

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 FIRST LARGE SCALE PLAN AMENDMENT OF 2024, PLAN AMENDMENT 2023-2, 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, Section 163.3184(3)(c)1., Florida Statutes, established the process for expedited state review of large scale comprehensive plan amendments pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County accepted application for large scale amendments to the Comprehensive Plan for adoption in calendar year 2024 as Plan Amendment 2023-2; 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 2023-2; 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 April 15, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2023-2, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on May 2, 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 transmittal of Plan Amendment 2023-2 to the state land planning agency for review; and

WHEREAS, on August 12, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2023-2 and considered the findings and advice of the State review agencies, and all interested parties submitting comments; and

WHEREAS, on September 5, 2024, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the State review agencies, the Local Planning Agency, and all interested parties submitting written and oral comments, and approved adoption of Plan Amendment 2023-2; and

WHEREAS, Plan Amendment 2023-2 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2023-2 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, Section 163.3184, 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 2023-2 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 2023-2, 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 163.3184(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Commerce, 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 fifth day of September 2024.

ATTEST: BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Jason Steele, Chair

As approved by the Board on September 5, 2024.

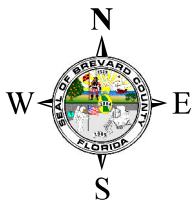
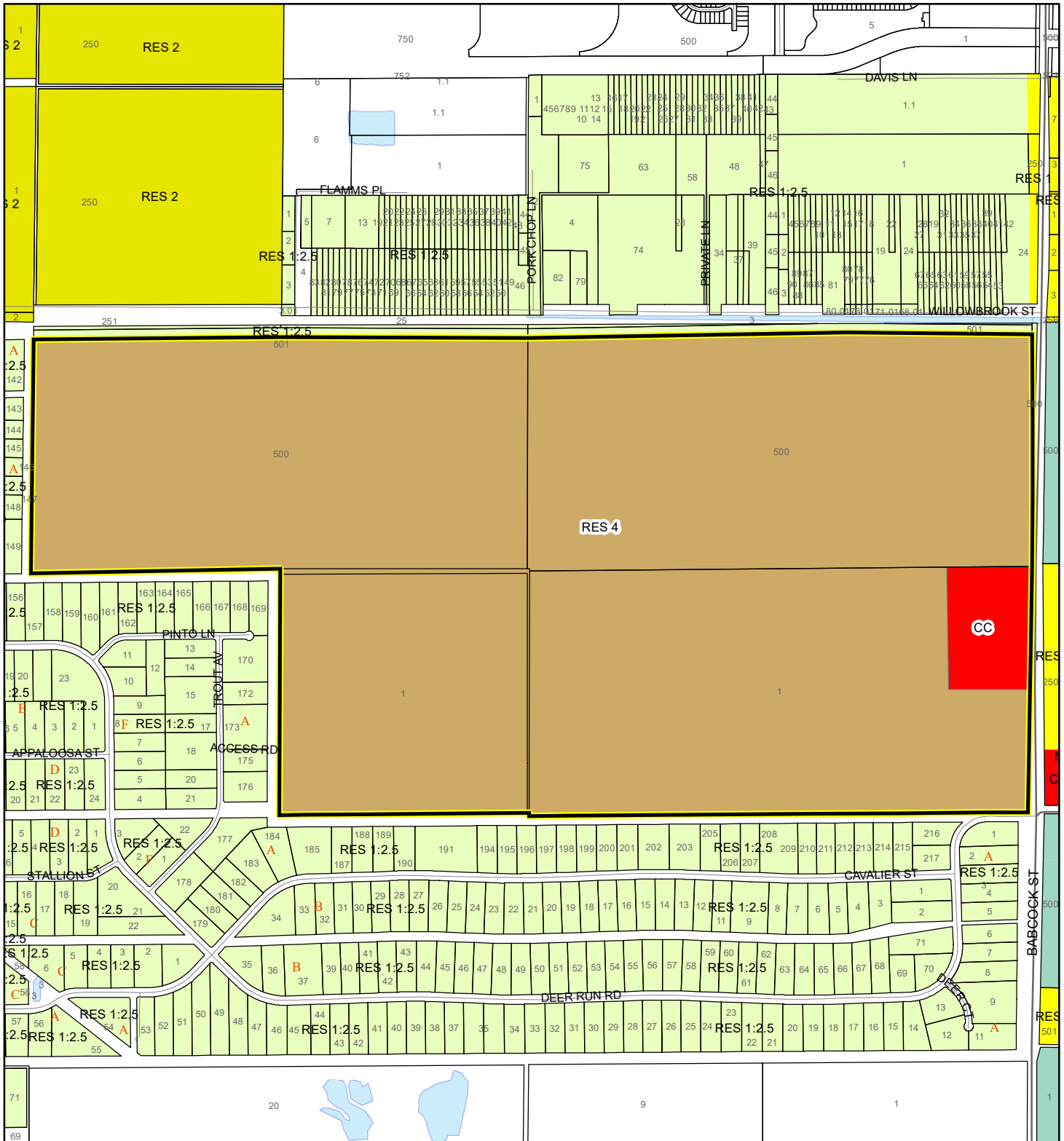
EXHIBIT A
2023-2 LARGE SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

- 1. Adopted Future Land Use Map**

ADOPTED FUTURE LAND USE MAP

JEN Florida 48, LLC
2023-2



1:18,000 or 1 inch = 1,500 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: 3/5/2024

EXHIBIT B

Contents

1. Legal Description

THE SOUTH 1/2 OF SECTIONS 8 & 9; THE NORTH 1/2 OF SECTION 16; AND THE NORTHEAST 1/4 OF SECTION 17, ALL BEING IN TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, LESS AND EXCEPT CANAL AND ROAD RIGHT OF WAYS.

ALSO LESS AND EXCEPT THE NORTH 100 FEET OF THE SOUTH 1/2 OF SECTION 8, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND A PART OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND CONCRETE MONUMENT STAMPED R.L.S. 953, C.E. 4379; AT THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE SOUTH 01°46'10" EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 53.06 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TRACT; THENCE NORTH 89°28'45" WEST, 100.00 FEET SOUTHERLY OF AND PARALLEL TO THE PHYSICAL CENTERLINE OF THE SOTTILE CANAL, AS LAID OUT AND IN USE, A DISTANCE OF 1991.81 FEET TO THE POINT OF INTERSECTION WITH THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 9; THENCE SOUTH 88°59'40" WEST, ALONG AFORESAID 1/4 SECTION LINE, A DISTANCE OF 3413.86 FEET, TO A FOUND CONCRETE MONUMENT AT THE WEST 1/4 CORNER OF SAID SECTION 9; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 9 TO THE POINT OF INTERSECTION WITH A LINE 100.00 FEET SOUTHERLY OF AND PARALLEL TO THE AFORESAID EAST-WEST 1/4 SECTION LINE; THENCE NORTH 88°59'40" EAST, PARALLEL WITH THE AFORESAID EAST-WEST 1/4 SECTION LINE OF SECTION 9, A DISTANCE OF 3415.19 FEET TO THE POINT OF INTERSECTION WITH A LINE 200.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SAID PHYSICAL CENTERLINE OF THE SOTTILE CANAL AS LAID OUT AND IN USE; THENCE SOUTH 89°28'45" EAST, PARALLEL WITH AFORESAID CENTERLINE OF THE SOTTILE CANAL A DISTANCE OF 1991.81 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF SAID SECTION 9; THENCE NORTH 01°46'10" WEST ALONG SAID SECTION LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.