

ORDINANCE NO. 22- \_\_\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIRST SMALL SCALE PLAN AMENDMENT OF 2022, 21S.07, 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 2022 as Plan Amendment 21S.07; 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 21S.07; 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 January 10, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 3, 2022, 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 21S.07; and

WHEREAS, Plan Amendment 21S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.07 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 21S.07 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 21S.07, 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 \_\_\_\_\_, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel M. Sadoff, Clerk

By: \_\_\_\_\_  
Kristine Zonka, Chair

As approved by the Board on \_\_\_\_\_, 2022.

**EXHIBIT A**  
**21S.07 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

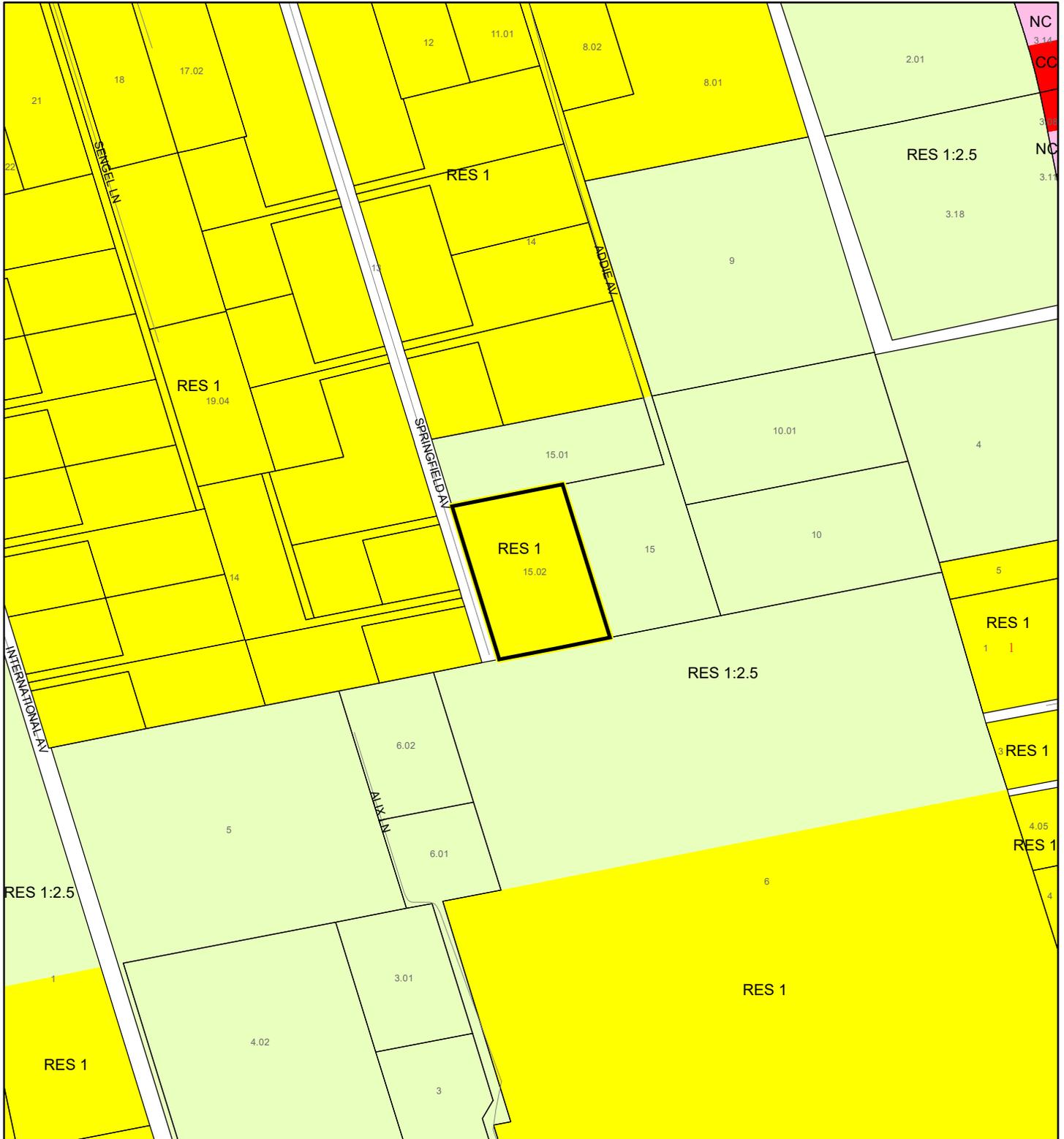
**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

FERNANDEZ, BRUCE

21PZ00032 SMALL SCALE AMENDMENT 21S.07



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: 11/22/2021

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

## PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, JANUARY 10, 2022, and THURSDAY, FEBRUARY 3, 2022. DISTRICT 1 (21P200074) KJ GROUP FL, LLC requests a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a Private Club, in a BU-1 (General Retail Commercial) zoning classification, on property described as 686, 688, and 690 West Ave., Cocoa, as recorded in ORB 8567, Page 799 - 800, of the Public Records of Brevard County, Florida. Section 19, Township 23, Range 36, (2,400 sq. ft.) Located on the west side of West Ave., approx. 400 ft. north of Aron St. (686, 688, & 690 West Ave., Cocoa) (21Z00035) ROBERT GRIFFITH requests a change of zoning classification from RRMH-1 (Rural Residential Mobile Home) to TR-1 (Single-Family Mobile Home), on property described as Tax Parcel 780, as recorded in ORB 9243, Pages 1891 - 1893, of the Public Records of Brevard County, Florida. Section 06, Township 21, Range 35. (1 acre) Located on the east side of Old Dixie Highway, approx. 100 ft. north of Roosevelt Rd. (3435 Old Dixie Hwy., Mims) (21Z00038) STEVEN H. LONG requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcel 3, as recorded in ORB 5718, Page 2729, of the Public Records of Brevard County, Florida. Section 02, Township 25, Range 35. (4.81 acres) Located on the south side of Providence Road, approx. 977 ft. west of Tucker Lane. (3323 Providence Rd., Cocoa) (21P200032) BRUCE FERNANDEZ requests a Small Scale Comprehensive Plan Amendment (215.06) to change the Future Land Use designation from RES 1:2.5 to RES 1, on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 2384, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34. (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.07: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. (21Z00019) BRUCE FERNANDEZ requests a change of zoning classification from RRMH-2.5 (Rural Residential Mobile Home) to RRMH-1 (Rural Residential Mobile Home), on property described as Lot 15.02, Block MK, Indian River Park Re-Subdivision, as recorded in ORB 2384, Pages 2389 - 2390, of the Public Records of Brevard County, Florida. Section 21, Township 20G, Range 34. (3.48 acres) Located on the east side of Springfield Ave., approx. 0.42 mile south of Aurantia Rd. (4705 Springfield Ave., Mims.) DISTRICT 5 (21Z00040) COBB 192, LLC (Bruce Moia & Adam Broadway) request a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on property described as Tax Parcel 257, as recorded in ORB 6332, Pages 2148 - 2150, of the Public Records of Brevard County, Florida. Section 01, Township 28, Range 36. (2.11 acres) Located on the north side of W. New Haven Ave., approx. 0.28 mile west of Katherine Blvd. (No assigned address. In the Melbourne area.) DISTRICT 1 (21Z00036) DAVID C. AND CYNTHIA R. RAMAGE, CO-TRUSTEES request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcels 262 and 292, as recorded in ORB 6045, Pages 1156 - 1157, of the Public Records of Brevard County, Florida. Section 24, Township 21, Range 34. (4.25 acres) Located on the east side of Turpentine Road, approx. 312 ft. north of Lion Lane. (2121 Turpentine Rd., Mims) (21Z00045) HOWARD L. GASMAN (Robert Gasman) requests a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 10, Block 3, Canaveral Groves Subdivision, as recorded in ORB 5362, Page 2395, of the Public Records of Brevard County, Florida. Section 05, Township 24, Range 35. (1.72 acres) Located on the north side of Cangro St., approx. 617 ft. west of Osprey Ave. (5640 Cangro St., Cocoa) DISTRICT 2 (21Z00042) - CARTER AND JESSICA HAYES - request a change of zoning classification from AU (Agricultural Residential) to RU-2-4 (Low Density Multi-Family Residential), on property described as Tax Parcels 761 and 762, as recorded in ORB 5421, Pages 276 - 277, of the Public Records of Brevard County, Florida. Section 34, Township 23, Range 36. (2.79 acres) Located on the west side of N. Courtenay Pkwy., approx. .38 mile north of Hall Road. (4645 N. Courtenay Pkwy., Merritt Island) DISTRICT 1 (21Z00039) JUSTIN M. FALSCROFT requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Lot 6, Pine Lake Ranch Subdivision, as recorded in ORB 8705, Page 2660, of the Public Records of Brevard County, Florida. Section 11, Township 24, Range 35. (3.96 acres) Located at the north end of Friday Road, on the south side of S.R. 528. (3000 Friday Road, Cocoa) (21Z00041) EDIC AND ASHLEY MORENO request a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Tax Parcel 17, as recorded in ORB 9246, Pages 524 - 529, of the Public Records of Brevard County, Florida. Section 31, Township 24, Range 36. (1.11 acres) Located at the west end of Sue Dr., approx. 0.15 mile west of Clearlake Rd. (1640 Sue Dr., Cocoa) DISTRICT 2 (21P200082) SUNIL RAJAN, SUDHIR RAJAN, AND SURESH RAJAN (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment (215.09) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Tax Parcel 574, as recorded in ORB 2462, Page 1335, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 36. (0.92 acres) Located on the east side of N. Courtenay Pkwy., approx. 0.11 mile south of Skyline Blvd. (No assigned address. In the Merritt Island area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.08: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, JANUARY 10, 2022, at 3:00 p.m. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, FEBRUARY 3, 2022, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at these meetings or hearings, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.