

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 THIRD SMALL SCALE PLAN AMENDMENT OF 2022, 21S.08, 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.08; 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.08; 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 February 14, 2022, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 21S.08, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 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.08; and

WHEREAS, Plan Amendment 21S.08 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 21S.08 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.08 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.08, 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.

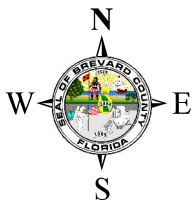
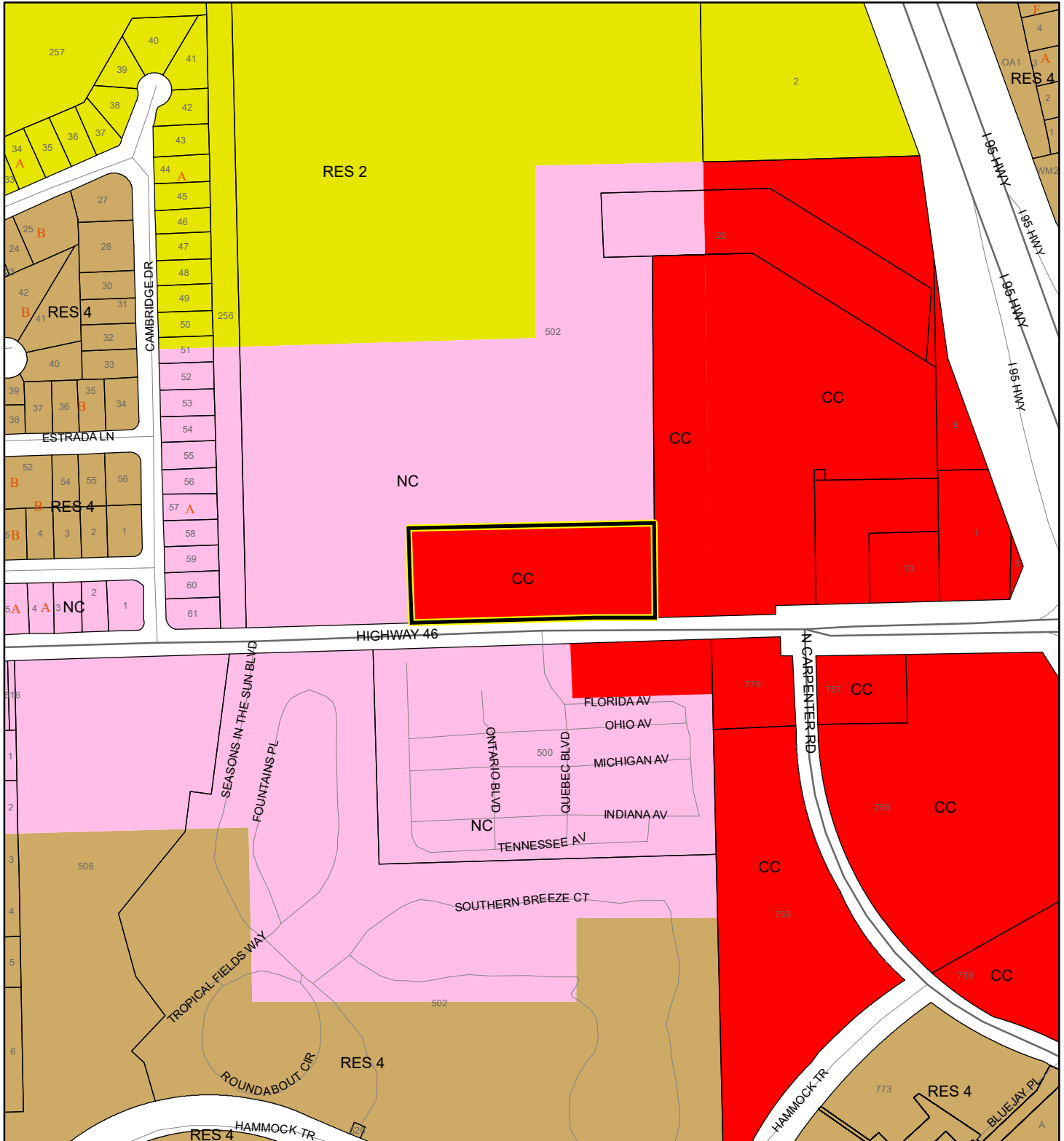
**EXHIBIT A**  
**21S.08 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST  
21PZ00081 SMALL SCALE AMENDMENT 21S.08



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, FEBRUARY 14, 2022, and THURSDAY, MARCH 3, 2022. DISTRICT 1 (21200046) LANCE C. BONCEK requests a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity), on property described as Lot 8, Block 6, Canaveral Groves Subdivision, as recorded in ORB 7195, Pages 2110 - 2111, of the Public Records of Brevard County, Florida. Section 11, Township 24, Range 35, (1.08 acres) Located on the south side of Angelica St., approx. 200 ft. east of Alan Shepard Ave. (3375 Angelica St., Cocoa) (21P200081) JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment (215.08) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as a parcel of land being a portion of lands as described in ORB 6066, Page 844, and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, and being more particularly described as follows: Commence at the east 1/4 corner of said Section 13; thence S88deg33'59"W, along the east-west midsection line of said Section 13, a distance of 2,804.61 ft.; thence N01deg26'01"W, a distance of 33.33 ft. to a point on the north right-of-way line of S.R. 46, a 75-ft. wide right-of-way line of S.R. 46, a 75-ft. wide right-of-way line as shown on project No. F.A.S. 3-A, dated July 10, 1939, said point also being the SW corner of lands as described in ORB 8560, Page 227 of said Public Records, said point also being the point of beginning of this description; thence S88deg32'28"W, along said north right-of-way line, a distance of 694.50 ft.; thence N01deg27'32"W, a distance of 250 ft.; thence N88deg32'28"E, a distance of 698.90 ft. to a point on the west line of said lands as described in ORB 8560, Page 227; thence S00deg27'06"E, along said west line, a distance of 250.04 ft. to the point of beginning. Containing 4 acres, more or less. Located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) 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. (21200044) JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST (Kim Rezanka) requests a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial), on property described as a parcel of land being a portion of lands as described in ORB 6066, Page 844, and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, lying in Section 13, Township 21S, Range 34E, Brevard Coun-

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ty, Florida, and being more particularly described as follows: Commence at the east 1/4 corner of said Section 13; thence S88deg33'59"W, along the east-west midsection line of said Section 13, a distance of 2,804.61 ft.; thence N01deg26'01"W, a distance of 33.33 ft. to a point on the north right-of-way line of S.R. 46, a 75-ft. wide right-of-way line as shown on project No. F.A.S. 3-A, dated July 10, 1939, said point also being the SW corner of lands as described in ORB 8560, Page 227 of said Public Records, said point also being the point of beginning of this description; thence S88deg32'28"W, along said north right-of-way line, a distance of 694.50 ft.; thence N01deg27'32"W, a distance of 250 ft.; thence N88deg32'28"E, a distance of 698.90 ft. to a point on the west line of said lands as described in ORB 8560, Page 227; thence S00deg27'06"E, along said west line, a distance of 250.04 ft. to the point of beginning. Containing 4 acres, more or less. Located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21P200089) JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST (Kim Rezanka) requests a Small Scale Comprehensive Plan Amendment (215.10) to change the Future Land Use designation from RES 2 (Residential 2) to RES 4 (Residential 4), on property described as a parcel of land being a portion of lands as described in ORB 666, Page 844, and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, and being more particularly described as follows: Commence at the NE corner of Section 13; thence S88deg21'59"W along the north line of the NE 1/4 of said Section 13, a distance of 2,645.31 ft. to the north 1/4 corner of said Section 13 and the point of beginning of this description; thence S00deg54'13"E, along the north-south mid-section line of said Section 13, a distance of 1,326.64 ft. to a point on the north line of the SE 1/4 of the NW 1/4 of said Section 13; thence S88deg31'29"W, along said north line a distance of 475.20 ft.; thence S01deg28'31"E a distance of 489.60 ft.; thence S89deg04'15"W a distance of 851.49 ft. to a point on the west line of the east 1/2 of the NW 1/4 of said Section 13; thence N00deg55'45"W along said west line a distance of 481.50 ft. to the NW corner of the SE 1/4 of the NW 1/4 of said Section 13; thence continue N00deg55'45"W along said west line a distance of 1,325.67 ft. to a point on the north line of the NW 1/4 of said Section 13; thence N88deg28'59"E along said north line, a distance of 1,322.66 ft. to the point of beginning. (49.72 +/- acres). The property is located on the north side of S.R. 46, approx. .25 mile west of I-95. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 215.10: 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 ef-

fective date. (21200043) JACKSON FAMILY TRUST; AND C.B. DAVIS FAMILY TRUST (Kim Rezanka) request a change of zoning classification from AU (Agricultural Residential), GU (General Use), BU-1 (General Retail Commercial), and BU-2 (Retail, Warehousing, and Wholesale Commercial), to RU-1-7 (Single-Family Residential) with a BDP (Binding Development Plan), on property described as a parcel of land being a portion of lands as described in ORB 6066, Page 844 and ORB 6133, Page 2745, of the Public Records of Brevard County, Florida, lying in Section 13, Township 21S, Range 34E, Brevard County, Florida, and being more particularly described as follows: Commence at the NE corner of Section 13; thence S88deg21'59"W, along the north line of the NE 1/4 of said Section 13, a distance of 2,645.31 ft. to the north 1/4 corner of said Section 13 and the point of beginning of this description; thence S00deg54'13"E, along the north-south midsection line of said Section 13, a distance of 1,326.64 ft. to a point on the north line of the west 1/2 of the SW 1/4 of the NE 1/4 of said Section 13; thence N88deg31'29"E, along said north line, a distance of 630.18 ft. to a point on the westerly right-of-way line of Interstate 95 (S.R. No. 9), a 300 ft. wide right-of-way as shown on FDOT Map Section No. 70225; thence S19deg56'26"E, along said westerly right-of-way line, a distance of 98.81 ft. to a point on the east line of the west 1/2 of the SW 1/4 of the NE 1/4 of said Section 13; thence S00deg56'52"E, along said east line a distance of 504.03 ft. to a point on the southeasterly extension of the south line of lands as described in ORB 6192, Page 2805 of said Public Records; thence N58deg02'44"W, along said southeasterly extension, a distance of 31.02 ft. to the SE corner of said lands as described in ORB 6192, Page 2805; thence N03deg47'58"E, along the east line of said lands, a distance of 208.69 ft. to the NE corner of said lands; thence N58deg02'44"W, along the north line of said lands, a distance of 543.20 ft.; thence S88deg24'24"W, along the north line of said lands, a distance of 483.34 ft. to the NW corner of said lands; thence S02deg09'41"E, along the west line of said lands, a distance of 184.01 ft. to the SW corner of said lands; thence N88deg24'24"E, along the south line of said lands, a distance of 138.42 ft. to a point on the west line of lands as described in ORB 8560, Page 227 of the Public Records of Brevard County, Florida; thence S00deg27'06"E, along the west line of said lands, a distance of 784.97 ft.; thence S88deg32'28"W, a distance of 698.90 ft.; thence S01deg27'32"E, a distance of 250 ft. to a point on the northerly right-of-way line of S.R. No. 46, a 75-ft. wide right-of-way as shown on Project No. F.A.S. 3-A, dated July 10, 1939; thence S88deg32'28"W, along said north right-of-way line, a distance of 475.49 ft. to a point on the west line of the east 1/2 of the NW 1/4 of said Section 13; thence N00deg55'45"W, along said west line, a distance of 2,618.52 ft. to a point on the north line of the NW 1/4 of said Section 13; thence N88deg28'59"E, along said north line, a distance of 1,322.66 ft. to the point of beginning. (73.59 +/- acres) Located on the north side of S.R. 46, approx. 0.25 mile west of I-95. (No assigned address. In the Mims area.) (21P200090) JOHN LOUIS FREEMAN (Pamela McCarty) requests removal of a BDP (Binding Devel-

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opment Plan), in an RU-2-12 (Medium Density Multi-Family Residential) zoning classification, on property described as Lot 1, Block H, as recorded in ORB 9062, Page 1205, of the Public Records of Brevard County, Florida. Section 26, Township 25, Range 37, (0.19 acres) Located on the southwest corner of S. Orlando Ave. and Summer Street, (2031 S. Orlando Ave., Cocoa Beach) (21P200091) MICHAEL R. AND MALENA C. STEWART (Pamela McCarty) request removal of a BDP (Binding Development Plan), in an RU-2-12 (Medium Density Multi-Family Residential) zoning classification, on property described as Lot 1.01, Block H, as recorded in ORB 9134, Pages 2615 - 2616, of the Public Records of Brevard County, Florida. Section 26, Township 25, Range 37, (0.23 acres) Located on the southeast corner of S. Atlantic Ave. and Summer St. (2060 S. Atlantic Ave., Cocoa Beach) 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, FEBRUARY 14, 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, MARCH 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.