

ORDINANCE 25-\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2025, 24S.11 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), THE FUTURE LAND USE 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 2024 as Small Scale Plan Amendment 24S.11; 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 24S.11; 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 August 18, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.11, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 2, 2025, 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 24S.11; and

WHEREAS, Small Scale Plan Amendment 24S.11 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.11 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 24S.11 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 24S.11, 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       , 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

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

By: \_\_\_\_\_  
Rob Feltner, Chair

As approved by the Board on       , 2025.

**EXHIBIT A**  
**24S.11 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

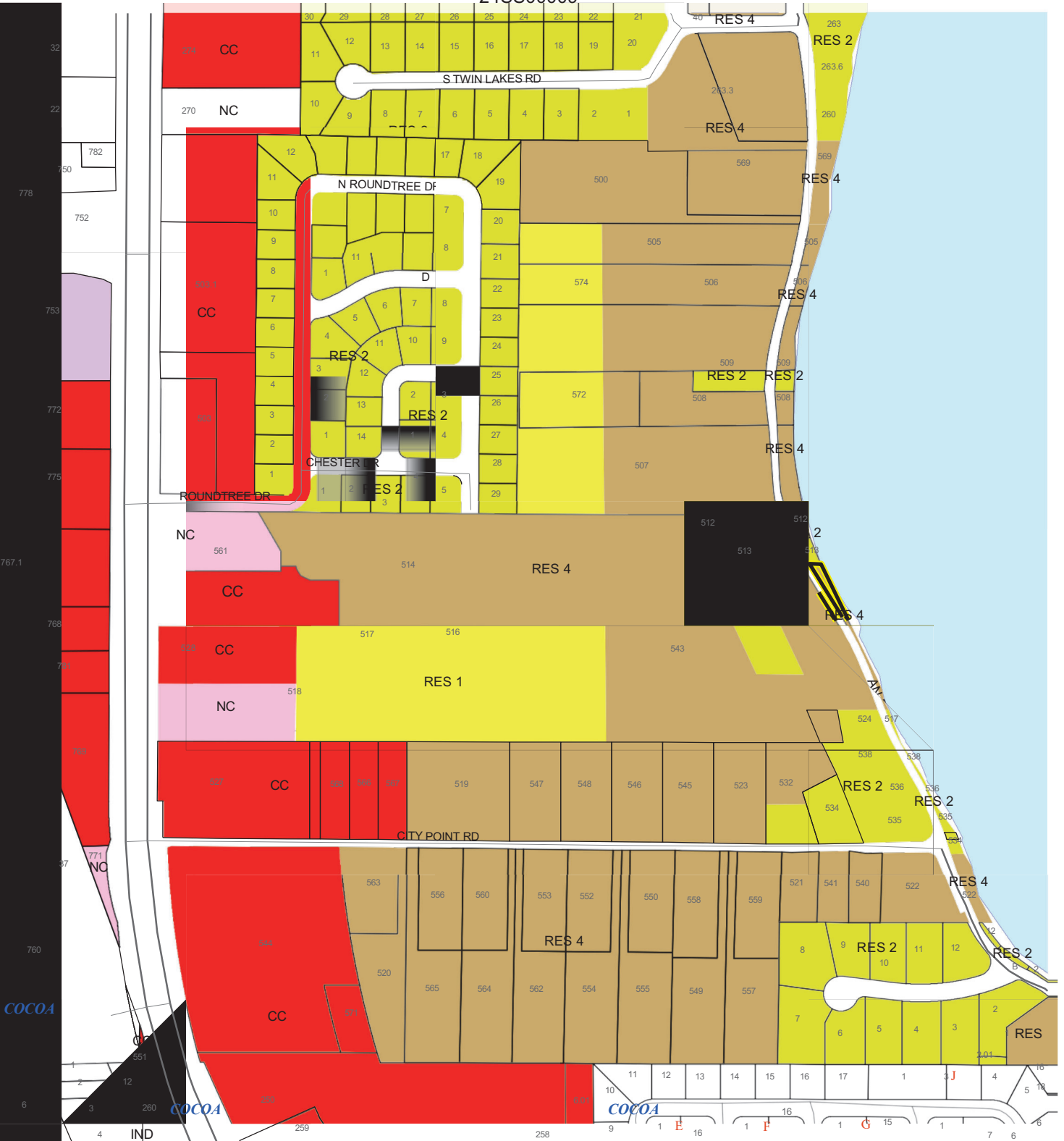
Contents

1. Proposed Future Land Use Map

# PROPOSED FUTURE LAND USE MAP

CITY POINT LANDFALL LLC

24SS00009



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: 7/16/2024

## EXHIBIT B

### Contents

#### 1. Legal Description

##### PARCEL 1

THE NORTH 82 1/2 FEET OF THE SOUTH 1234 FEET OF UNITED STATES GOVERNMENT LOT 3, SECTION 8. TOWNSHIP 24 SOUTH, RANGE 36 EAST, TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL TO WIT;  
COMMENCE AT A POINT ON THE WEST LINE OF SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, WHICH SAID POINT IS 363 YARDS NORTH OF THE SW CORNER OF SAID SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AND GO THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 440 YARDS TO A POINT WHICH SAID POINT IS THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, GO NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 27 1/2 YARDS TO A POINT; WHICH SAID POINT IS THE NW CORNER OF THE LANDS HEREIN DESCRIBED; THENCE GO EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE SOUTHERLY ALONG THE WATERS OF THE INDIAN RIVER TO A POINT OPPOSITE THE POINT OF BEGINNING; THENCE GO WEST, PARALLEL TO THE SOUTH LINE OF SAID SECTION 8, TO THE POINT OF BEGINNING

LESS AND EXCEPT ROAD RIGHT OF WAY AND LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL; A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE RUN NORTH 00°43'16" EAST, ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 1255.69 FEET; THENCE RUN SOUTH 89°30'56" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 1320.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'56" EAST, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 350.00 FEET; THENCE RUN SOUTH 25°16'02" EAST, A DISTANCE OF 155.00 FEET; THENCE RUN SOUTH 89°50'56" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 360.04 FEET TO A POINT AT THE WATERS EDGE OF THE INDIAN RIVER; THENCE RUN SOUTH 25°16'02" EAST, ALONG WATERS EDGE OF THE INDIAN RIVER, A DISTANCE OF 27.68 FEET; THENCE RUN NORTH 89°50'56" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 790.09 FEET) THENCE RUN NORTH 00°43'16" EAST, PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE RIGHT OF WAY OF INDIAN RIVER DRIVE.  
PARCEL 2

TAX PARCEL #515 DESCRIPTION PER DEED BOOK 372, PAGE 451: FIRST PARCEL: A TRACT OF LAND HERETOFORE CALLED CRESSON GROVE DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SECTION EIGHT (8), IN TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, RUN NORTH ON THE WEST LINE OF SAID SECTION, A DISTANCE OF ONE THOUSAND TWO HUNDRED FIFTY FOUR AND FIVE TENTHS (1254.5) FEET TO AN IRON PIPE WHICH IS THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; AND FROM SAID POINT OF BEGINNING, RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO THE WEST LINE OF THE LAND OF EDWARD S. GIFFORD AND W.M. BARCLIFF; AND THENCE RUN THE WEST LINE OF THE LANDS OF THE SAID GIFFORD AND BARCLIFF, NORTH, A DISTANCE OF THREE HUNDRED (300) FEET TO THE NORTHWEST CORNER OF THE LAND CONVEYED TO EDWARD S. GIFFORD BY ROBERT M. AND ELIZABETH C. MACDONALD; THENCE RUN EAST ON THE NORTH LINE OF SAID GIFFORD LAND, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE RUN NORTHERLY, IN THE WATERS OF THE INDIAN RIVER, TO A POINT TWENTY (20) FEET NORTH OF THE LAST COURSE AFORESAID; AND THENCE RUN WEST, TO THE WEST LINE OF SECTION EIGHT (8); AND THENCE RUN SOUTH, ON THE WEST LINE OF SAID SECTION EIGHT (8), A DISTANCE OF THREE HUNDRED TWENTY (320) FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS DESCRIBED IN DEED BOOK 380 PAGE 446, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TAX PARCEL #515 (20' TRACT) DESCRIPTION PER DEED BOOK 380, PAGE 444: A PARCEL OF LAND LOCATED IN SECTION EIGHT (8), TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION EIGHT (8), RUN THE WEST LINE OF THE SECTION, NORTH, ONE THOUSAND TWO HUNDRED FIFTY FOUR AND FIVE TENTHS (1254.5) FEET TO AN IRON PIPE; AND THENCE RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO AN IRON PIPE, WHICH IS THE BEGINNING POINT OF THE LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, FOR A FIRST COURSE, RUN SOUTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES EAST, ON THE PROJECTED LINE LAST ABOVE DESCRIBED, A DISTANCE OF FOUR HUNDRED TWENTY-SEVEN AND EIGHT TENTHS (427.8) FEET TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE FOR A SECOND COURSE, RUN NORTHERLY, IN THE WATERS EDGE OF THE INDIAN RIVER, TO A POINT WHICH IS TWENTY (20) FEET NORTH AND SOUTH MEASUREMENT FROM THE FIRST COURSE AFORESAID; THENCE FOR A THIRD COURSE, RUN WEST AND TWENTY (20) FEET DISTANT FROM THE FIRST COURSE AFORESAID, A DISTANCE OF FOUR HUNDRED TWENTY-SEVEN (427) FEET, MORE OR LESS TO A POINT WHICH IS ONE THOUSAND SIX HUNDRED THREE (1603)



FEET EAST FROM THE WEST LINE OF SECTION EIGHT (8); AND THENCE FOR A FOURTH COURSE, RUN SOUTH, ON A LINE PARALLEL TO AND ONE THOUSAND SIX HUNDRED THREE (1603) FEET EAST FROM THE WEST LINE OF SECTION EIGHT (8), A DISTANCE OF TWENTY (20) FEET TO THE POINT OF BEGINNING.

TAX PARCEL #514 DESCRIPTION PER DEED BOOK 383, PAGE 98: A PARCEL OF LAND LOCATED IN SECTION EIGHT (8), TOWNSHIP TWENTY-FOUR (24) SOUTH, RANGE THIRTY-SIX (36) EAST, IN BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION EIGHT (8), RUN THE WEST LINE OF THE SECTION, NORTH, ONE THOUSAND TWO HUNDRED SEVENTY FOUR AND FIVE TENTHS (1274.5) FEET TO AN IRON PIPE; AND THENCE RUN EAST, ONE THOUSAND SIX HUNDRED THREE (1603) FEET TO AN IRON PIPE, WHICH IS THE BEGINNING POINT OF THE LAND HEREIN DESCRIBED; FROM SAID POINT OF BEGINNING, FOR A FIRST COURSE, RUN NORTH AND PARALLEL TO THE WEST LINE OF SECTION EIGHT (8), A DISTANCE OF ONE HUNDRED SIXTY (160) FEET; THENCE FOR A SECOND COURSE, RUN SOUTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES EAST, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE FOR A THIRD COURSE, RUN SOUTHERLY, IN THE WATERS EDGE OF THE INDIAN RIVER TO A POINT WHICH IS ONE HUNDRED SIXTY (160) FEET, BY PERPENDICULAR MEASUREMENT FROM THE SECOND COURSE PROJECTED; AND THENCE FOR A FOURTH COURSE, RUN NORTH EIGHTY-NINE (89) DEGREES FIFTY-THREE (53) MINUTES WEST AND PARALLEL TO THE SECOND COURSE AFORESAID, TO THE POINT OF BEGINNING. LESS AND EXCEPT FROM THE FOLLOWING;

PARCEL "A"

A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4 INCH BY 4 INCH CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF PARKCHESTER, UNIT NO. 1 RECORDED IN PLAT BOOK 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S 00 DEGREES 22' 33" W., ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 11.13 FEET TO A POINT ON THE NORTH LINE OF LANDS DESCRIBED IN DEED BOOK 372, PAGE 451, THE POINT OF BEGINNING; THENCE CONTINUE S. 00 DEGREES 22' 33" W., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 159.99 FEET; THENCE S 89 DEGREES 54' 45" E\U+201E PARALLEL WITH THE NORTH LINE OF SAID DEED BOOK 372, PAGE 451, A DISTANCE OF 350.00 FEET; THENCE N. 00 DEGREES 05' 15" E., PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 56.96 FEET; THENCE N. 29 DEGREES 54' 50" W., A DISTANCE OF 118.97 FEET TO A POINT ON SAID NORTH LINE OF DEED BOOK 372, PAGE 451; THENCE N.

89 DEGREES 54' 45" W., ALONG SAID NORTH LINE, A DISTANCE OF 289.71 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

A PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGIN AT A 4 INCH BY 4 INCH CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF PARKCHESTER, UNIT NO. 1, RECORDED IN PLAT BOOK 18, PAGE 114 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN S.00°22'33"W., ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 171.12 FEET; THENCE 5.89°54'45"E., PARALLEL WITH THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 372, PAGE 451 A DISTANCE OF 350.00 FEET THENCE N.00°05'15"E., PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 56.96 FEET; THENCE N29°54'50" W. A DISTANCE OF 129.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ROUNDTREE DRIVE (A 50 FOOT WIDE RIGHT OF WAY) THENCE N. 89°26'14"W. , ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 284.60 FEET TO THE POINT OF BEGINNING.