

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 SECOND SMALL SCALE PLAN AMENDMENT OF 2020, 20S.02, 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 2020 as Plan Amendment 20S.02; 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 20S.02; 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 July 6, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.02, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on August 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 20S.02; and

WHEREAS, Plan Amendment 20S.02 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.02 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 20S.02 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 20S.02, 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 \_\_\_\_\_, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

By: \_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on \_\_\_\_\_, 2020.

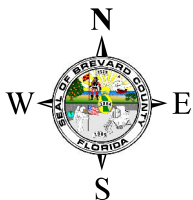
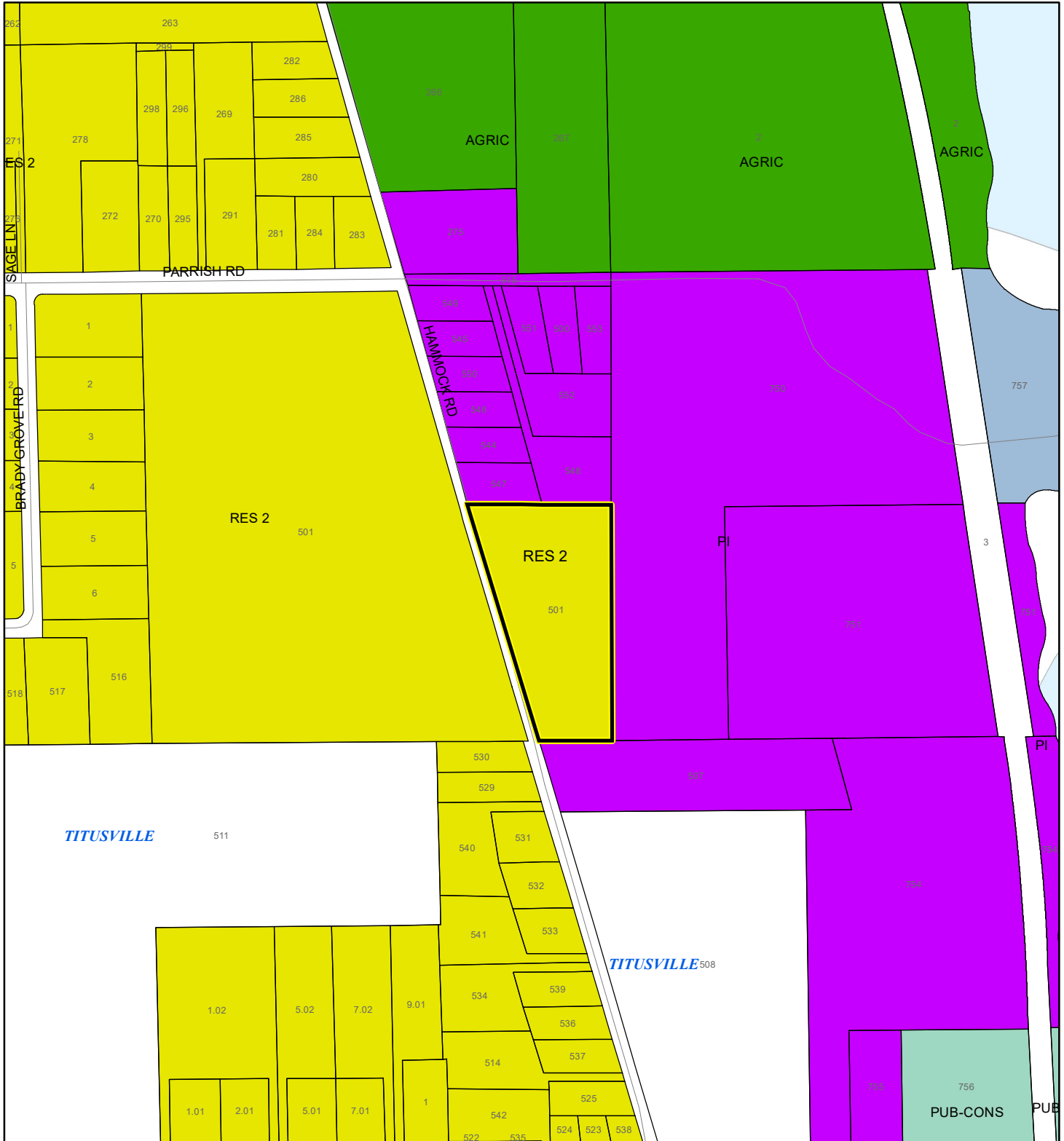
**EXHIBIT A**  
**20S.02 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

**1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

GOODENOW, THEODORE C.  
20PZ00024 SMALL SCALE AMENDMENT 20S.02



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: 2/10/2020

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

AD#4121749 3/23/2020

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, APRIL 6, 2020, and THURSDAY, MAY 7, 2020. DISTRICT 1 1. (20PZ00024) THEODORE GOODENOW (Chad Genoni) requests a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from PI (Planned Industrial) to RES 2 (Residential 2), on property described as the south ½ of the NE ¼ of the SW ¼ of Section 21, Township 21S, Range 35E, Brevard County, Florida, lying east of Hammock Rd. (4.85 acres) Located on the east side of Hammock Rd., approx. 650 ft. south of Parrish Rd. (1930 Hammock Rd., Titusville) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.02: 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. 2. (19PZ00158) THEODORE C. GOODENOW (Chad Genoni) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 62 units, on property described as Tax Parcel 501, as recorded in ORB 2422, Page 803, of the Public Records of Brevard County, Florida. Section 21, Township 21, Range 35. (31.43 acres) Located at 1930 Hammock Rd., Titusville, Florida. (Tax Account 2105262) DISTRICT 2 3. (20PZ00015) JAMES AND MARY MURRAY (Dan Quattrocchi) request a change of zoning classification from AU (Agricultural Residential) to EU (Estate Use Residential), on property described as Tax Parcel 31.1, as recorded in ORB 7082, Pages 1972 - 1976, of the Public Records of Brevard County, Florida. Section 24, Township 25, Range 36. (0.57 +/- acres) Located on the east side of S. Tropical Trail, approx. 850 ft. north of Old Settlement Road. (3720 S. Tropical Trail, Merritt Island) (Tax Account 2511451) 4. (20PZ00019) RIVER FLY-IN CONDOMINIUM, INC. (Kim Rezanaka) requests an amendment to an existing BDP (Binding Development Plan) in a PUD (Planned Unit Development) zoning classification, on property described as Tax Parcel 254, as recorded in ORB 8631, Pages 1087 - 1088, of the Public Records of Brevard County, Florida. Section 01, Township 25, Range 36. (13.03 acres) Located on the south side of Cone Rd., approx. 150 ft. east of Kemp St.; and on the east side of Kemp St., approx. 145 ft. south of Cone Rd. (735 and 741 Pilot Lane, Merritt Island) (Tax Account 2501008) DISTRICT 1 5. (20PZ00020) TROY YATES requests a Small Scale Comprehensive Plan Amendment (20S.01) to change the Future Land Use from RES 4 (Residential 4) to CC (Community Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida. Section 01, Township 24, Range 35. (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) (Tax Account 2400600) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.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. 6. (20PZ00021) TROY YATES requests a change of zoning classification from GU (General Use) to BU-1 (General Retail Commercial), on property described as Lot 2, Block 8, Canaveral Groves Subdivision as described in ORB 7898, Pages 1517 - 1518, of the Public Records of Brevard County, Florida. Section 01, Township 24, Range 35. (0.44 acres) Located on the east side of Grissom Pkwy., approx. 0.23 mile south of Canaveral Groves Blvd. (No assigned address. In the Cocoa area.) 7. (20PZ00022) MICHAEL RICHARD AND CARINA EMMA HUGOBOOM request a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential, Low-Intensity), on property described as the east 145 ft. of the west 805 ft. of the north ½ of the north ½ of the south ½ of the north ½ of Section 11, Township 24S, Range 35E, less the south 30 ft. for road, as recorded in ORB 8596, Page 194, of the Public Records of Brevard County, Florida. (1 acre) Located on the north side of Oneida St., approx. 304 ft. east of Dakota Ave. (3656 Oneida St., Cocoa) (Tax Account 2404041) 8. (20PZ00026) BREVARD COUNTY (Euri Rodriguez) requests the following: 1.) a change of zoning classification from GML (Government Managed Lands) to GML(H) (Government Managed Lands - High-Intensity); 2.) CUP (Conditional Use Permit) for a Solid Waste Management Facility; 3.) Removal of existing BDP (Binding Development Plan); 4.) Waiver of 400-ft. setbacks; 5.) request to limit building height to 55 feet, on property described as Lots 97, 98, 99, and 100, less and except the I-95 right-of-way, as recorded in ORB 3274, Pages 2407 - 2408, of the Public Records of Brevard County, Florida. Section 18, Township 22, Range 35. (17.5 acres) Located on the west side of South St., due west of S. Park Ave. (3600 South St., Titusville) (Tax Account 2209623) 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, APRIL 6, 2020, at 3:00 p.m. The final 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, MAY 7, 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. 4121749