

ORDINANCE 25-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE III OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ENTITLED "COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 24SS00013 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; SPECIFICALLY AMENDING SECTION 62-501 ENTITLED "CONTENTS" TO AMEND THE FUTURE LAND USE MAP APPENDIX OF PART XI TO THE COMPREHENSIVE PLAN; PROVIDING LEGAL STATUS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et seq., Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act, also referred to as the Community Planning 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 Commerce; 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, as amended, hereinafter referred to as the "1988 Plan"; and

WHEREAS, Section 163.3184, Florida Statutes, establishes the process for amendments to comprehensive plans and specifically establishes that plan amendments that are in an area of critical state concern must follow the State coordinated review process; and

WHEREAS, Section 380.0553, Florida Statutes, establishes the boundaries of the Brevard Barrier Island Area, hereinafter referred to as the "BBIA", that was created by the Florida Legislature through the Brevard Barrier Island Area Protection Act; and

WHEREAS, the property owner is requesting the land use amendment for property located within the BBIA; and

WHEREAS, on November 7, 2024, Brevard County voted to transmit to the Florida Department of Commerce goals, objectives and policies necessary to implement the requirements contained in Section 380.0553, Florida Statutes, into the County's Comprehensive Plan, but such goals, objectives, and policies have not yet received final approval from the State nor the County; and

WHEREAS, on November 7, 2024, Brevard County has transmitted to the Florida Department of Commerce the changes to the goals, objectives and policies necessary to implement the Evaluation and Appraisal Review of the comprehensive plan contained in

Section 163.3191, Florida Statutes, but such goals, objectives, and policies have not yet received final approval from the State nor the County; 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, the County's Local Planning Agency conducted a duly noticed public hearing on November 18, 2024, and recommended transmittal of the requested land use change, Plan Amendment 24SS00013, to the State land planning agency for review; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on December 12, 2024, and approved transmittal of Plan Amendment 24SS00013 to the State land planning agency for review; and

WHEREAS, on _____, 202__ the State land planning agency issued its Objections, Recommendations, and Comments (ORC) report; and

WHEREAS, the County has reviewed and addressed the Objections, Recommendations, and Comments report; and

WHEREAS, the Local Planning Agency conducted a duly noticed public hearing on _____, 2025, and recommended approval of the requested land use change, Plan Amendment 24SS00013; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on _____, 2025, and approved the requested land use change, Plan Amendment 24SS00013.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. Authority. This Ordinance is adopted in compliance with and pursuant to Florida law, including, but not limited to, Sections 163.3184, 380.05, and 380.0553, Florida Statutes.

SECTION 3. Adoption of Comprehensive Plan Amendment. Pursuant to Plan Amendment 24SS00013 to the 1988 Comprehensive Plan, Chapter 62, Article III, Section 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are attached hereto and incorporated into this Ordinance by this reference.

SECTION 4. Legal Status of the Plan Amendment. After and from the effective date of this Ordinance and in accordance with Section 7 below, this Plan Amendment shall amend and become part of the 1988 Plan, and the Plan Amendment shall retain the legal status of the 1988 Plan established in Chapter 62, Article III, Brevard County Code of Ordinances, as amended.

SECTION 5. Inclusion in Code. Upon the effective date of the Plan Amendment 24SS00013 adopted by this Ordinance, the contents of the Plan Amendment shall be incorporated into the Brevard County Comprehensive Plan as the Future Land Use Map appendix of Part XI.

SECTION 6. 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 7. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the State land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the State land planning agency issues a notice of intent determining that this amendment is not in compliance, the amendment shall become effective on the date the State land planning agency ultimately issues its notice of intent or the Administration Commission enters a final order determining this Ordinance, including the associated plan amendment, to be in compliance.

DONE AND ADOPTED, this _____ day of _____ 2025.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Rachel Sadoff, Clerk

By: _____
Rob Feltner, Chair

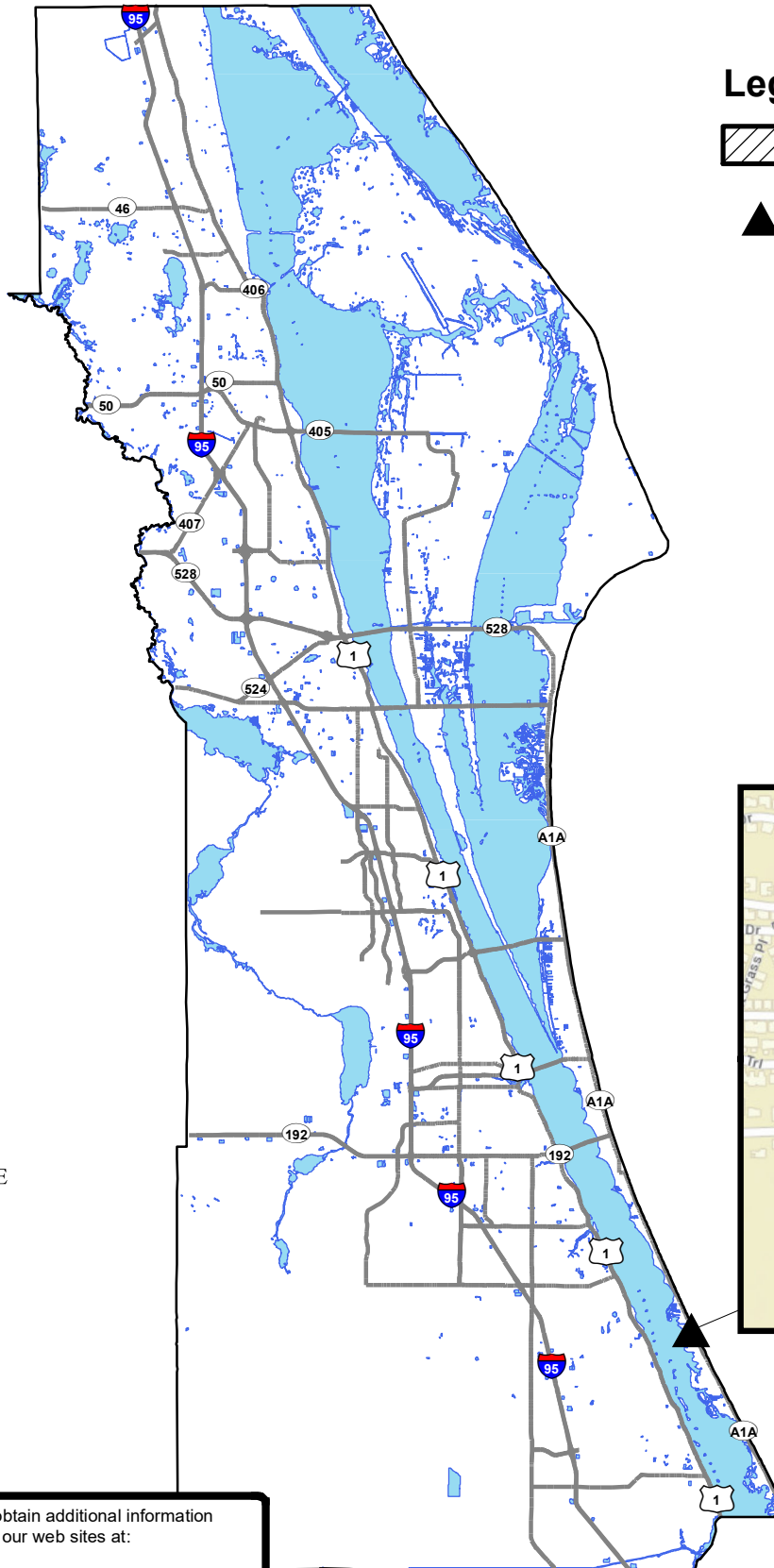
As approved by the Board on _____,
2025

EXHIBIT A
PLAN AMENDMENT 24SS00013



Contents

- 1. Adopted Future Land Use Map**

BREVARD COUNTY FUTURE LAND USE MAP AMENDMENT



Legend

-  Subject Property
-  Future Land Use Amendment
Residential 1 to Residential 2
24SS00013 – Espanet



You may obtain additional information by visiting our web sites at:
<https://brevardfl.legistar.com/Calendar.aspx>

EXHIBIT B

Contents

1. Legal Description

Condominium Unit No. 1, CASSEEKEE TRAILS, a Condominium, in accordance with and subject to the covenants, conditions, restrictions, terms and provisions of the Declaration thereof as set forth in the Declaration of Condominium recorded in Official Records Book 5460, at Page(s) 2504, of the Public Records of Brevard County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2004.