

ORDINANCE 26-__

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 2026, 26S.06 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 2026 as Small Scale Plan Amendment 26S.06; 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 26S.06; 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 July 13, 2026, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 26S.06, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 6, 2026, 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 26S.06; and

WHEREAS, Small Scale Plan Amendment 26S.06 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 26S.06 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 26S.06 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 26S.06, 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 _____, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Thad Altman, Chair

As approved by the Board on _____, 2026.

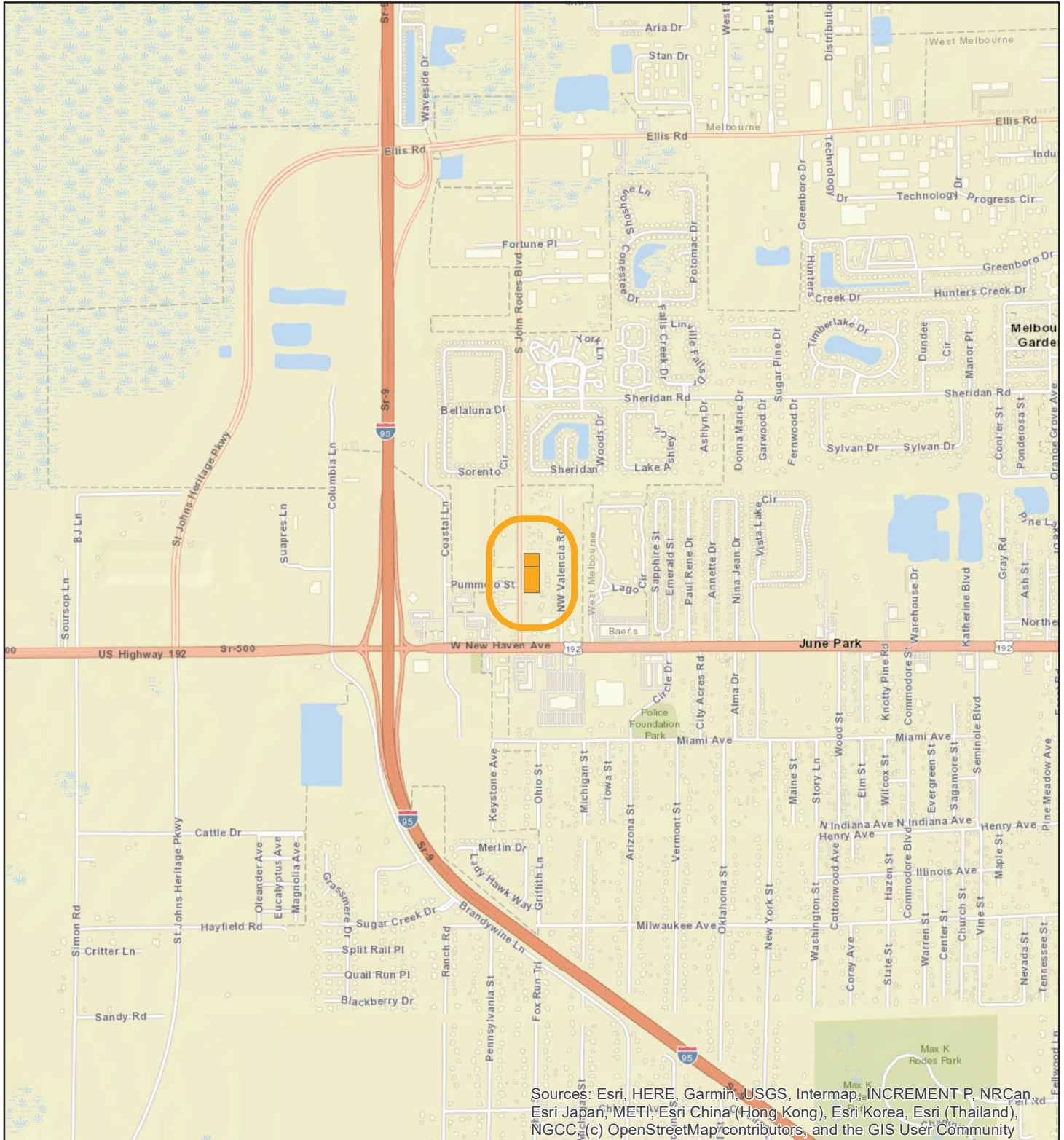
EXHIBIT A
26S.06 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

LOCATION MAP

BT Rodes LLC & Padgett Properties Trust
26SS00006



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

Buffer Distance: 500 feet

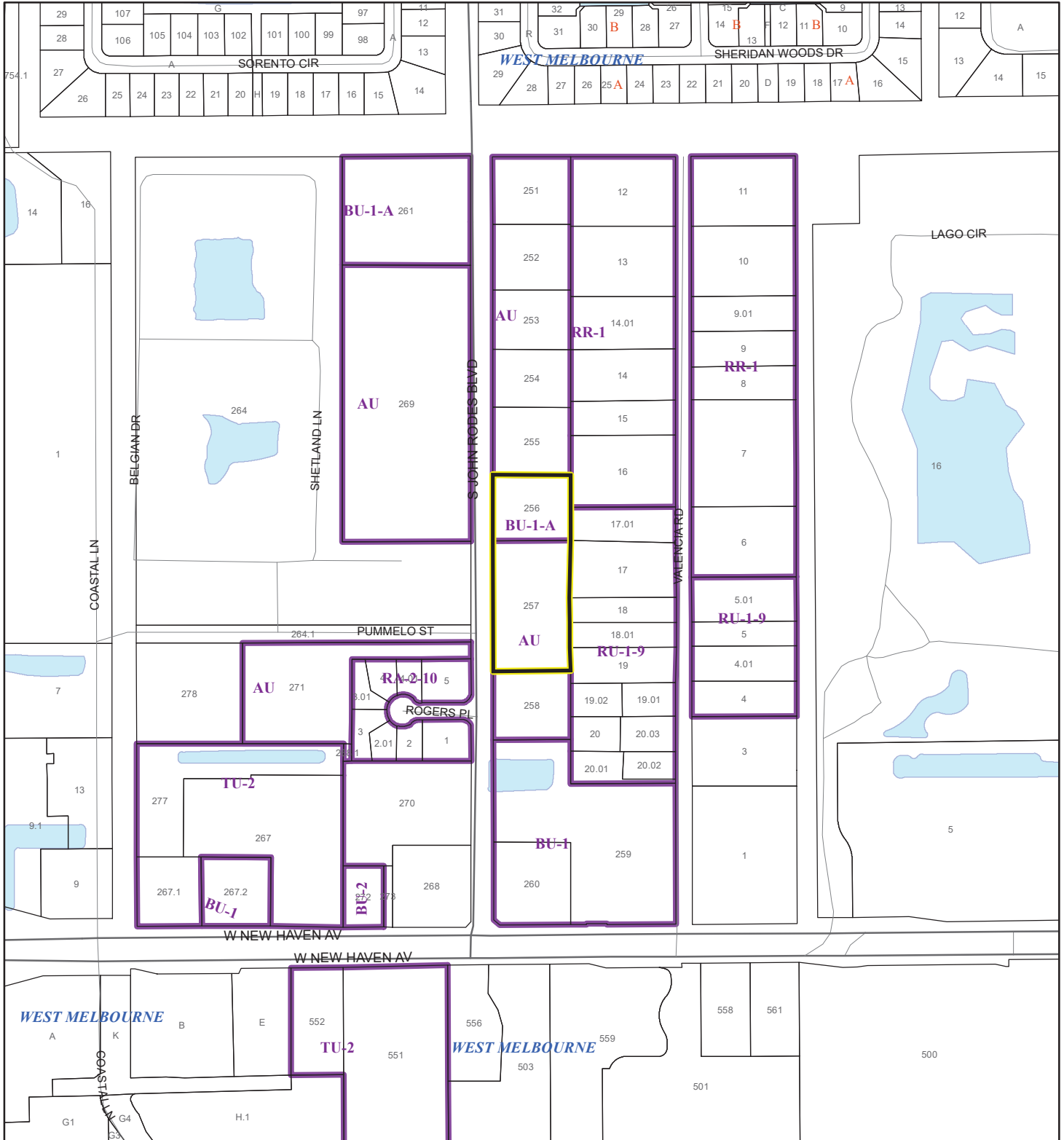
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/1/2026

 Buffer
 Subject Property

ZONING MAP

BT Rodes LLC & Padgett Properties Trust
26SS00006



1:4,800 or 1 inch = 400 feet

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 Subject Property

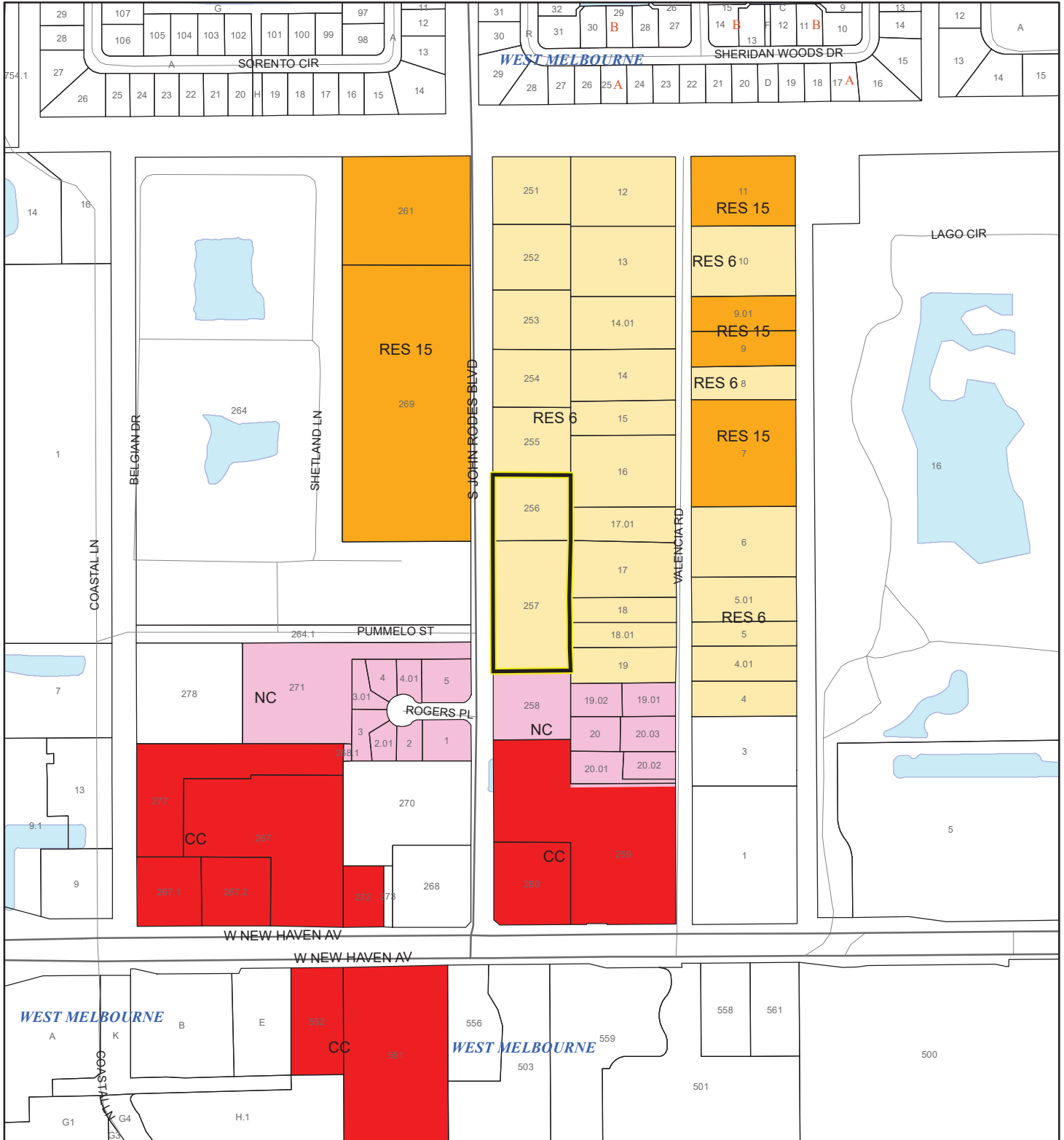
 Parcels

 Zoning

FUTURE LAND USE MAP

BT Rodes LLC & Padgett Properties Trust

26SS00006



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

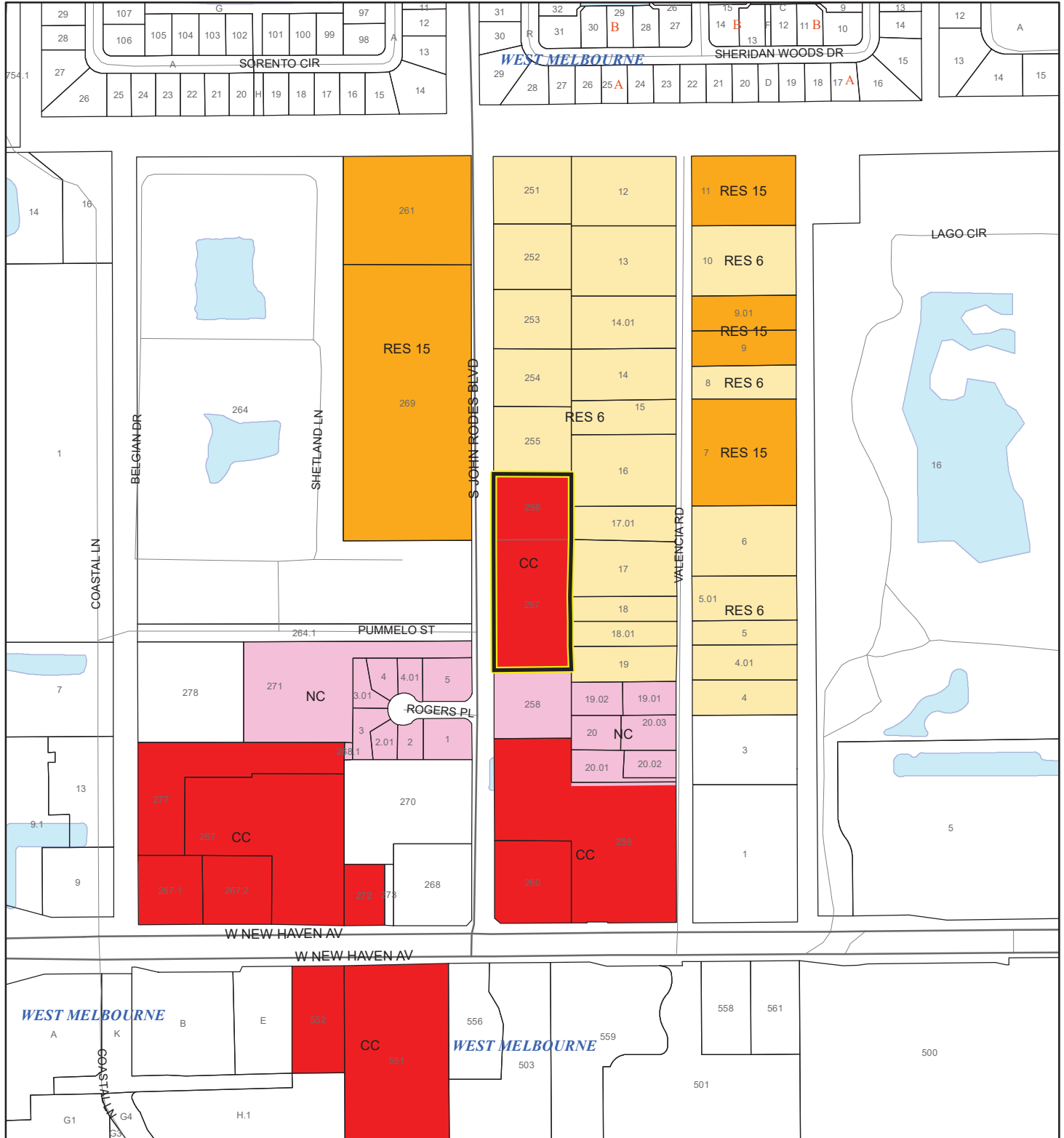
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PROPOSED FUTURE LAND USE MAP

BT Rodes LLC & Padgett Properties Trust

26SS00006



1:4,800 or 1 inch = 400 feet

Subject Property
Parcels

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AERIAL MAP

BT Rodes LLC & Padgett Properties Trust
26SS00006



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2026

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Produced by BoCC - GIS Date: 5/1/2026

 Subject Property

 Parcels

EXHIBIT B

Contents

1. Legal Description:

NORTH PARCEL:

THE EAST 224 FEET OF THE NORTH 100 FEET OF THE SOUTH 190 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, A/K/A THE NORTH 100 FEET OF THE SOUTH 190 FEET OF THE EAST 224 FEET OF LOT 26, FLORIDA INDIAN RIVER LAND COMPANY, SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

And

THE EAST 224 FEET OF THE SOUTH 90 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, A/K/A THE SOUTH 90 FEET OF THE EAST 224 FEET OF LOT 26, FLORIDA INDIAN RIVER LAND COMPANY, SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 80, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SOUTH PARCEL:

A PART OF LOT 23, OF FLORIDA INDIAN RIVER LAND CO.'S SUBDIVISION, SECTION 2, TOWNSHIP 28 SOUTH, RANGE 36 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE RIGHT OF WAY OF LAKE WASHINGTON ROAD THAT IS 725.65 FEET NORTH OF THE INTERSECTION OF SAID LINE WITH NORTH LINE OF THE RIGHT OF WAY OF FLORIDA STATE ROAD #500 (MELB-KISSIMMEE HIGHWAY); THENCE GO NORTH ON THE EAST LINE OF SAID LAKE WASHINGTON ROAD TO THE NORTH LINE OF SAID LOT 23; THENCE EAST ON THE NORTH LINE OF SAID LOT 23 TO THE NORTHEAST CORNER OF SAID LOT 23; THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID LOT 23 TO THE POINT THAT IS 725.65 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF SAID MELB-KISSIMMEE HIGHWAY & BEING THE NORTHWEST CORNER OF PROPERTY SOLD TO R.L. WHITEHEAD AND WIFE; THENCE WEST TO POINT OF POINT OF BEGINNING. ALL LYING AND BEING IN BREVARD COUNTY, FLORIDA.