

ORDINANCE NO. 20- ____

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE TWELFTH SMALL SCALE PLAN AMENDMENT OF 2019, 19S.12, 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 2019 as Plan Amendment 19S.12; 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 19S.12; 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 January 13, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 19S.12, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 6, 2020, 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 19S.12; and

WHEREAS, Plan Amendment 19S.12 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 19S.12 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 19S.12 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 19S.12, 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 Community Affairs, 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 _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Bryan Lober, Chair

As approved by the Board on _____, 2020.

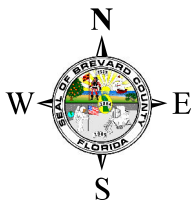
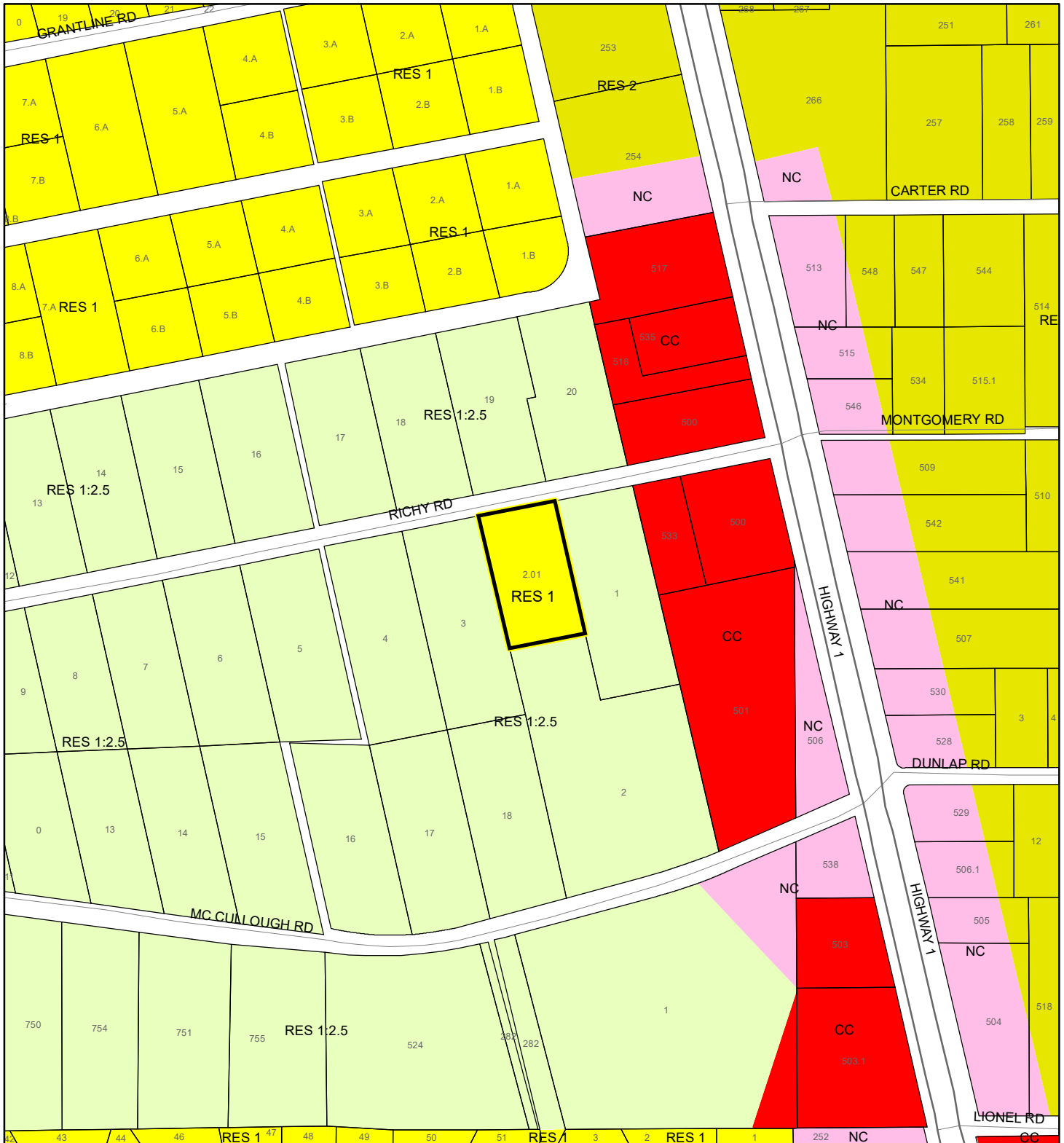
EXHIBIT A
19S.12 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

REAVES, TIMOTHY D. AND REBECCA F.
19PZ00126 SMALL SCALE AMENDMENT 19S.12



1:4,800 or 1 inch = 400 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: 10/17/2019

Subject Property
 Parcels

EXHIBIT B

Contents

1. Legal Description

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, JANUARY 13, 2020, and THURSDAY, FEBRUARY 6, 2020. DISTRICT 5 1. (19PZ00124) ZAMIRA AND GEZIM DOCI (Andi Doci) request a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), on property described as Lots 39 & 40, Canova Beach Vacation Home Sites, according to the Plat thereof, as recorded in Plat Book 10, Page 13, of the Public Records of Brevard County, Florida. Section 13, Township 27, Range 37, (0.18 acres) Located on the north side of Atlantic Ave., approximately 0.40 mile west of Highway A1A. (159 Atlantic Ave., Indianland) DISTRICT 1 2. (19PZ00126) TIMOTHY D. AND REBECCA F. REAVES request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1, on property described as the north 387.4 feet (as measured along the lot lines) of Lot 2, Block 3, Plat of Indian River Plantation Estates, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35, (2 acres) Located on the south side of Richey Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area.) (Tax Account 2000310) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 19S.12: 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. 3. (19PZ00127) TIMOTHY D. AND REBECCA F. REAVES request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as the north 387.4 feet (as measured along the lot lines) of Lot 2, Block 3, Plat of Indian River Plantation Estates, according to the plat thereof, as recorded in Plat Book 13, Page 51, of the Public Records of Brevard County, Florida. Section 31, Township 20, Range 35, (2 acres) Located on the south side of Richey Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area.) (Tax Account 2000310) DISTRICT 1 4. (19PZ00132) CHARLES AND LINDSEY MICHELL request a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 7, Block 14, Canaveral Groves, as recorded in ORB 7708, Page 2556, of the Public Records of Brevard County, Florida. Section 33, Township 23, Range 35, (2.38 acres) Located on the west side of Florida Palm Ave. approx. 827 feet north of Cabbage Palm Street. (5430 Florida Palm Ave., Cocoa) (Tax Account 2314035) 5. (19PZ00133) ROBERT AND DONNA MURICO request a change of zoning classification from GU (General Use) to AU (Agricultural Residential), on property described as Lot 21, Block 8, Canaveral Groves Subdivision, as recorded in ORB 8461, Pages 1355 - 1356, of the Public Records of Brevard County, Florida. Section 08, Township 24, Range 35, (2.35 acres) Located on the north side of Cherven Ave., approx. 0.345 miles east of Satellite Blvd. (6820 Cherven Ave., Cocoa) (Tax Account 2403118) 6. (19PZ00134) JOHN VOGT requests a change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity), on property described as Lots 8, 10, 11, 13, 14, 15, 17, Scottsmoor Re-subdivision, as recorded in ORB 8572, Page 614 - 616, of the Public Records of Brevard County, Florida. Sections 37 & 41, Township 20G, Range 34, (3.20 acres) Located on the east side of Palm St., approx. 245 ft. south of Magoon Ave. (No assigned address. In the Mims area.) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) DISTRICT 2 7. (19PZ00136) THOMAS P. AND SHANNON HARMONY request a change of zoning classification from TR-3 (Mobile Home Park) and AU (Agricultural Residential) to all AU, and removal of an existing BSP (Binding Site Plan), on property described as Tax Parcels 254.1 and 261, as recorded in ORB 8572, Pages 879 - 881, of the Public Records of Brevard County, Florida. Section 06, Township 25, Range 36, (5.13 acres) Located on the south side of Pluckebaum Rd., approximately 0.17 miles east of S. Range Road. (No assigned address. In the Rockledge area.) (Tax Accounts 2504668 and 3013762) DISTRICT 5

8. (19PZ00137) HOLLY ENTERPRISES OF BREVARD, INC. (Curtis McKinney) requests a change of zoning classification from BU-1 (General Retail Commercial) and GU (General Use) to BU-1-A (Restricted Neighborhood Commercial) and a CUP (Conditional Use Permit) for Alcoholic Beverages (full-liquor) for On-Premises Consumption in Conjunction with a Snack bar or restaurant, on property described as Tax Parcels 255, 500, and 750, recorded in ORB 7043, Pages 869 - 872, of the Public Records of Brevard County, Florida. Sections 05, 32, 31, Townships 28, 27, Range 36, (2.4 acres) Located on the south side of Highway 192, approximately 2.08 miles south of Simon Road, Melbourne. (6901 Highway 192, Melbourne) (Tax Accounts 2862242, 2704571, 2744610) DISTRICT 4 9. (19PZ00138) REAGEN & MCKINLEY, LLC (Carmine Ferraro) requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant, in a PUD (Planned Unit Development) on property described as Unit 105, as recorded in ORB 8488, Pages 2860 - 2864, of the Public Records of Brevard County, Florida. Section 04, Township 26, Range 36, (.06 acres/2,800 square feet) Located on the northeast corner of Lake Andrew and Citadel Way. (2348 Citadel Way, Unit 105, Melbourne) (Tax Account 2626895) DISTRICT 2 10. (19PZ00139) BEATRICE A. AKMAN (Corey Lancaster) requests a CUP (Conditional Use Permit) for a Guesthouse, in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Lot 15.02, Banana River Drive Subdivision, as recorded in ORB 7515, Pages 2415 - 2417, of the Public Records of Brevard County, Florida. Section 06, Township 25, Range 37, (0.96 acres) Located on the west side of Newfound Harbor Dr., Merritt Island (Tax Account 2514604) DISTRICT 5 11. (19PZ00140) ESTRELLA FUNEIAS SHOUPPE (Frederick Bertolotti) requests a change of zoning classification from GU (General Use), RRHM-1 (Rural Residential Mobile Home), and AU (Agricultural Residential) to all AU, with a BDP (Binding Development Plan) limited to 7 lots, on property described as Lots 14 thru 32 and Lots 58 thru 76, Unit 5, Plot Plans of Sunshine Grove, according to the Plat thereof, as recorded in Plat Book 21, Page 78, of the Public Records of Brevard County, Florida. Less that 120-ft. right-of-way, per ORB 3124, Page 2689 of said Public Records. Section 26, Township 30, Range 37, (31.04 +/- acres) Located on the north side of Willowbrook St., approximately 0.75 miles west of Babcock St. (550 Willowbrook St., Palm Bay) (Tax Accounts 3000537, 3000560) DISTRICT 3 12. (19PZ00141) BAREFOOT BAY RECREATION DISTRICT (Ninette Ierome) request a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant in a BU-1-A zoning classification, on property described as Unit C of Block B, Barefoot Bay Unit 2, Part 11, as recorded in ORB 3633, Pages 923 - 924, of the Public Records of Brevard County, Florida. Section 10, Township 30, Range 38, (1,500 square feet) Located at the northwest terminus of Barefoot Bay Blvd. and Midway St. (937 C Barefoot Blvd., Micco) (Tax Account 3004299) 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, JANUARY 13, 2020, 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, FEBRUARY 6, 2020, 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 this meeting or hearing, 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. 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.