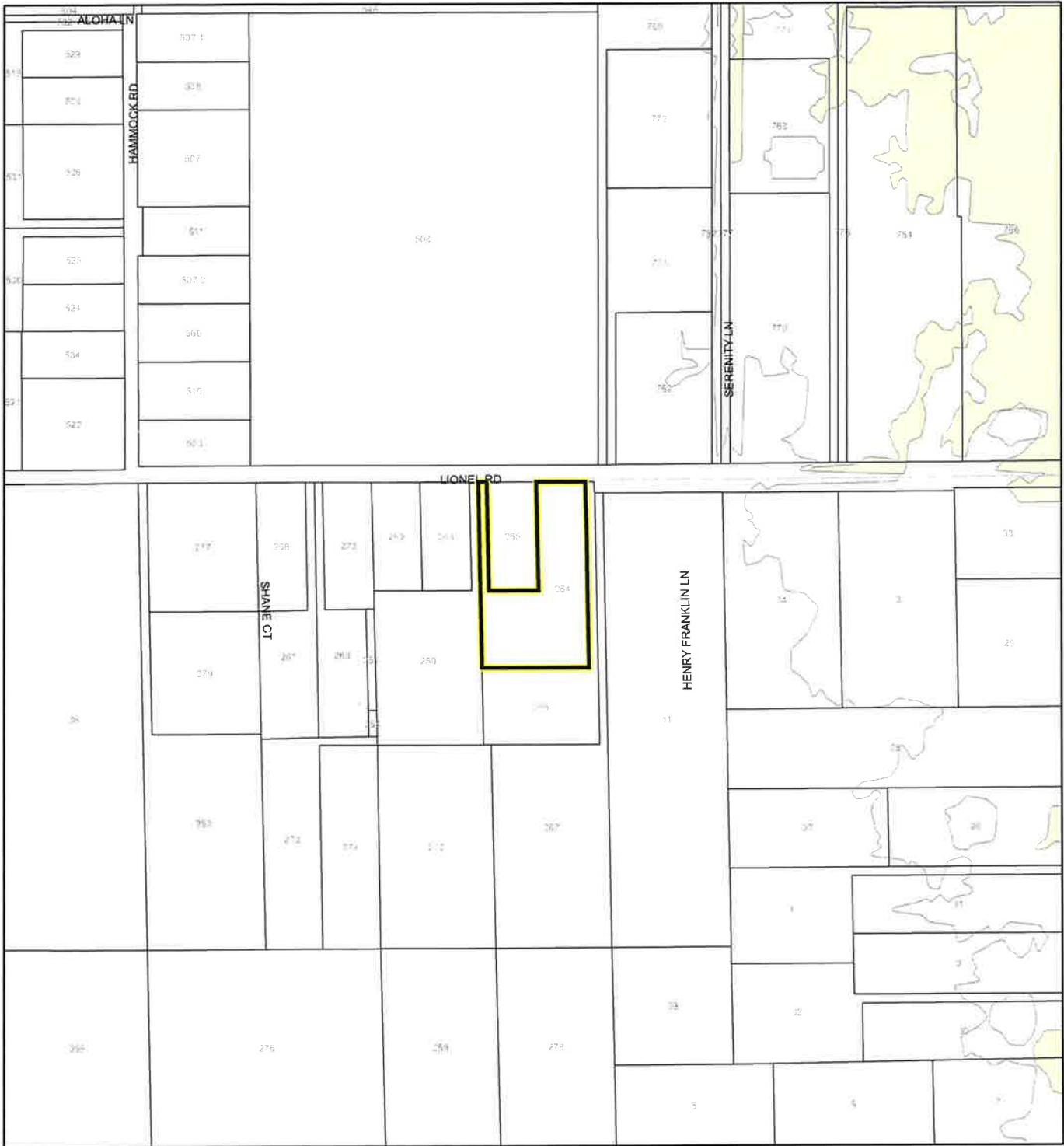
- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

FEMA FLOOD ZONES MAP

DAHN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

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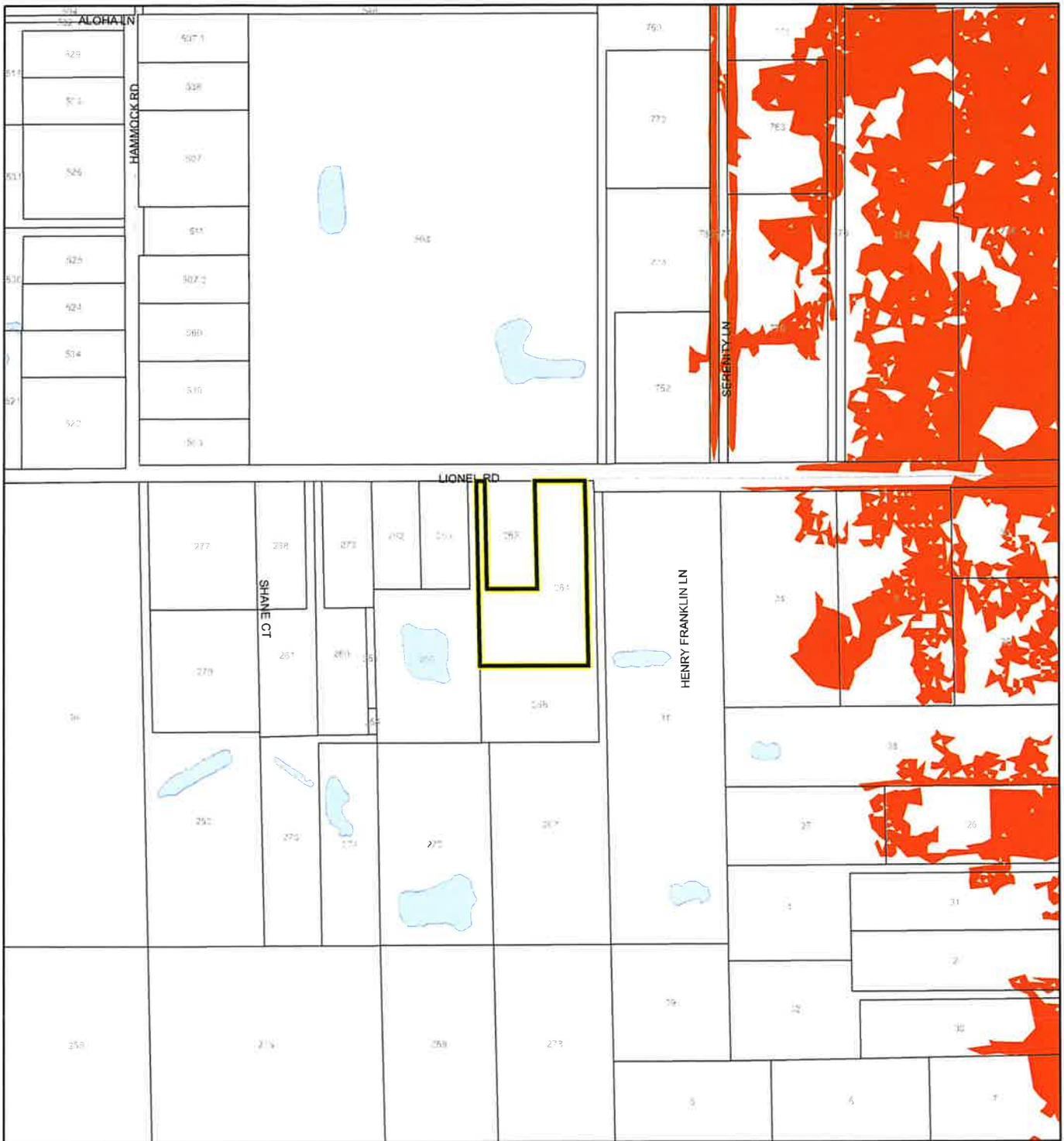
Produced by BoCC - GIS Date: 9/8/2025

FEMA Flood Zones

A	AO	Open Water	VE	Subject Property	Parcels
AE	AH				

COASTAL HIGH HAZARD AREA MAP

DAHAN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/8/2025

 Subject Property

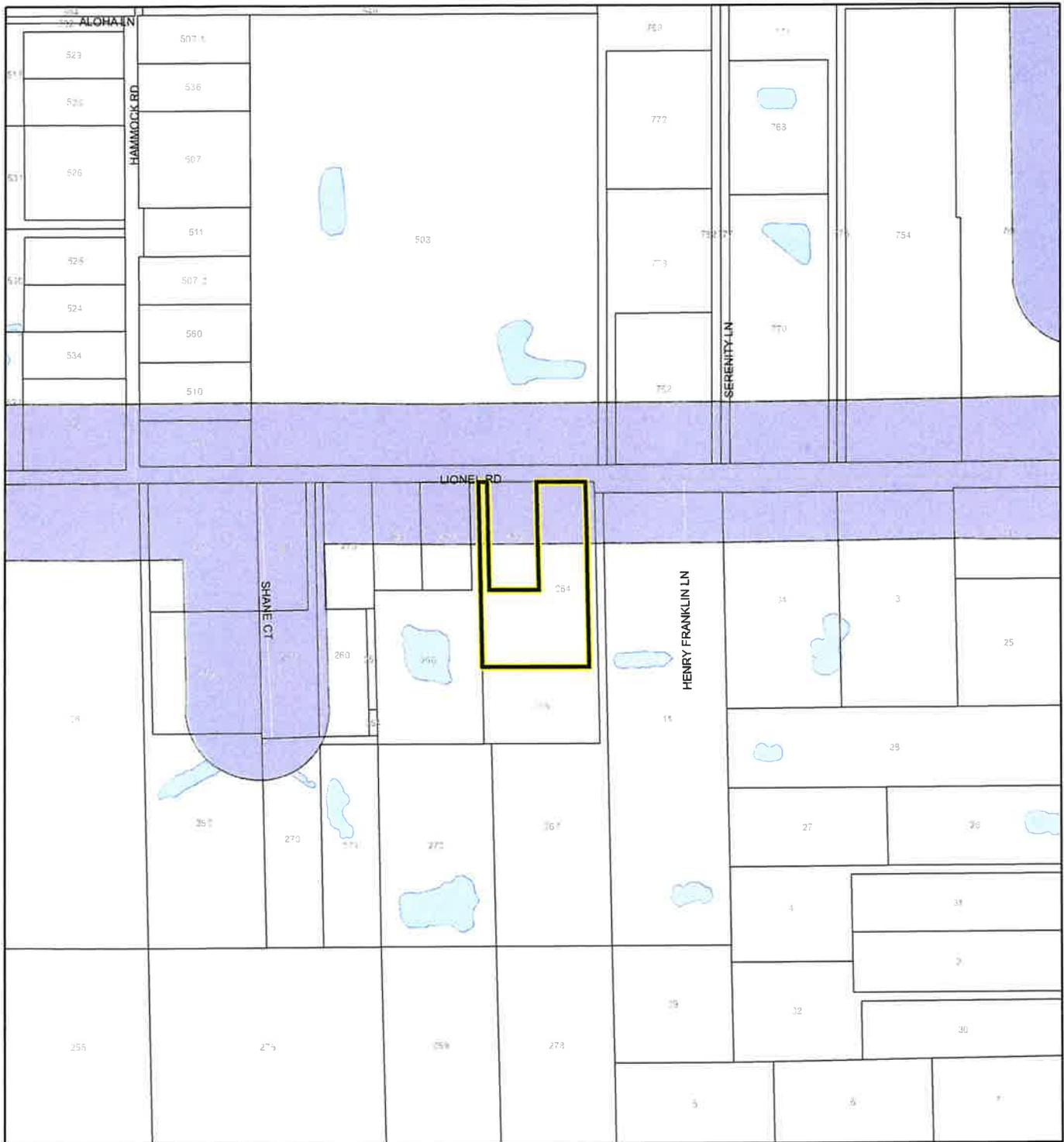
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DAHAN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

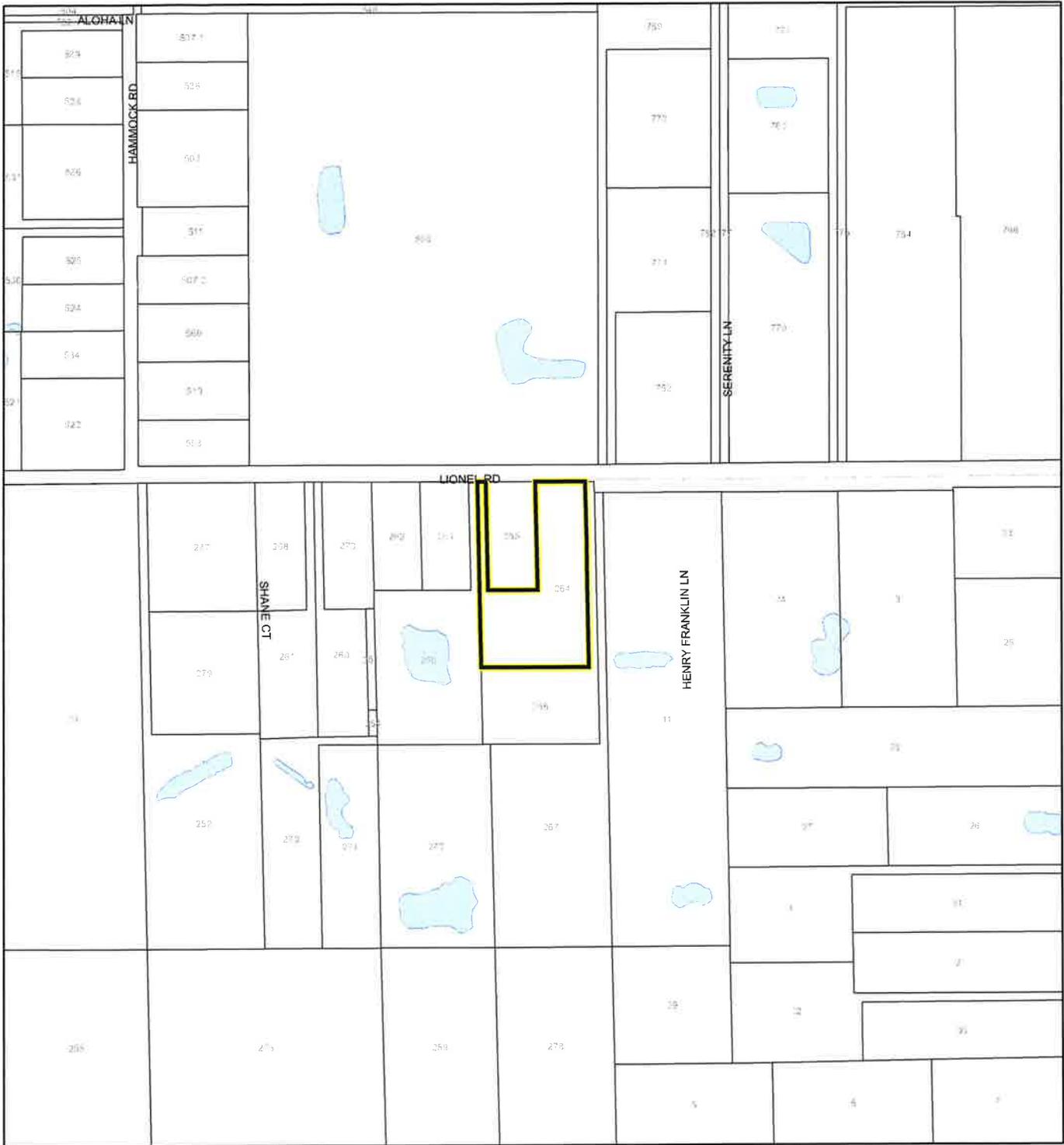
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

DAHN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

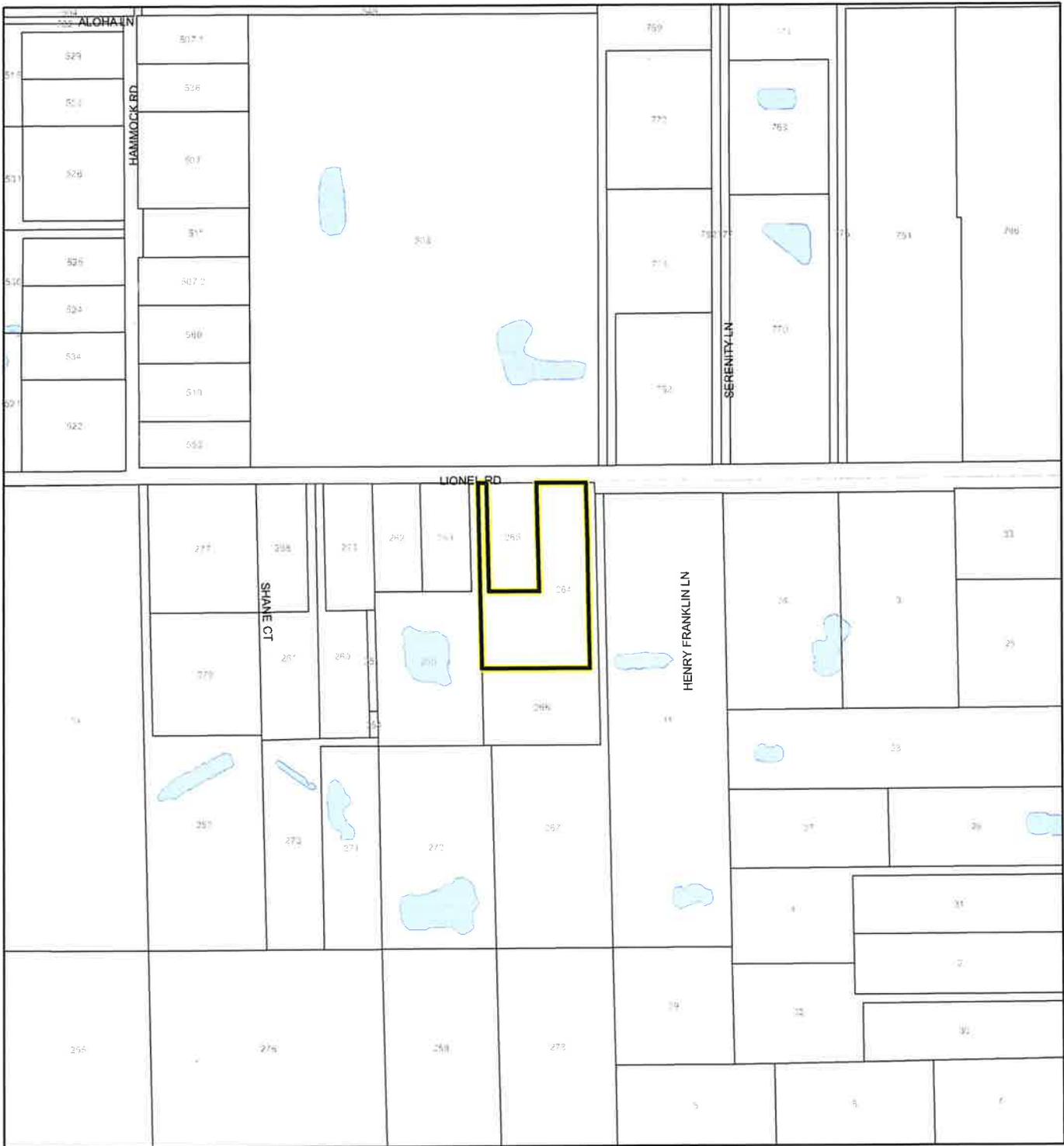
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

DAHN, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

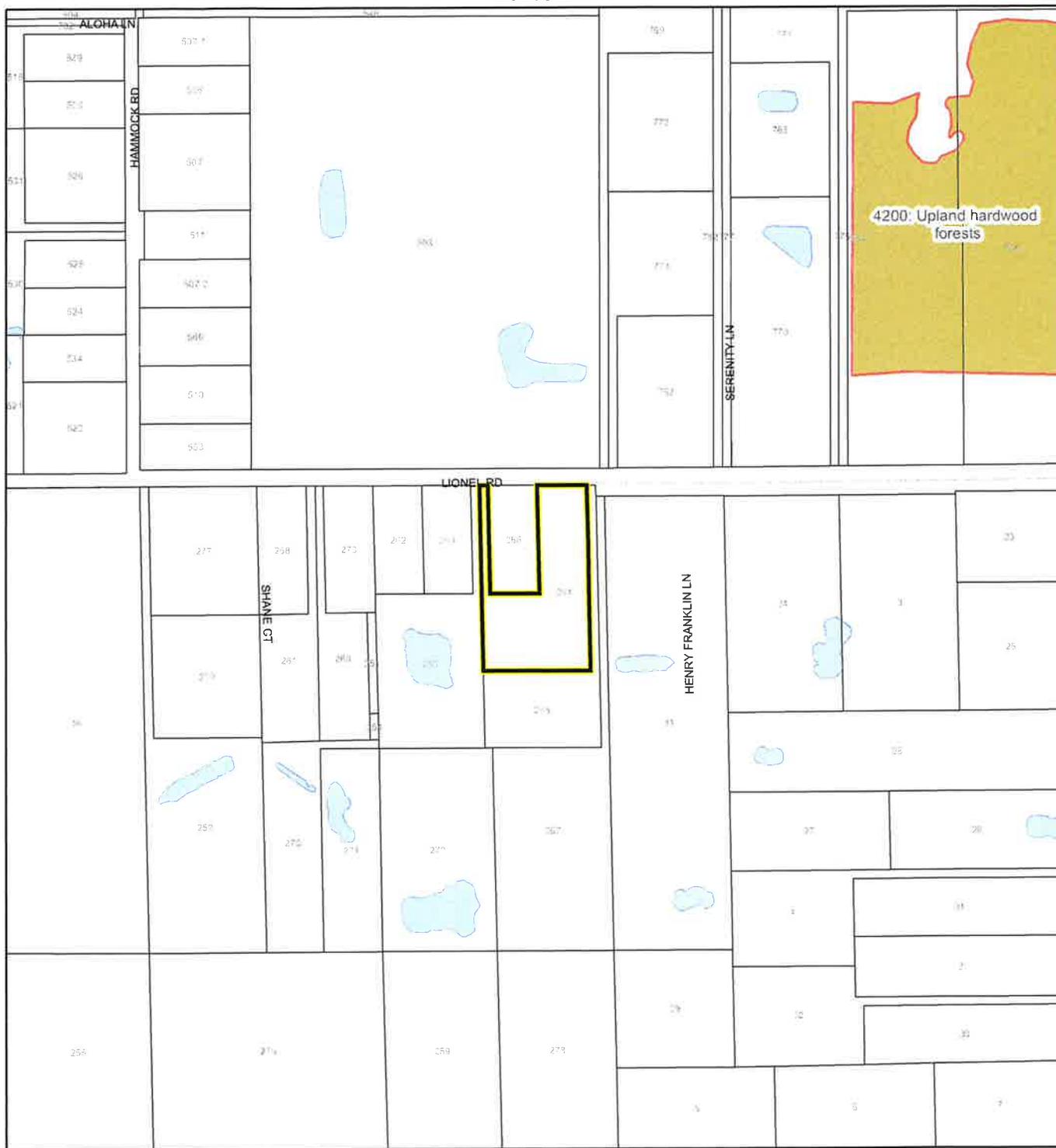
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DAHNS, THOMAS
25Z00024



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 17, 2025, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Ana Saunders (D5); Greg Nicklas (D3); Erika Orriss (D3); and Debbie Thomas (D4).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Tim Craven, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

H.2. Thomas Dahn requests a zoning classification change from RR-1 (Rural Residential) to AU (Agricultural residential). (25Z00024) (Tax Account 2101970) (District 1)

Paul Body read the item into the record.

Thomas Dahn spoke to the application. He stated they just bought an extra acre of land and combined it with the current property and want to farm it and sell produce from it to individuals, fresh farm to table.

No Public Comment

Neal Johnson asked, "the property that you own currently, how is it zoned?"

Mr. Dahn replied RR1.

Mr. Johnson continued you want to change the new property that you bought to be able to...

Mr. Dahn replied the original property was 1.78 acres, and we added another acre to it. We've already combined that and done all of that. So, it's now all combined in one property.

Mr. Johnson stated, and you want to change from the RR1 to the AU. I just wanted to understand.

Ron Bartcher asked how are you going to get your produce to the customers? Are you going to be trucking it out of there or are they going to be driving up? Are you going to have a stand in front of the property?

Mr. Dahn replied I'm not 100% sure on that yet, but my wife and I have just talked about wanting to do this and we noticed the first step we couldn't run a commercial agricultural business from the property without it being zoned AU. So that was our first hurdle. But no, I mean I don't think there will be large, it's an acre of property, so we're not going to have semi-trucks coming in loading stuff up.

Mr. Bartcher stated I think you mentioned that you want to do organic farming.

Mr. Dahn replied we do.

Mr. Bartcher then asked how are you going to protect your crops from sprays from your neighbors

when they fertilize and kill bugs and stuff like that?

Mr. Dahn replied that's a good question.

Mr. Bartcher stated I'm not I don't need an answer. I'm just letting you know that I think that's a concern. Because I know that I don't really care too much about what my neighbors are doing when I put my fertilizer out. I don't deliberately spray on it, but sometimes it happens. It does seem to me that this is like putting a business in the middle of a residential neighborhood. You are surrounded by a lot of residents there.

Mr. Dahn responded there's a lot of AU that surrounds me as well.

Mr. Bartcher added I'm not exactly opposed, but I don't think it's a good idea. I'd just rather like to hear from some of the other board members about what they think.

Mr. Atkins stated I've seen a lot of folks trying to go the opposite direction, AU to RR1, and as a person who lives in that area, I like to see it going the other way once in a while. So, I appreciate it. I will be in support of your application.

Ms. Amato stated I would like to point out there are quite a few agritourism businesses in that area. The closest I would guesstimate is less than a mile away, would be sleds. They do a sunflower maze, and you pick various times through the year, but there's peaches, you pick blackberry, there's a ton of agrotourism in there. It's a great way to bring agriculture and supplement the income because agriculture doesn't pay the bills.

Ms. Orriss stated it's my understanding it would be like selling farm produce right in front of your house, people would pull up and there would be ample parking on your property for them. So, just a neighborhood service more than a business.

Mr. Hopengarten asked where are you going to plant? To the east of your house that's on that property?

Mr. Dahn asked are you looking at a picture of the layout? Can you see the acre that we purchased kind of hangs down to the north? I guess it points north. So, the original property is like a long rectangle and then there's a.....it will be this acre right here.

Mr. Hopengarten stated it's on the east side that you're going to do the farming.

Mr. Dahn replied, Northeast. Yes.

Mr. Hopengarten responded and that's also where you're going to put the little roadside stand. So, where you going to put the parking?

Mr. Dahn replied there's I think 140 feet of road frontage there on Lionel.

Mr. Hopengarten stated it's going to be a small farm. You can't park on the road. So, people are going to have to come in. And you're just going to farm in that little section there. No animals, right? You're

not going to have animals.

Mr. Dahn replied right. No Animals.

Motion to recommend approval of Item H.2. by Ruth Amato, seconded by Jerrad Atkins. Motion passed unanimously.

Meeting adjourned at 4:27 p.m.