



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

July 12, 2024

Ms. Donna Harris, Plan Processing Administrator
Florida Department of Commerce
Bureau of Community Planning
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

Re: Small Scale Comprehensive Plan Amendment 24S.04 Adoption Package

Dear Ms. Harris:

Please find enclosed the Comprehensive Plan Amendment Adoption Package for Small Scale Plan Amendment 24S.04 adopted by Ordinance 24-__.

In accordance with Section 163.3187 of Florida Statutes, "*Process for adoption of small-scale comprehensive plan amendment*," the following statements are provided to ensure compliance:

- The Local Planning Agency held a public hearing for these matters on June 10, 2024. The Brevard County Board of Commissioners adopted the Small Scale Amendment during public hearing on July 11, 2024.
- Acreage of Small Scale Amendment 2.46 acres
- Cumulative Acreage for Year 7.04 acres
- The Small Scale Amendment does not involve a text change.
- The Small Scale Amendment is not within an area of critical state concern.
- Brevard County is not a rural area of opportunity as defined under Section 288.0656 (d).
- The Small Scale Amendment Adoption Package includes the following required documents:
 1. Maps depicting the existing and proposed Future Land Use, the property boundaries, and surrounding transportation network.
 2. Copy of the executed ordinance adopting the amendment signed by the Chairman of the Brevard County Commission.
 3. Copy of the public hearing notice.
- One copy has been transmitted to the East Central Florida Regional Planning Council.

The contact person for the Small Scale Amendment is Steve Swanke, Senior Planner, Brevard County Planning and Development Department, located at 2725 Judge Fran Jamieson Way, Viera, Florida, 32940.

E-mail: Steve.Swanke@brevardfl.gov; Tel : (321) 350-8298; Fax: (321) 633-2087

If you have any questions regarding the enclosed materials, please contact Steve Swanke at the above address.

Sincerely,

Tad Calkins
Director, Planning & Development Department

Enclosure

cc: Executive Director, East Central Florida Regional Planning Council (w/enclosure)

EXHIBIT A
23S.22 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

- 1. Copy of Ordinance**

ORDINANCE NO. 24- ____

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.22, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2023 as Plan Amendment 23S.22; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 23S.22; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on June 10, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.22, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on July 11, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 23S.22; and

WHEREAS, Plan Amendment 23S.22 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.22 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 23S.22 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 23S.22, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this ____ day of _____, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Jason Steele, Chair

As approved by the Board on _____, 2024.

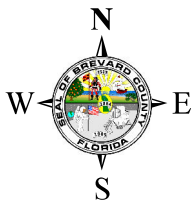
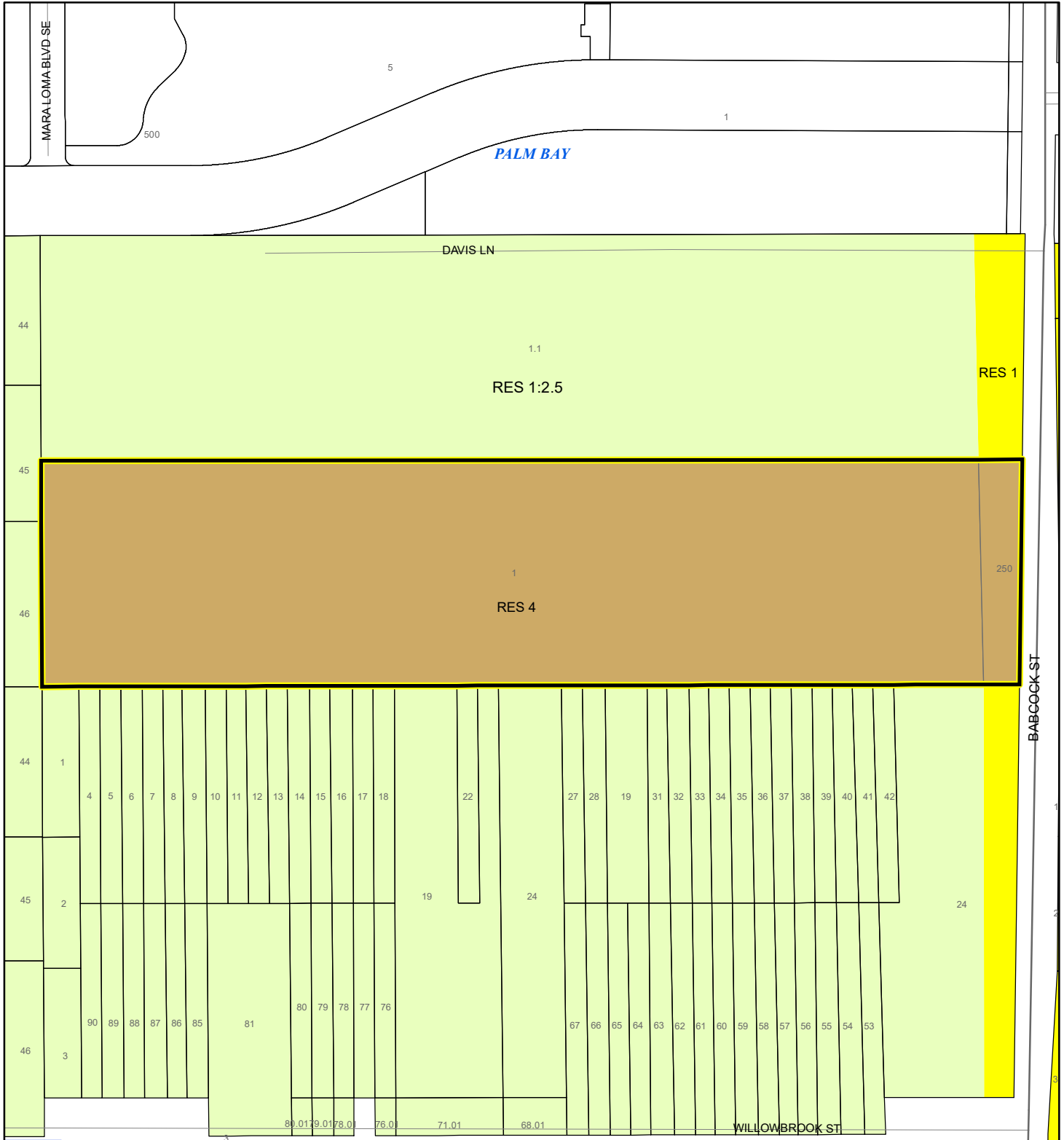
EXHIBIT A.I

Contents



1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

JEN FLORIDA 48 LLC
23SS00022



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: 5/20/2024

EXHIBIT B

Contents

1. Legal Description

Tax Parcel 1, as recorded in ORB 10004, Pages 1038 - 1041, of the Public Records of Brevard County, Florida; and Tax Parcel 250, as recorded in ORB 10004, Pages 1038 - 1041, of the Public Records of Brevard County, Florida. **Sections 8, 9, 16, & 17, Township 30, Range 37.** (41.39 +/- acres) Located on the west side of Babcock St., approx. 0.19 mile south of St. Johns Heritage Parkway. (No assigned address.)

EXHIBIT B.I

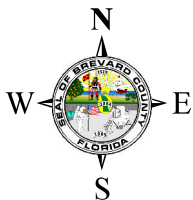
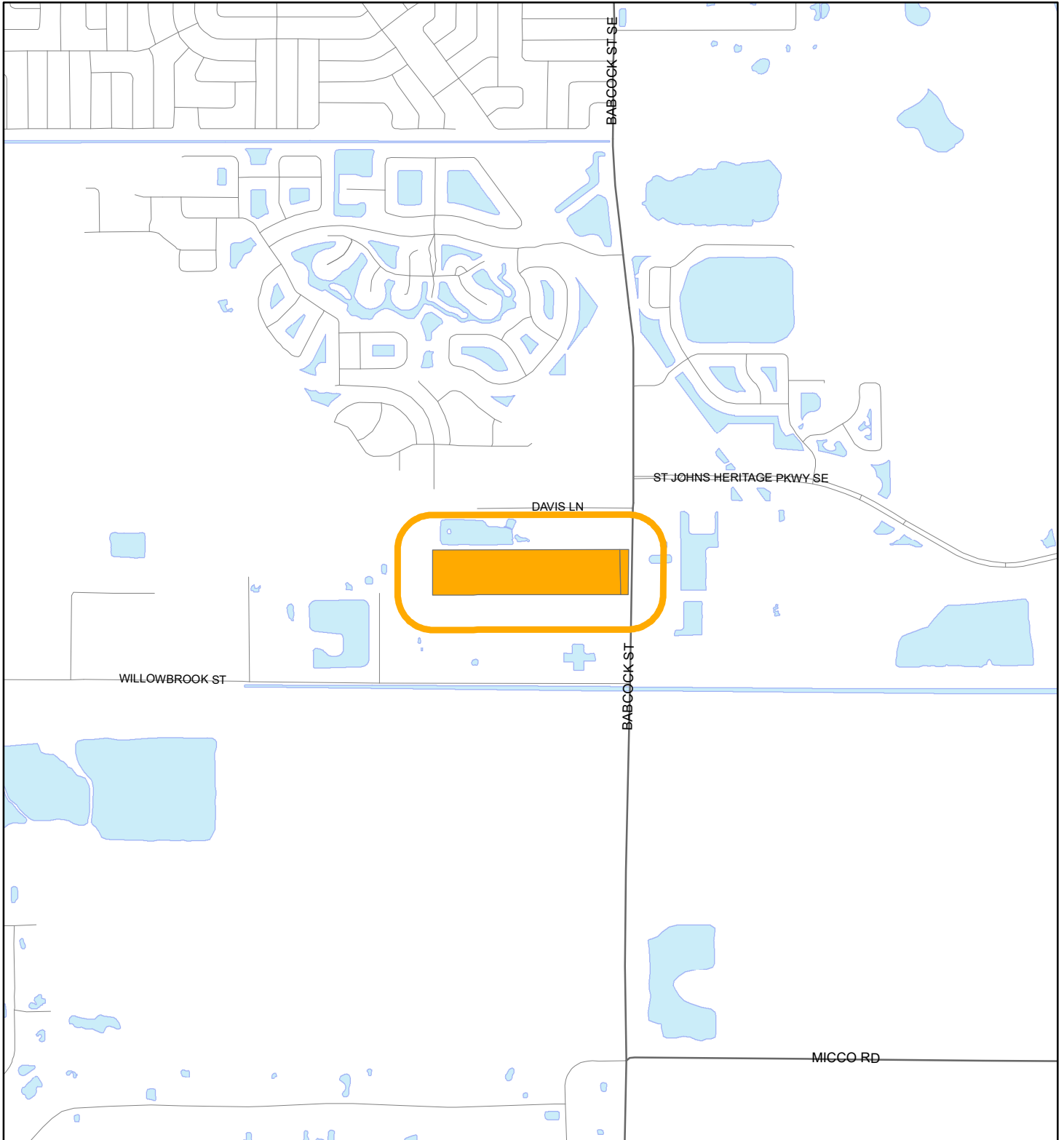
Contents

1. Other Maps

LOCATION MAP

JEN FLORIDA 48 LLC

23SS00022





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.

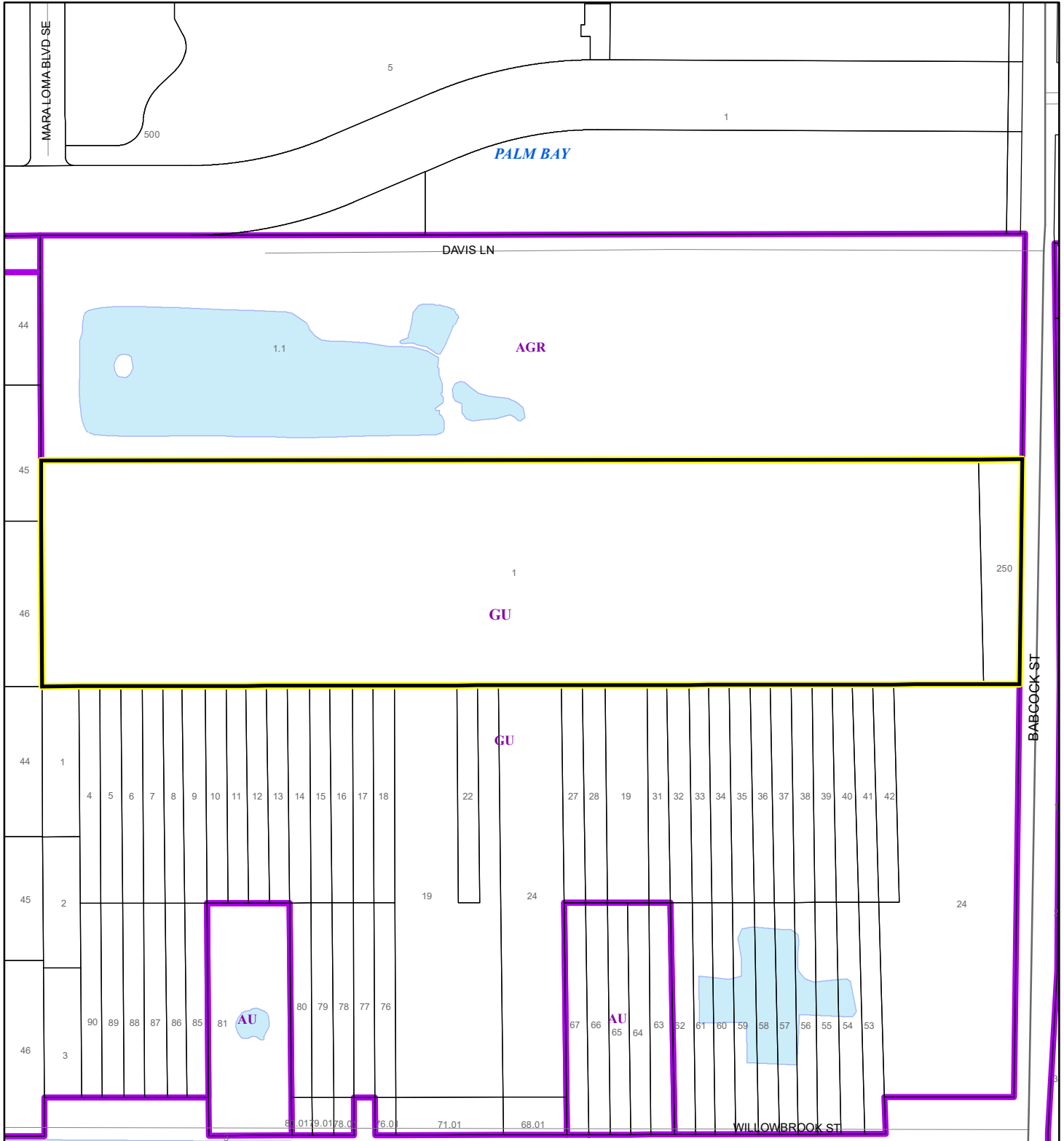
Produced by BoCC - GIS Date: 5/20/2024

-  Buffer
-  Subject Property


ZONING MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

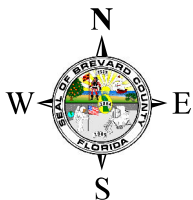
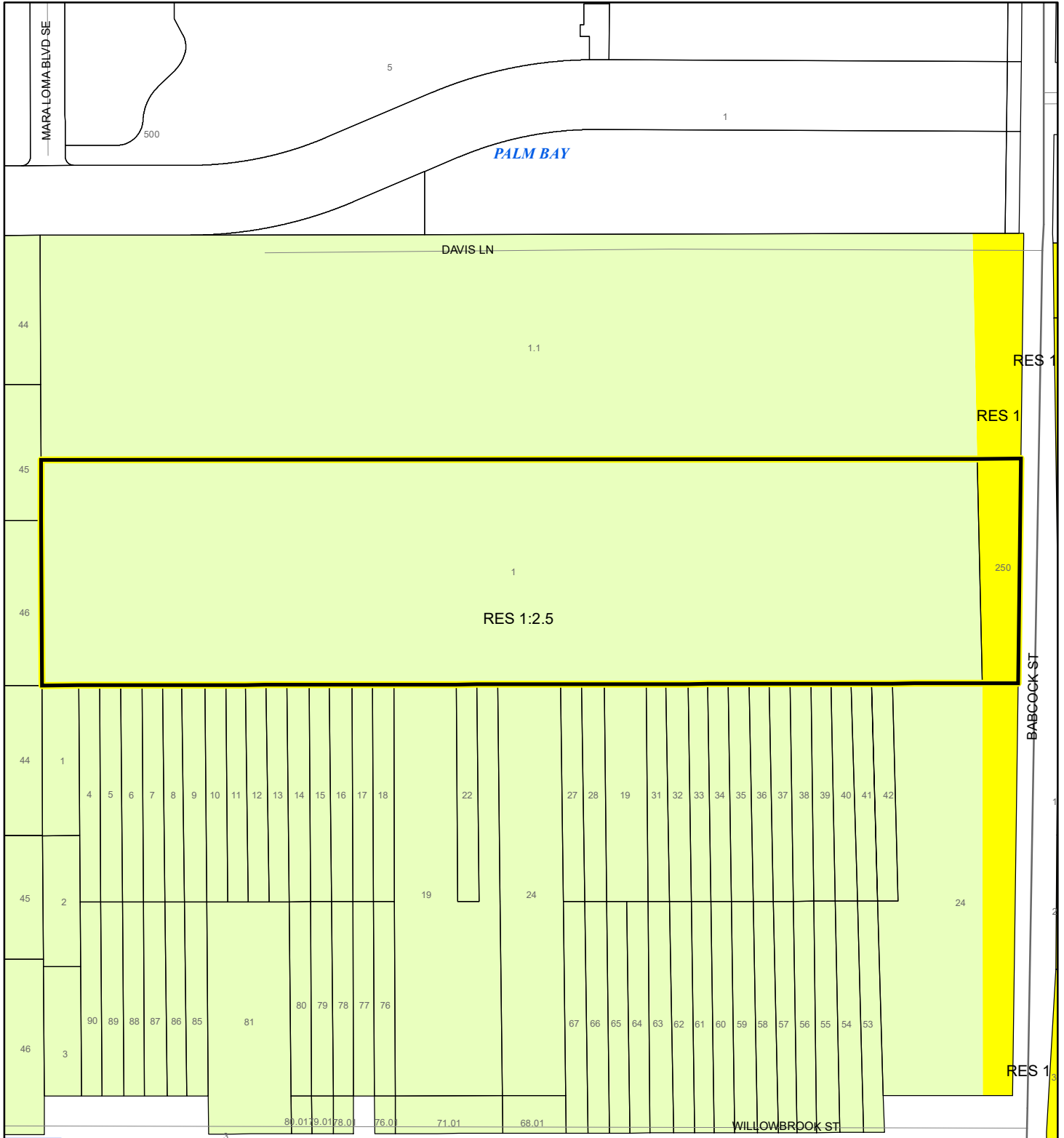
 Zoning

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FUTURE LAND USE MAP

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

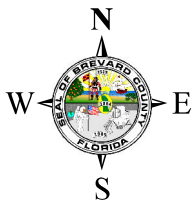
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AERIAL MAP

JEN FLORIDA 48 LLC

23SS00022




1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2023

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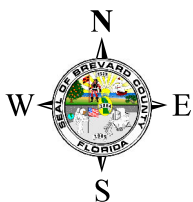
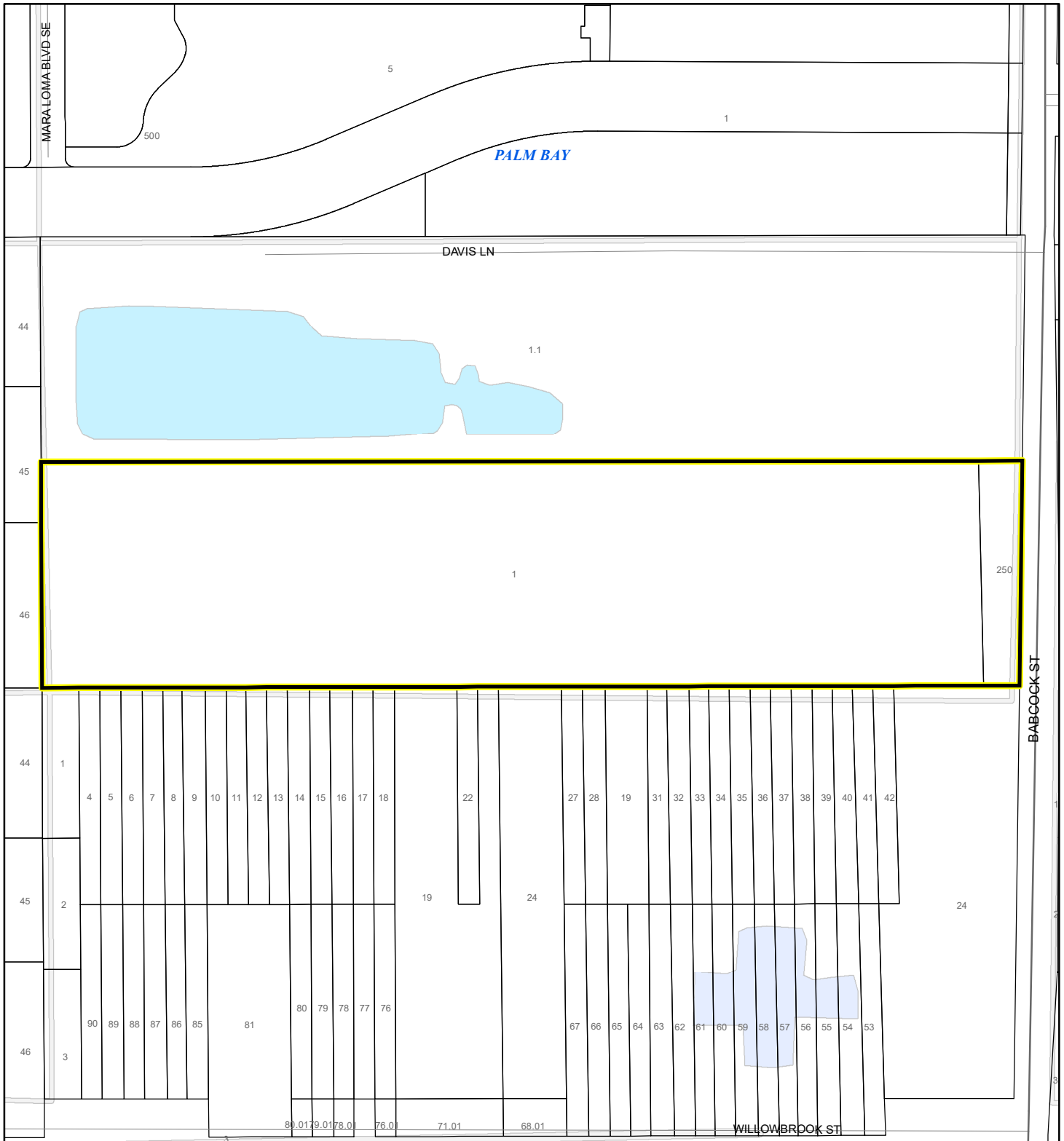
 Subject Property

 Parcels

NWI WETLANDS MAP

JEN FLORIDA 48 LLC

23SS00022













1:4,800 or 1 inch = 400 feet

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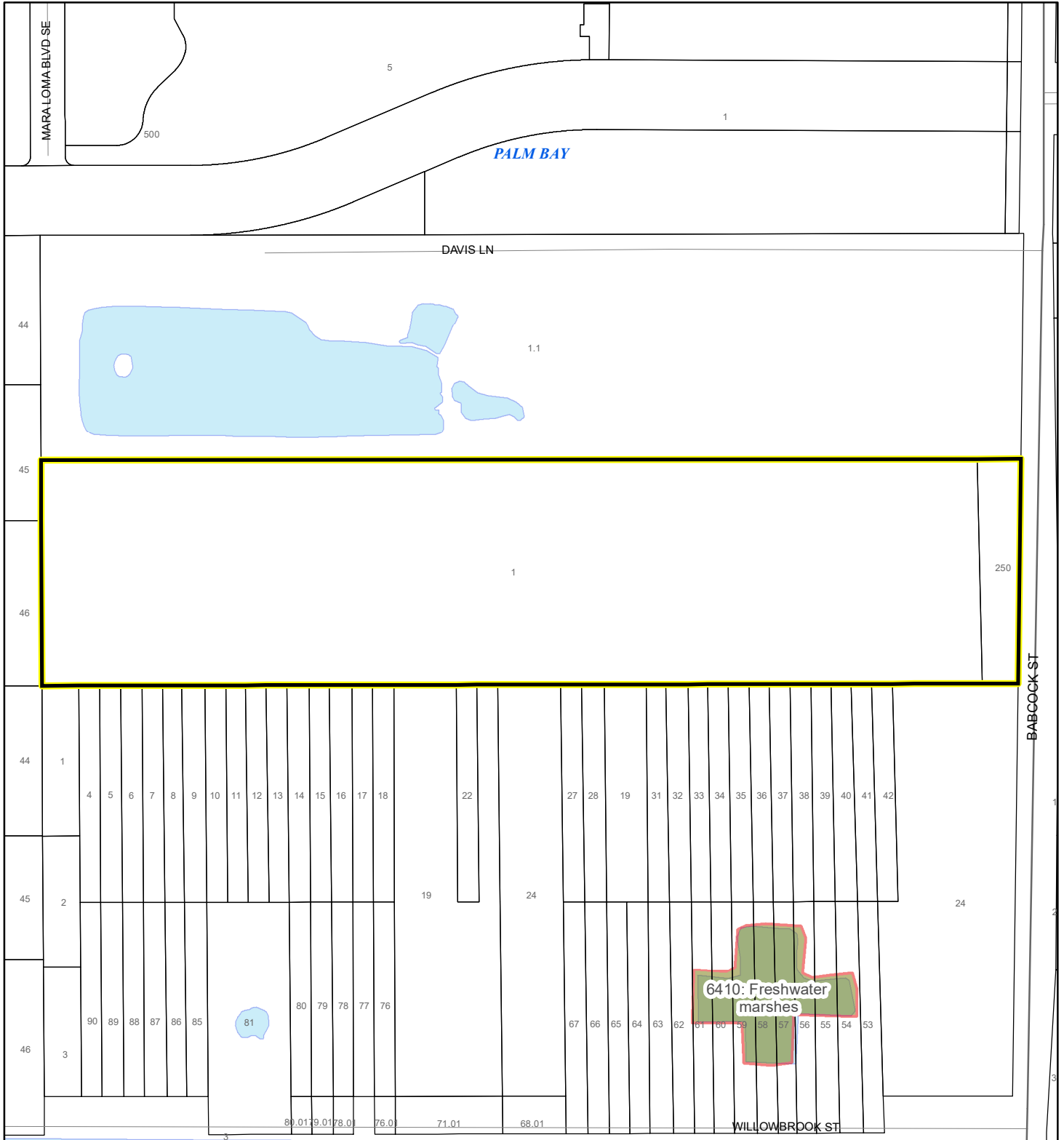
Produced by BoCC - GIS Date: 5/20/2024

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

JEN FLORIDA 48 LLC
23SS00022



1:4,800 or 1 inch = 400 feet

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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

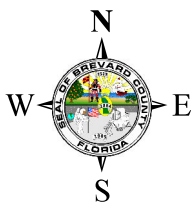
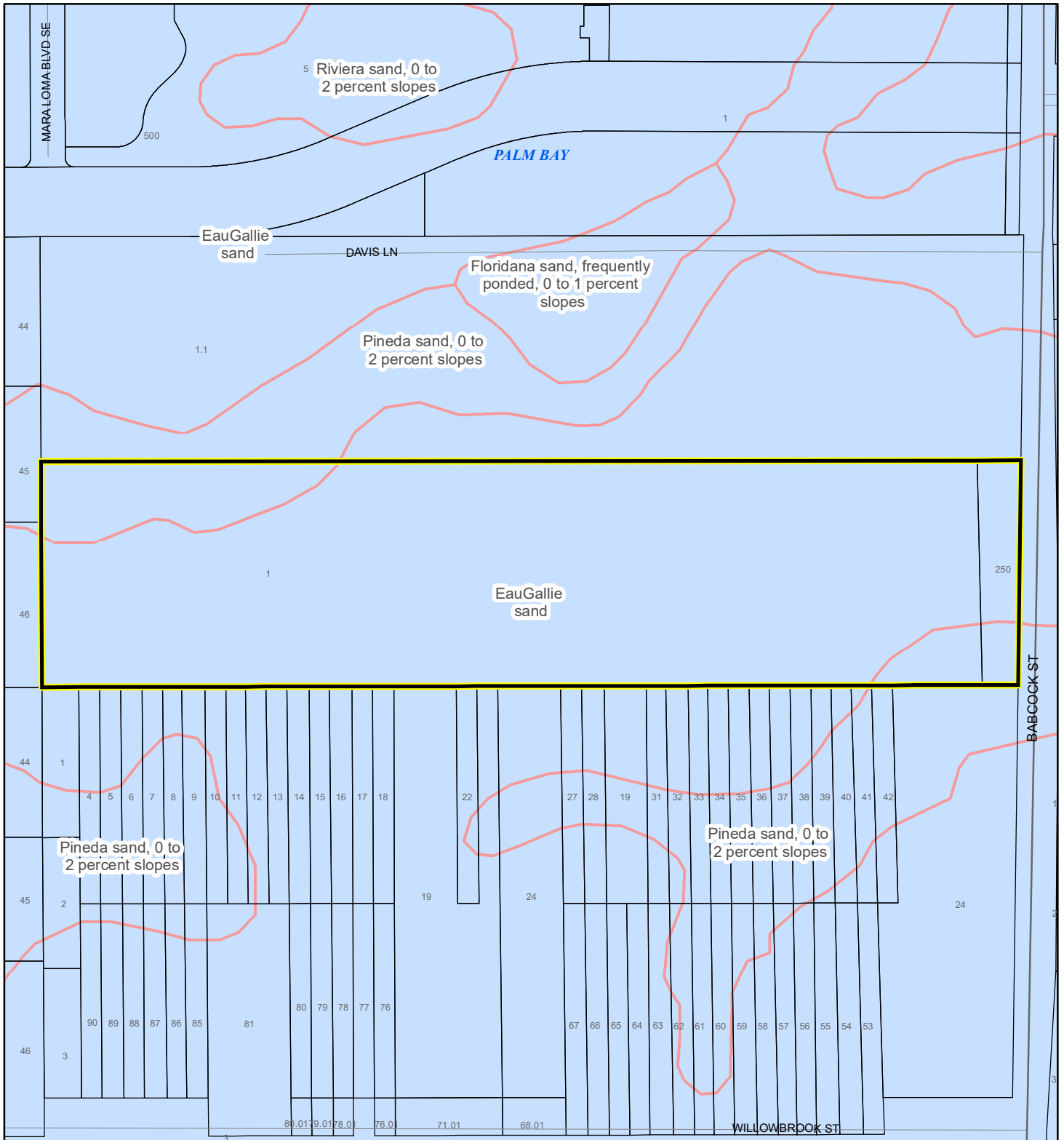
Subject Property

Parcels

USDA SCSSS SOILS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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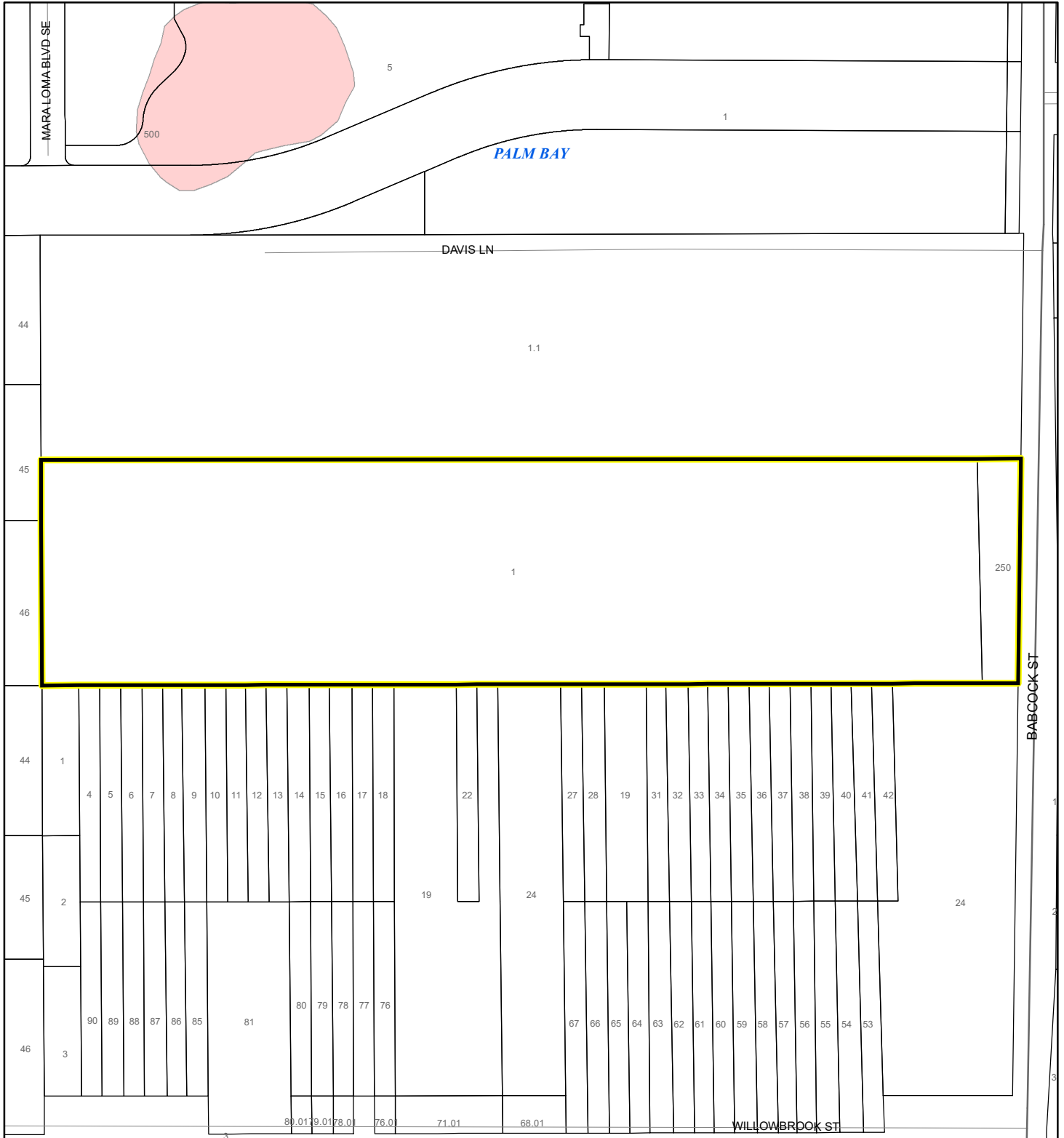
USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

JEN FLORIDA 48 LLC

23SS00022



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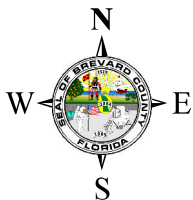
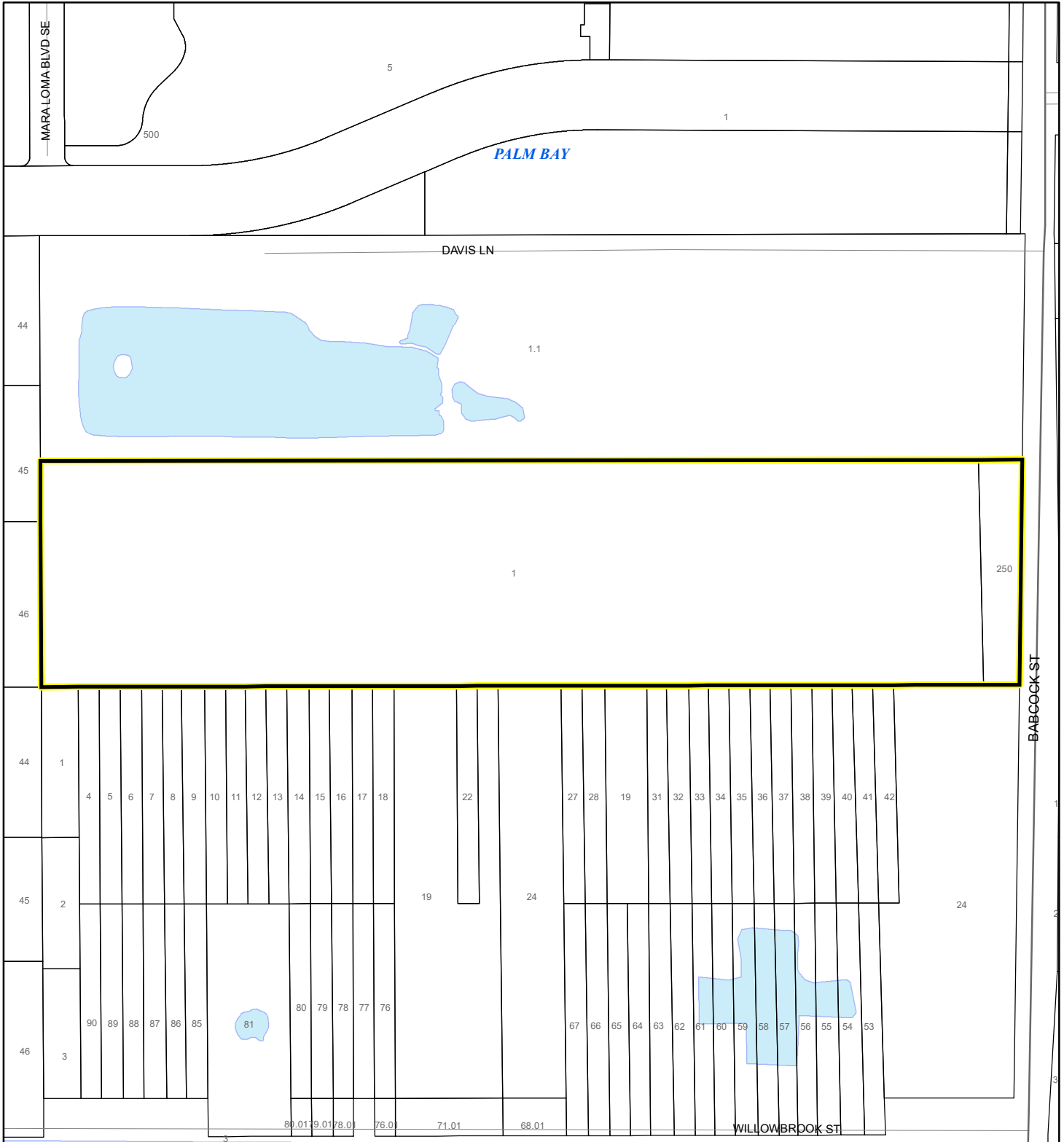
FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

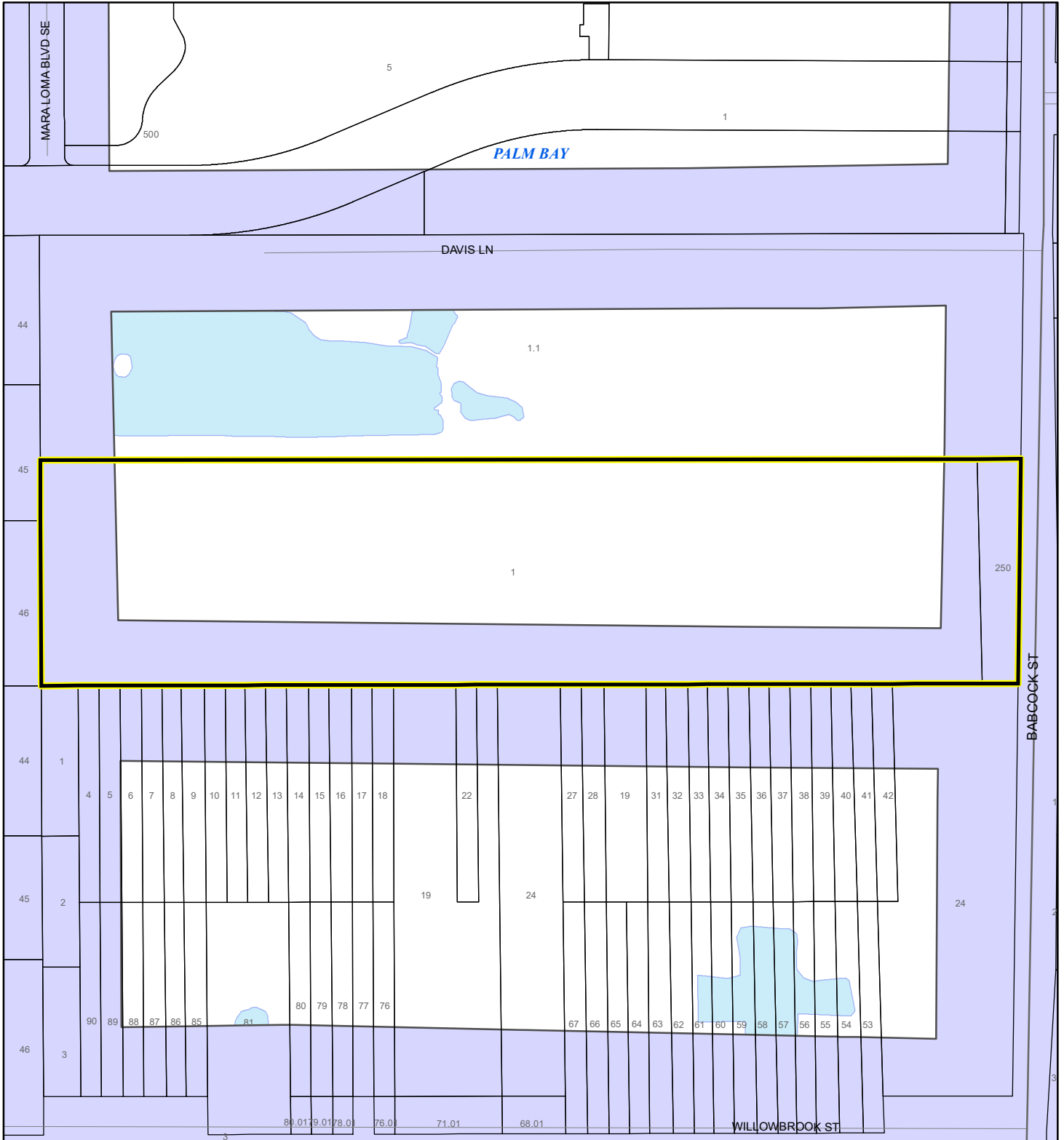
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

 Subject Property

 Parcels

Septic Overlay

 40 Meters

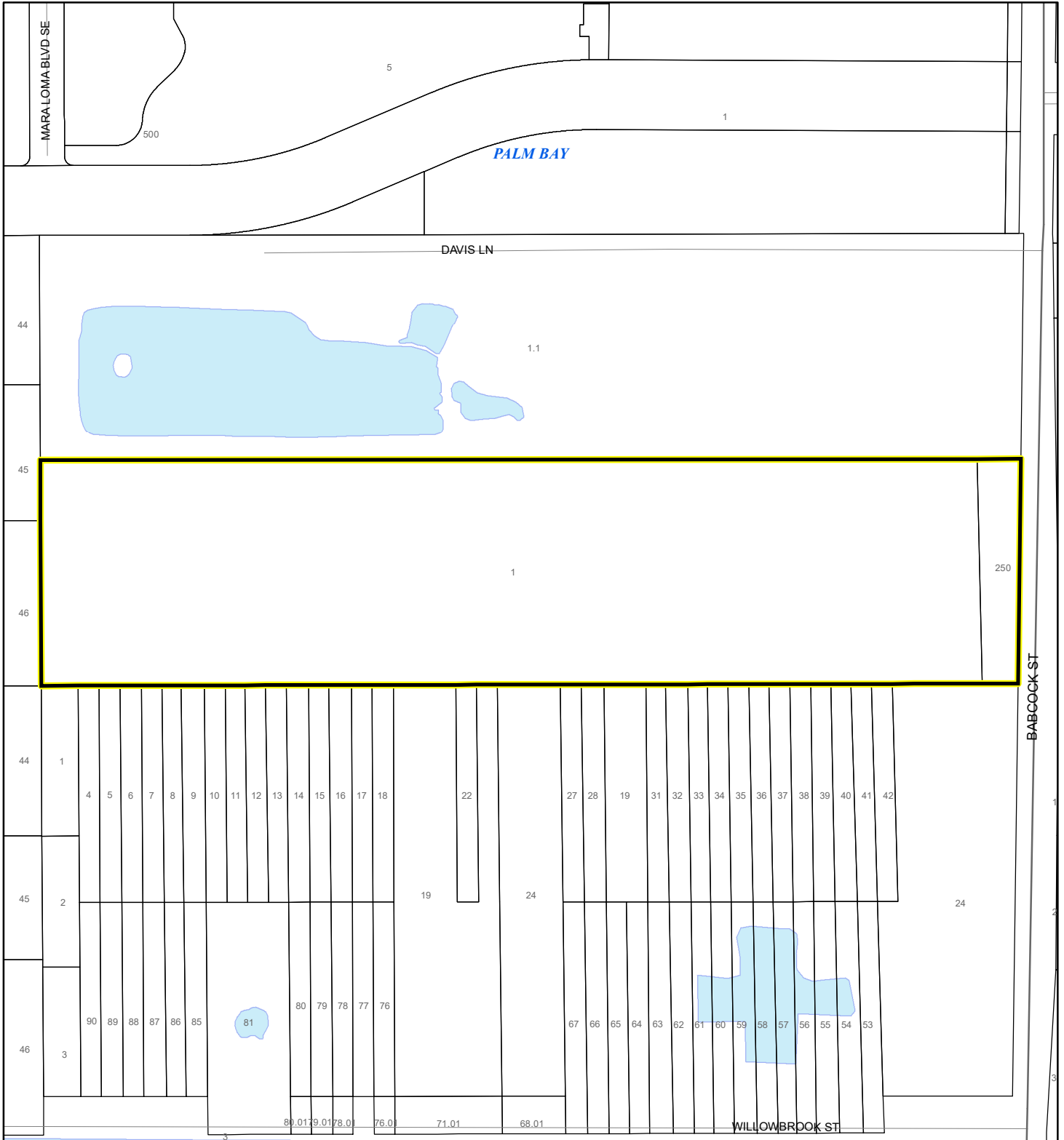
 60 Meters

 All Distances

EAGLE NESTS MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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 Subject Property

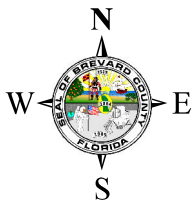
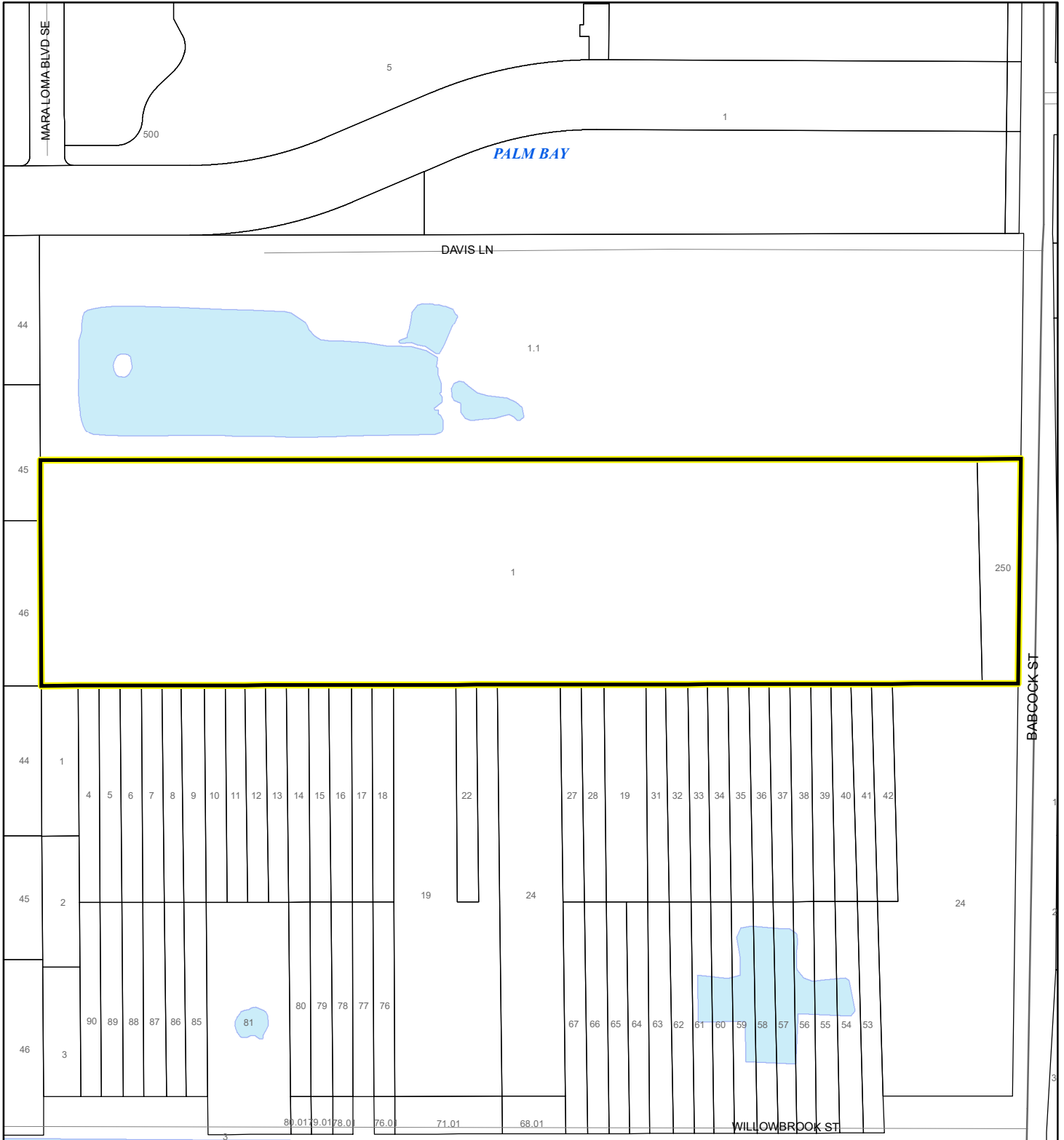
 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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 Subject Property

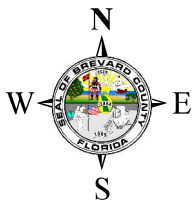
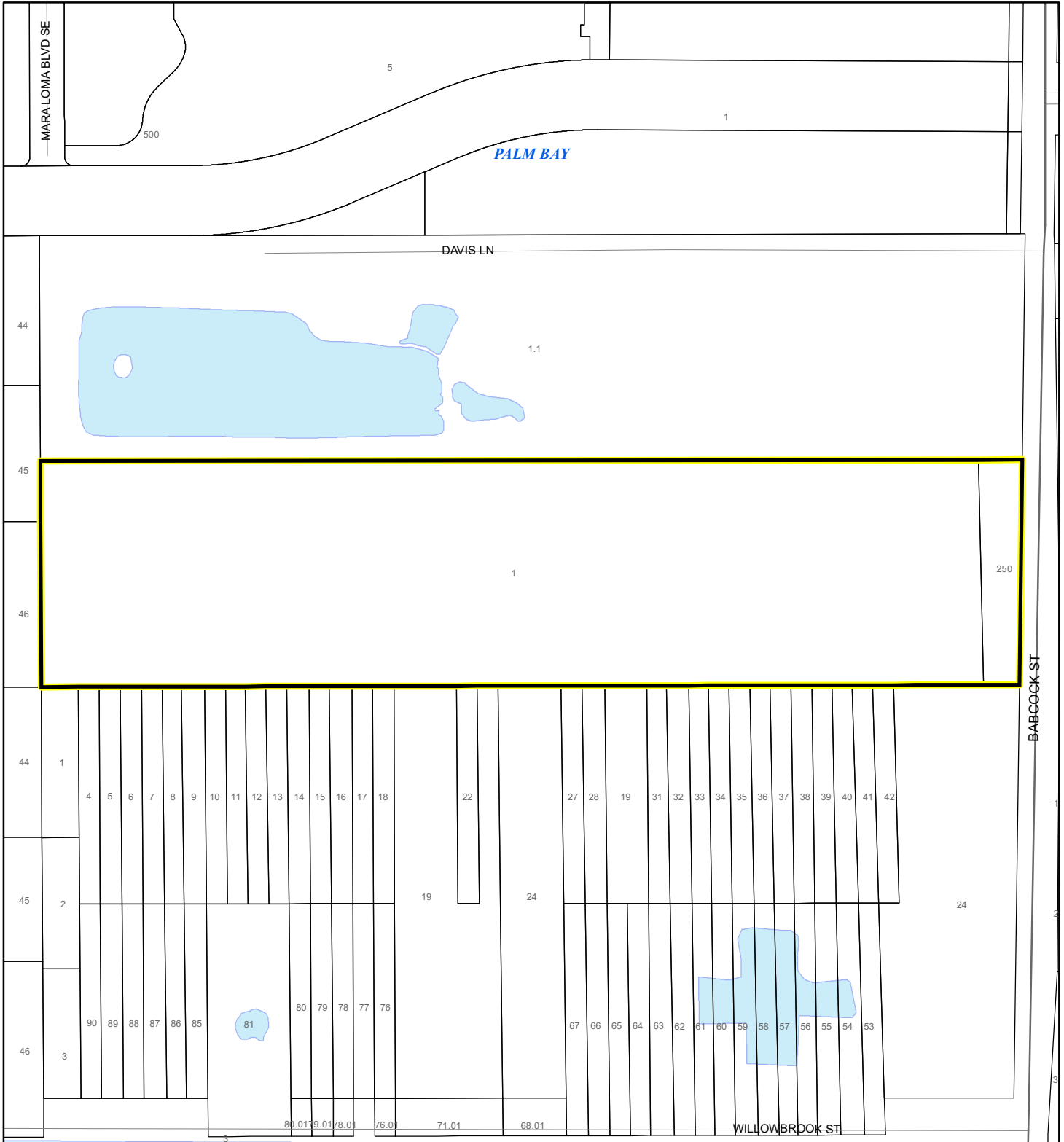
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JEN FLORIDA 48 LLC

23SS00022



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/20/2024

SJRWMD FLUCCS Upland Forests

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

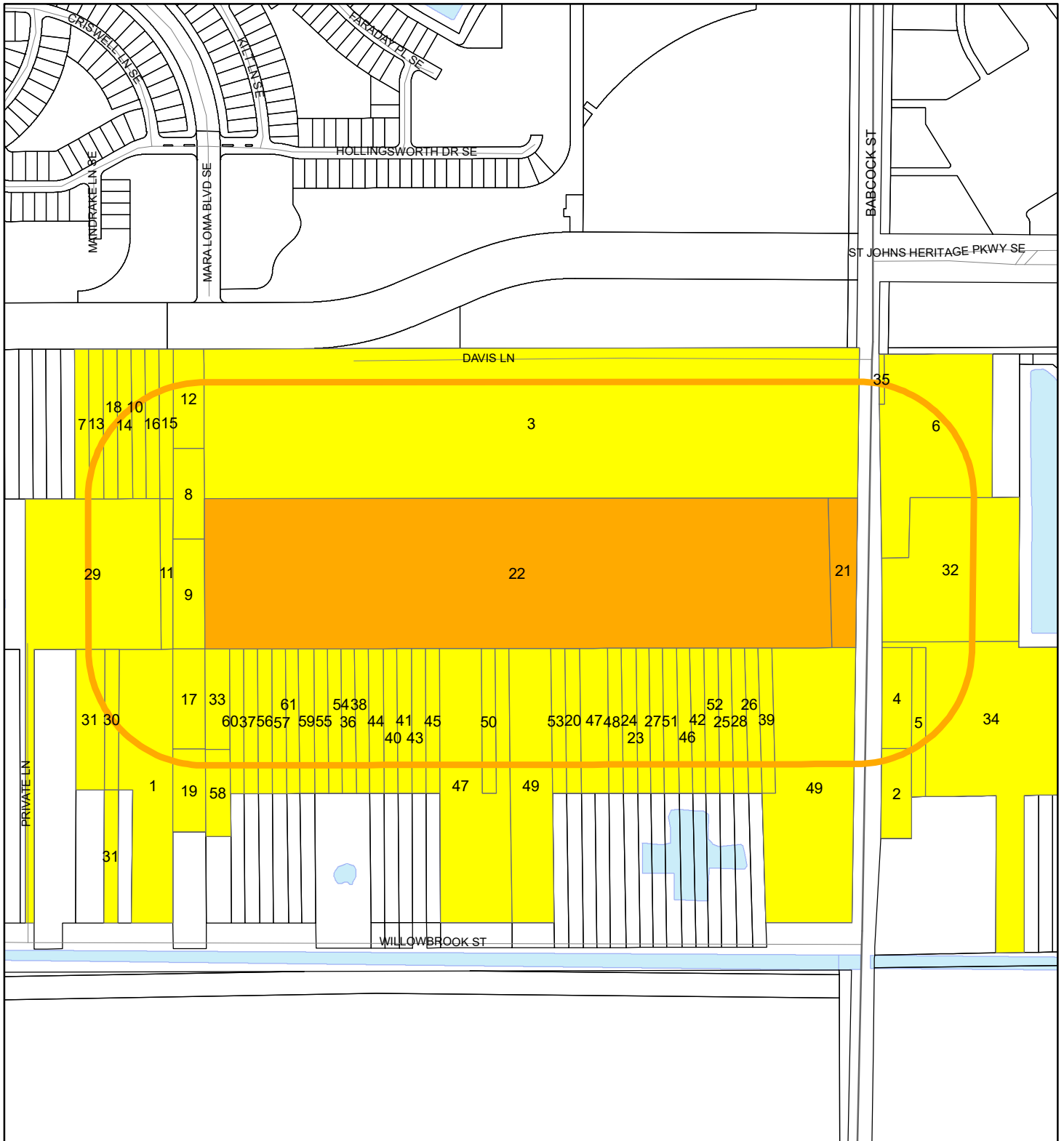
Subject Property

Parcels

RADIUS MAP

JEN FLORIDA 48 LLC

23SS00022







1:7,200 or 1 inch = 600 feet

Buffer Distance: 500 feet

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-  Buffer
-  Subject Property
-  Notify Property
-  Parcels