



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.6.

11/6/2025

### Subject:

Richard Brandon requests a change of zoning classification from GU to AU. (25Z00030) (Tax Account 2314034) (District 1)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from GU (General Use) to AU (Agricultural Residential).

### Summary Explanation and Background:

The applicant is requesting a rezoning of his property from GU (General Use) to AU (Agricultural Residential) on a 2.38-acre parcel. The prior action pertinent to this request is 25AA00029, which is an administrative waiver for lot size approved June 27, 2025, allowing a deviation of 0.12 acres to the 2.5 acre minimum lots size in the AU zoning classification (allowing for the 2.38 acre parcel). Approval of this request will legitimize the existing improvements and continued agricultural uses.

To the north is a single-family residence on 2.38 acres with GU zoning and RES 1:2.5 FLU designation. To the south is a single-family residence located on 2.38 acres and zoned AU with a RES1:2.5 FLU designation. To the east across Florida Palm Ave is a single-family residence on a 2.23-acre site zoned GU with a RES 1:2.5 FLU designation. To the west is a 1.24-acre vacant site. It is zoned GU with a RES 1 FLU designation.

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

On October 13, 2025, the Planning and Zoning Board considered the request and voted unanimously recommended approval.

### Clerk to the Board Instructions:

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

**Resolution 25Z00030**

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

**WHEREAS, Richard A. Brandon** requests a zoning classification change from GU (General Use) to AU (Agricultural Residential), on property described as Block 14, Lot 6 Canaveral Groves, as recorded in OR Book 4054, Page(s) 1448 of the Public Records of Brevard County, Florida. **Section 33, Township 23, Range 35.** (2.38 acres) Located on the west side of Florida Palm Ave., 960 ft. north of Cabbage Palm St. (5460 Florida Palm Ave., Cocoa); and

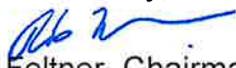
**WHEREAS,** a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**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 GU 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 November 06, 2025.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Rob Feltner, Chairman  
Brevard County Commission  
As approved by the Board on November 06, 2025.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – October 13, 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**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**25Z00030**

**Richard Brandon**

**GU (General Use) to AU (Agricultural Residential)**

Tax Account Number: 2314034  
 Parcel I.D.: 23-35-33-01-14-6  
 Location: 5460 Florida Palm Ave. Cocoa, FL 32927 (District 1)  
 Acreage: 2.38 acres

Planning & Zoning Board: 10/13/2025  
 Board of County Commissioners: 11/06/2025

**Consistency with Land Use Regulations**

- Current zoning is consistent 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	AU
<b>Potential*</b>	0 Single-family residence	1 Single-family residence
<b>Can be Considered under the Future Land Use Map</b>	YES RES 1:2.5	YES RES 1:2.5

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

**Background and Purpose of Request**

The applicant is requesting a rezoning of his property from GU (General Use) to AU (Agricultural Residential) on a 2.38-acre parcel. The subject property has a pool permit submitted under permit 25BC08817; if this zoning action is approved, it would allow for the pool to be completed. The prior action germane to this request is **25AA00029**, which is an administrative waiver for the AU zoning lot size requirement and side setback along with a waiver to the RES 1: 2.5 lot size requirement approved June 27, 2025. The waiver granted 0.12 acres (less than 10%) of the required 2.5-acre minimum lot size of both zoning classification and FLU designation. In addition, it also granted a waiver of 0.9ft. (less than 10%) of the required 15ft. side setback. The lot shall be considered consistent with the AU zoning classification and RES 1:2.5 FLU designation. Approval of this request will provide consistency with the FLU designation and legitimize the existing improvements and continued agricultural uses.

The subject property was created and recorded in Survey Book 2, page 55, dated August 1960. This was prior to the Comprehensive Plan adopted in 1988.

Historically, the GU zoning classification has been interpreted as a holding category. Some areas were classified with a density that did not align with the zoning. The sites within these areas became nonconforming to the Comprehensive Plan and/or to the zoning.

The subject property can be considered a non-conforming lot of record. However, the applicant's request for AU zoning would allow for current agricultural pursuits on the property as the AU zoning allows for agricultural pursuits and single-family residential dwelling use. In addition, if approved, the AU zoning would allow for up to seven (7) accessory structures on the property with no size limit to each structure. GU zoning the applicant would be limited by the size of the living area of the home as a total of all accessory buildings on the property. The applicant would need several variances to address the accessory structures due to the amount and sizes if AU zoning were not approved.

\*\*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 subject property consists of one (1) parcel located on the west side of Florida Palm Ave 835 feet south of Date Palm St and 980 feet north of Cabbage Palm St in Canaveral Groves. The site is developed with a single-family house built in 2000. The site also contains two pole barns: 1,680 square feet and 144 square feet in size. Additional buildings include three sheds: 112 square feet, 775 square feet, and 420 square feet in size.

Florida Palm Ave is a county maintained right of way.

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

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single Family Residential	GU	RES 1:2.5
<b>South</b>	Single-Family residential	AU	RES 1:2.5
<b>East</b>	Single Family Residential	GU	RES 1:2.5
<b>West</b>	vacant	GU	RES 1

To the north is a single-family residence on 2.38 acres with GU zoning and RES 1:2.5 FLU designation.

To the south is a single-family residence located on 2.38 acres and zoned AU with a RES 1:2.5 FLU designation.

To the east, across Florida Palm Avenue, is a single-family residence on a 2.23-acre site zoned GU with a RES 1:2.5 FLU designation.

To the west is a 1.24-acre vacant site. It is zoned GU with a RES 1 FLU designation.

The GU zoning classification is a holding category that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five-acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

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.

### **Future Land Use**

The subject property's GU zoning classification is 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 is consistent with the current 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 subject property is currently developed with a single-family residence which can be considered compatible with the current spacious residential character of this part of Canaveral Groves. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.**

**Development of the subject property would need to meet performance standards set forth in code sections 62-2251 through 62-2272.**

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

**Only a certified MAI (Master Appraiser Institute) appraisal can determine if a 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 pattern of the surrounding development to the east, north, and south is characterized as agricultural single-family uses on lots containing 2.38 to 4.46 acres in size. Most sites are less than 2.5 acres.**

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

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

**There has been no new development within 0.5 miles of the subject property within the last three years.**

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

**There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.**

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**No material violation of relevant policies has been identified.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

**This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.**

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**There are no established neighborhoods within a 500 ft. radius of the subject property. The area, known as Canaveral Groves, can be characterized as a single-family residential area with spacious lot sizes and roadways.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**There are no neighborhood commercial land uses established in this area.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial, or other non-residential uses have been applied for and approved during the previous five (5) years.

**There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area is not transitional.**

#### **Analysis of Administrative Policy #7**

Proposed use(s) shall not cause or substantially aggravate any (a) Substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**Natural Resources has noted the entire subject parcel contains mapped hydric soils (Eau Gallie sand); an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Please review all comments from the Natural Resources Management Department found at the end of this report.**

#### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Citrus Blvd between Pine St and Lee St/Canaveral Groves Blvd. which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 24.72% 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 the same level of 24.72% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

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

See the attached Department of Natural Resources at the end of this report.

**For Board Consideration**

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

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

**Item No. 25Z00030**

**Applicant:** Richard Brandon (Owner: Richard Brandon)

**Zoning Request:** GU to AU

**Note:** Requesting to rezone to AU for barn and bee equipment

**Zoning Hearing:** 10/13/2025; **BCC Hearing:** 11/06/2025

**Tax ID No.:** 2314034

- 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 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**

A portion of the subject parcel contains mapped hydric soils (Basinger sand); an indicator 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.**

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **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 Brevard County mitigation 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 also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Land Clearing and Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) tree preservation. Land clearing is not

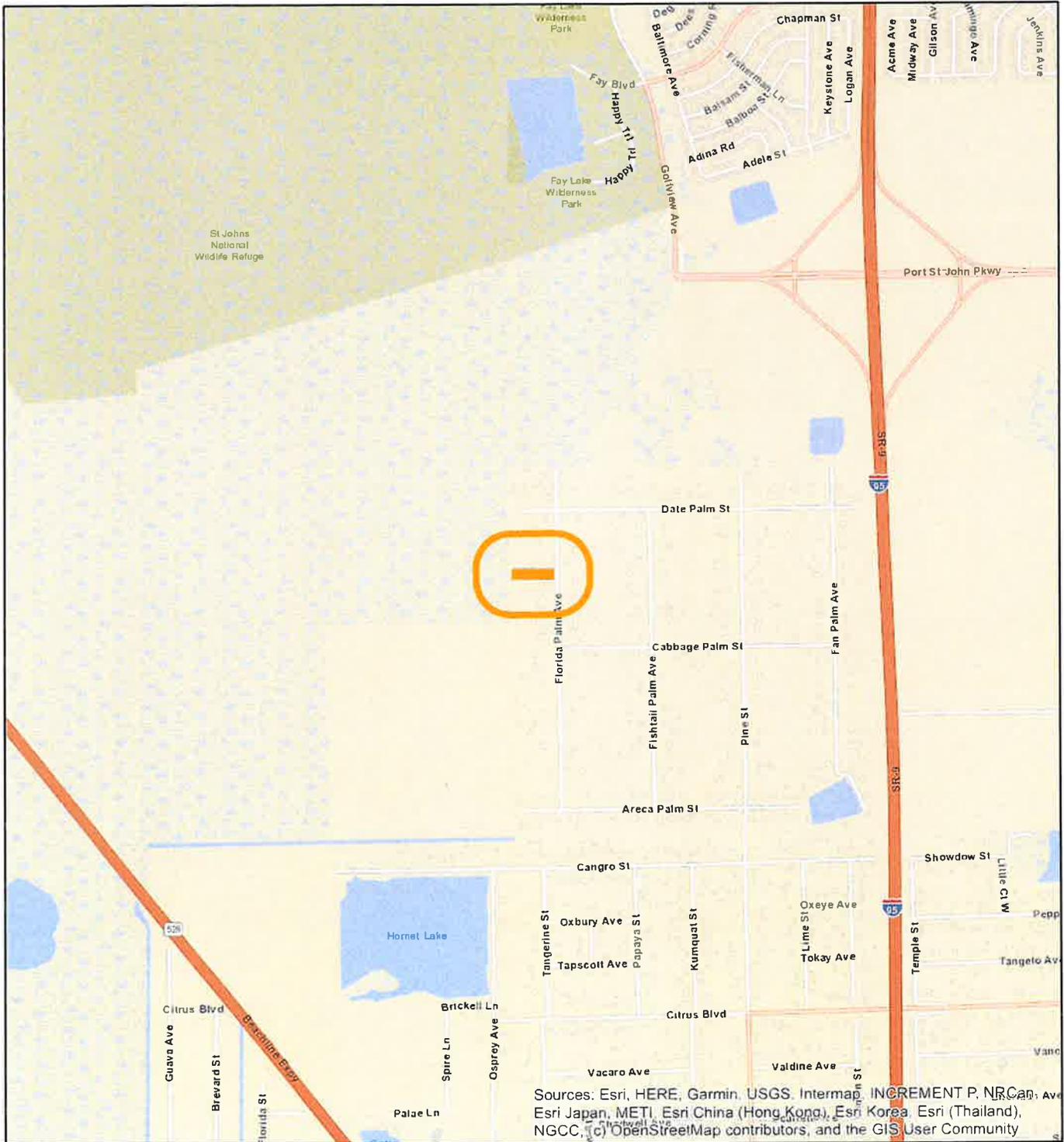
permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

# LOCATION MAP

BRANDON, RICHARD A  
25Z00030



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: 7/11/2025

-  Buffer
-  Subject Property

# ZONING MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

-  Subject Property
-  Parcels
-  Zoning

# FUTURE LAND USE MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

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Produced by BoCC - GIS Date: 7/11/2025

# AERIAL MAP

BRANDON, RICHARD A  
25Z00030



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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Produced by BoCC - GIS Date: 7/11/2025

 Subject Property

 Parcels

# NWI WETLANDS MAP

BRANDON, RICHARD A

25Z00030



1:4,800 or 1 inch = 400 feet

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### National Wetlands Inventory (NWI)

- |  |   |
|--|---|
|  Estuarine and Marine Deepwater    |  Freshwater Pond |
|  Estuarine and Marine Wetland      |  Lake            |
|  Freshwater Emergent Wetland       |  Other           |
|  Freshwater Forested/Shrub Wetland |  Riverine        |
|  Subject Property                  |  Parcels         |

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

## SJRWMD FLUCCS WETLANDS

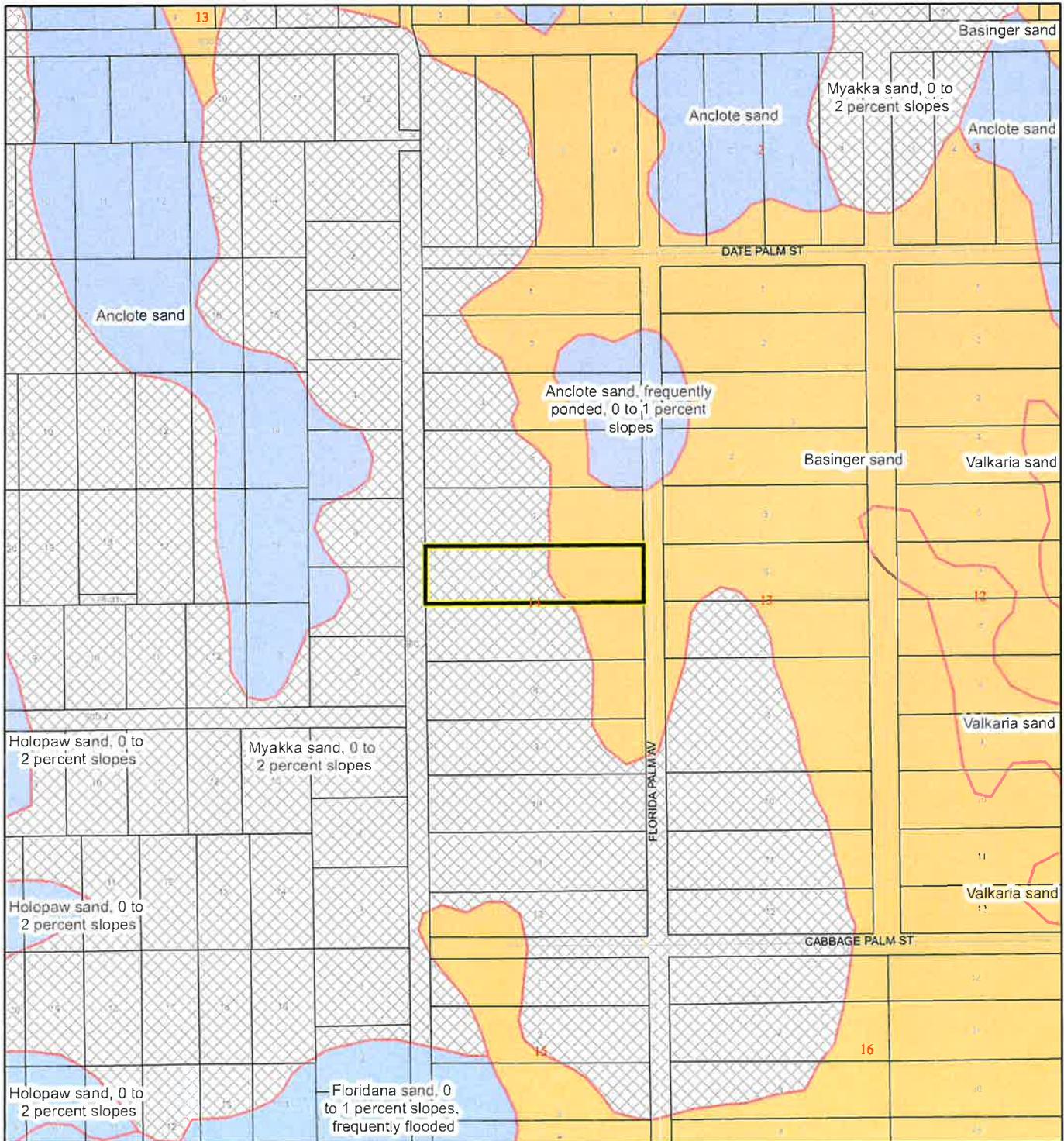
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property     Parcels

# USDA SCSSS SOILS MAP

BRANDON, RICHARD A

25Z00030



1:4,800 or 1 inch = 400 feet

### USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

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Produced by BoCC - GIS Date: 7/11/2025

# FEMA FLOOD ZONES MAP

BRANDON, RICHARD A

25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

### FEMA Flood Zones

- |  |  |   |
|--|--|---|
|  A                |  AO         |  X |
|  AE               |  Open Water |   |
|  AH               |  VE         |   |
|  Subject Property |  Parcels    |   |

# COASTAL HIGH HAZARD AREA MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

 Subject Property

 Parcels

**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BRANDON, RICHARD A

25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

 Subject Property

 Parcels

**Septic Overlay**

 40 Meters

 60 Meters

 All Distances

# EAGLE NESTS MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

 Subject Property

 Parcels

 Eagle Nests FWS

# SCRUB JAY OCCUPANCY MAP

BRANDON, RICHARD A

25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BRANDON, RICHARD A  
25Z00030



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/11/2025

## 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, October 13, 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); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager; Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

### EXCERPT OF COMPLETE AGENDA

#### **H.3. Richard Brandon requests a change of zoning classification from GU to AU. (25Z00030) (Tax Account 2314034) (District 1)**

Ms. Gilliam read the item into the record.

Richard Brandon spoke to the application. I'm trying to put in a swimming pool and then I ran into all these issues.

No Public Comment

Jerrad Atkins stated he had a question for staff. I was reading through this one earlier and I was curious why this was the path this gentleman was sent down as opposed to a variance.

Ms. Gilliam responded he did an administrative waiver as you can see in the staff report to the lot size, the setbacks, and things like that. My understanding is and you can confirm this with the applicant that he would like to keep the agricultural uses on the property. So that is why he's doing a rezoning.

Mr. Brandon stated he's a commercial beekeeper, so it makes sense to have AU.

Motion to recommend approval of item H.3. by Ruth Amato, seconded by Jerrad Atkins. Motion passed unanimously.

Mr. Brandon asked what the meeting on November 6th is about.

Mr. Wadsworth replied we're just an advisory board. The county commissioners make the final decision.

Meeting adjourned at 3:40 p.m.

**Board Meeting Date**

11-10-25

Item Number: H.4

Motion By: KD

Second By: TA

Nay By: \_\_\_\_\_

<b>Commissioner</b>	<b>DISTRICT</b>	<b>AYE</b>	<b>NAY</b>
Commissioner Delaney	1	✓	
<del>Vice Chair Goodson</del>	<del>2</del>	<del>✓</del>	<del></del>
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	