

ORDINANCE NO. 23- ____

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 2023, 23S.01, 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 2023 as Plan Amendment 23S.01; 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 23S.01; 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 March 13, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.01, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on April 4, 2023, 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 23S.01; and

WHEREAS, Plan Amendment 23S.01 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.01 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 22S.17 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 23S.01, 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 _____, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel M. Sadoff, Clerk

By: _____
Rita Pritchett, Chair

As approved by the Board on _____, 2023.

EXHIBIT A
23S.01 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

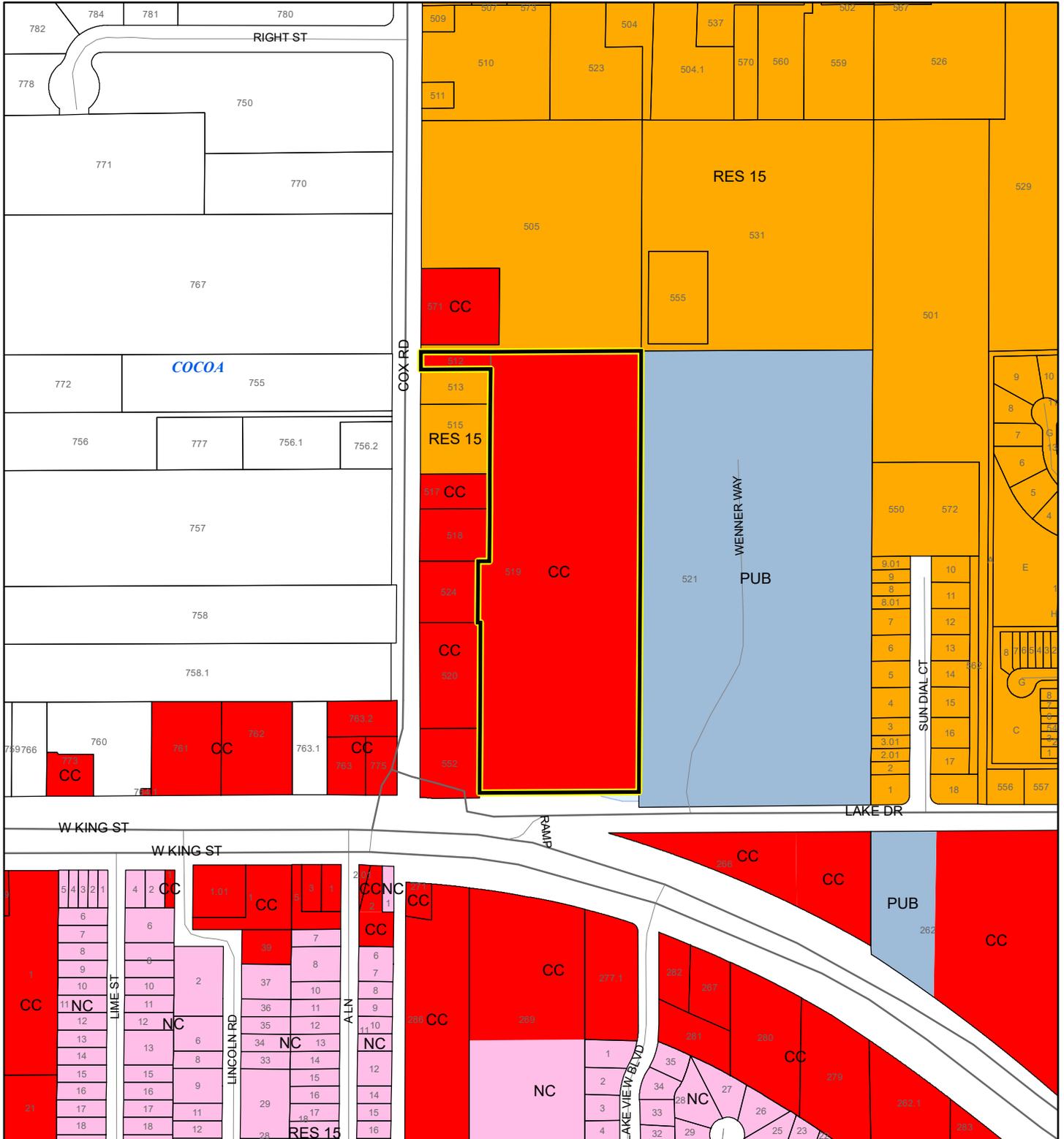
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

RALPH ARTHUR SEIFERT II, KATHLEEN DIANE SEIFERT AS CO-TRS OF THE QW TRUST AGRMT u/t/d October 17, 2018

23SS00001



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: 1/25/2023

EXHIBIT B

Contents

1. Legal Description

A 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, MARCH 13, 2023, and THURSDAY, APRIL 6, 2023.

DISTRICT 1 1. (23Z00002) Bobby Jo Thomas requests a change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home), on property described as Lot 5.01, Block 2, Indian River Park, as recorded in ORB 9566, Pages 1387 - 1388, of the Public Records of Brevard County, Florida. Section 16, Township 20G, Range 34, (2.87 acres) Located on the east side of Blounts Ridge Rd., approx. 0.17 mile south of Patty Lane. (No assigned address. In the Mims area.)

DISTRICT 1 2. (23Z00005) Louise Julia Goloversic requests a change of zoning classification from GU (General Use) and ARR (Agricultural Rural Residential) to AU (Agricultural Residential), on property described as Lot 7.A-2, Canaveral Grove Subdivision, per SB 2, Pg 64, and ORB 9599, Page 466 - 467, of the Public Records of Brevard County, Florida. Section 20, Township 24, Range 35, (3 acres) Located on the north side of Soggy Bottom Ave., approx. 0.34 mile west of Satellite Blvd. (6906 Soggy Bottom Ave., Cocoa)

DISTRICT 3. (22S500015) IR Tiki 2, LLC (Sandeep Patel) requests a Small Scale Comprehensive Plan Amendment (22S.18) to change the Future Land Use designation from NC (Neighborhood Commercial) to CC (Community Commercial), on property described as Lot 21, Block 52, Indian River Estates Villas, as recorded in ORB 8743, Pages 795 - 797, of the Public Records of Brevard County, Florida. Section 32, Township 26, Range 37, (0.96 acres) Located on the east side of U.S. Highway 1, approx. 0.16 mile south of Coquina Ridge Dr. (4263 N. U.S. Highway 1, Melbourne) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.18: 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.

DISTRICT 1 4. (23Z00004) Chelsey L. Cobb requests a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Tax Parcel 271, as recorded in ORB 9283, Pages 2274 - 2275, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 35, (3.09 acres) Located on the south side of James Rd., approx. 0.34 mile east of Friday Rd. (4475 James Rd., Cocoa)

DISTRICT 1 5. (22Z000074) Timothy Shane and Debra Jane Kelley (Don Human) request a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential), on property described as Tax Parcel 52, as recorded in ORB 9437, Pages 689 - 690, of the Public Records of Brevard County, Florida. Section 29, Township 21, Range 35, (0.45 acres) Located on the west side of Old Dixie Hwy., approx. 165 ft. north of Diamond Rd. (1650 Old Dixie Hwy., Titusville)

DISTRICT 2 6. (22Z000068) Halt Stables, LLP (Toni Pasternack) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), on property described as a part of the SW ¼ of the NW ¼ of the SE ¼ of Section 25, Township 24S, Range 35E, Brevard County, Florida, being more particularly described as follows: begin at the SW corner of the NW ¼ of the SE ¼ of said Section 25; thence for a first course run north along the west line of the NW ¼ of the SE ¼ of said Section 25, a distance of 105 ft.; thence for a second course, run N89deg15'41"E, parallel to the south line of the NW ¼ of the SE ¼ of said Section 25, a distance of 168 ft.; thence for a third course, run south a distance of 105 ft.; thence for a fourth and final course, run S89deg15'41"W, a distance of 168 ft. to the point of beginning. Less 33 ft. of road right-of-way for Burnett Rd. (0.33 acres) Located on the east side of Burnett Rd., approx. 0.25 mile north of Lake Dr. (525 & 655 N. Burnett Rd., Cocoa)

DISTRICT 5 7. (22Z000067) Wendy Kleefisch requests a change of zoning classification from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), on property described as the east 103.5 ft. of Lot 4, Block F, of Map of Replat of North Indianland By-The-Sea, according to the Plat thereof, as recorded in Plat Book 9, Page(s) 70, of the Public Records of Brevard County, Florida. Section 31, Township 27, Range 38, (0.36 acres) Located between Franklyn Ave. and Grosse Pointe, approx. 0.07 mile west of Highway A1A. (107 Franklyn Ave., Indianland)

DISTRICT 3 8. (23Z000001) Morris M. Taylor Revocable Living Trust (Chelsea Anderson) requests a change of zoning classification from SEU (Suburban Estate Use Residential), EA (Environmental Area), and BU-1-A (Restricted Neighborhood Commercial), to AU (Agricultural Residential) and BU-1-A, on property described as follows: Parcel No. 1: The south 273.75 ft. of Government Lot 2, Section 7, Township 30S, Range 39E, Brevard County, Florida, less the south 125 ft. of said Lot 2. Together with the following described parcel: Commencing at the SW corner of Government Lot 1, Section 7, Township 30S, Range 39E, Brevard County, Florida; Thence run N00deg58'52"E, along the west line of said Government Lot 1, a distance of 273.75 ft. to the point of beginning; thence run S89deg49'57"E, a distance of 188.01 ft.; thence run S00deg10'03"W, a distance of 123.75 ft.; thence run

S89deg49'57"E, a distance of 326.75 ft.; thence run S44deg49'57"E, a distance of 1.77 ft.; thence S89deg49'57"E, a distance of 25 ft.; thence N45deg10'03"E, a distance of 6.89 ft.; thence S89deg49'57"E, a distance of 376.72 ft. to a point on the westerly right-of-way line of S.R. A1A (100-ft. total right-of-way); thence S29deg42'09"E, along said westerly right-of-way line, a distance of 28.28 ft.; thence S45deg10'03"W, a distance of 6.89 ft.; thence N89deg49'57"W, a distance of 25 ft.; thence N44deg49'57"W, a distance of 1.77 ft.; thence N89deg49'57"W, a distance of 521.04 ft. to a point on the west line of said Government Lot 1; thence N00deg58'52"E, a distance of 148.75 ft. to the point of beginning. Together with riparian and littoral right thereunto belonging. Said parcel No. 1 containing 1.90 upland acres more or less. Parcel No. 2: Commencing at the SW corner of Government Lot 1, Section 7, Township 30S, Range 39E, Brevard County, Florida; thence run N00deg58'52"E along the west line of said Government Lot 1, a distance of 273.75 ft.; thence run S89deg49'57"E, a distance of 188.01 ft. to the point of beginning; thence run S89deg49'57"E, a distance of 353 ft.; thence run S00deg10'03"W, a distance of 125 ft.; thence run N89deg49'57"W, a distance of 25 ft.; thence run N44deg49'57"W, a distance of 1.77 ft.; thence run N89deg49'57"W, a distance of 326.75 ft.; thence run N00deg10'03"E, a distance of 123.75 ft. to the point of beginning. Containing in all, 1.00 acres more or less. Together with an exclusive and irrevocable easement for ingress and egress over the north 22.10 ft. or the north 273.75 ft. of Government Lot 1, lying west of the right-of-way for S.R. A1A (100-ft. total right-of-way) less the west 541.01 ft. thereof. (3 acres +/-) Located on the west side of Highway A1A, approx. 0.36 mile north of River Oaks Rd. (8850 Highway A1A, Melbourne Beach)

DISTRICT 5 9. (22Z000069) Thomas A. Metzger; Alan and Grace Metzger request a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on property described as Lot 1, Block KK, as recorded in ORB 9447, Pages 1675 - 1677, of the Public Records of Brevard County, Florida. Section 11, Township 28, Range 36, (5.14 acres) Located on the south side of Chicago Ave., approx. 300 ft. east of Cavel St. (No assigned address. In the Micco area.)

DISTRICT 2 10. (23S500001) QW Trust Agreement (Carolyn Haslam) requests a Small Scale Comprehensive Plan Amendment (23S.01) to change the Future Land Use designation from RES 15 (Residential 15), NC (Neighborhood Commercial), and CC (Community Commercial) to all CC, on property described as Tax Parcels 512 & 519, as recorded in ORB 8483, Pages 2310 - 2311, of the Public Records of Brevard County, Florida. Section 25, Township 24, Range 35, (13.36 acres) Located on the north side of Lake Dr., approx. 171 ft. east of Cox Road (Tax Parcel 512 = 495 Cox Rd., Cocoa; Tax Parcel 519 = 3900 Lake Dr., Cocoa) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.01: 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.

DISTRICT 2 11. (23Z000003) QW Trust Agreement (Carolyn Haslam) requests a change of zoning classification from GU (General Use) and IU-1 (Heavy Industrial) to BU-1 (General Retail Commercial), on property described as Tax Parcels 512 & 519, as recorded in ORB 8483, Pages 2310 - 2311, of the Public Records of Brevard County, Florida. Section 25, Township 24, Range 35, (13.36 acres) Located on the north side of Lake Dr., approx. 171 ft. east of Cox Road (Tax Parcel 512 = 495 Cox Rd., Cocoa; Tax Parcel 519 = 3900 Lake Dr., Cocoa)

DISTRICT 2

12. (22S500016) Crane View, LLC (Steve Anderson) requests a Small Scale Comprehensive Plan Amendment (22S.19), to change the Future Land Use designation from RES 15 (Residential 15) and NC (Neighborhood Commercial) to RES 30 DIR (Residential 30 Directive), on property described as Tax Parcel 589, as recorded in ORB 6763, Page 1549, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 36, (3.95 +/- acres) Located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 22S.19: 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.

DISTRICT 2 13. (22Z000071) Crane View, LLC (Steve Anderson) requests a change of zoning classification from RU-2-15 (Medium Density Multi-Family Residential) with an existing BDP (Binding Development Plan), to RU-2-30 (High Density Multi-Family Residential), and an amendment to the existing BDP, on property described as Tax Parcel 589, as recorded in ORB 6763, Page 1549, of the Public Records of Brevard County, Florida. Section 14, Township 24, Range 36, (3.95 +/- acres) Located on the west side of N. Courtenay Pkwy., approx. 0.11 mile south of Butler Ave. (2104 Falling Leaf Ln.; 242, 252, 262, & 272 Crane View Ln., Merritt Island) 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, MARCH 13, 2023, 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, APRIL 6, 2023, 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, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding 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 needing special accommodations or an interpreter to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Tad Calkins, Planning and Development Director. By: Jennifer Jones, Special Projects Coordinator.