

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 SIXTH SMALL SCALE PLAN AMENDMENT OF 2020, 20S.06, 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.06; 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.06; 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 October 5, 2020, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 20S.06, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 5, 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.06; and

WHEREAS, Plan Amendment 20S.06 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 20S.06 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.06 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.06, 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 Andrew Lober, Chairman

As approved by the Board on _____, 2020.

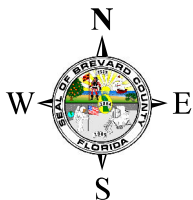
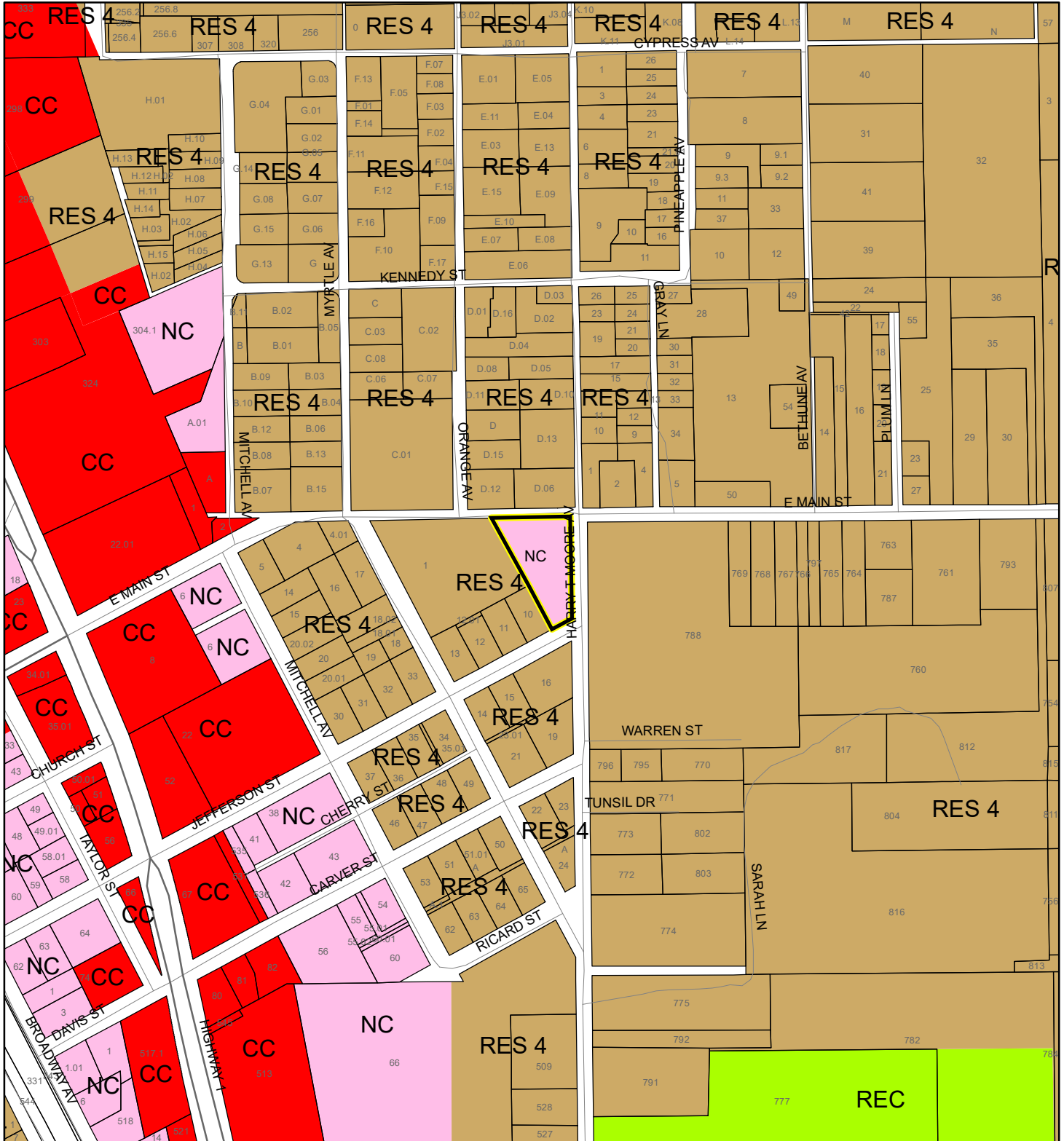
EXHIBIT A
20S.06 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

2354 TALMADGE DRIVE, LLC
20PZ00079 SMALL SCALE AMENDMENT 20S.06



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: 8/10/2020

EXHIBIT B

Contents

1. Legal Description

Notice Public Hearing

Ad#4375686 09/17/2020
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, OCTOBER 5, 2020, and THURSDAY, NOVEMBER 5, 2020, DISTRICT 1 1. (20Z00021) JENNIFER L. ROBBINS requests a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Lot 13, Block 2, Canaveral Groves Subdivision, as recorded in ORB 8798, Page 2535, of the Public Records of Brevard County, Florida.
Section 08, Township 24, Range 35. (2.02 acres) Located on the north side of Simpson Place, approx. 833 feet west of Ocala Street. (5490 Simpson Place, Cocoa) 2. (20Z00022) CHRISTINE RUGGIERO AND MICHAEL A. SOLLECITO request a change of zoning classification from RR-1 (Rural Residential) to RRMH-1 (Rural Residential Mobile Home), on property described as Lot 2.03, Block 6, Indian River Park Subdivision, as recorded in ORB 8736, Pages 401 - 402, of the Public Records of Brevard County, Florida. Section 23, Township 20G, Range 34. (1.23 acres) Located on the south side of Harrison Road, approx. 0.67 miles west of Hog Valley Road. (5365 Harrison Road, Mims) 3. (20PZ00079) 2354 TALMADGE DRIVE, LLC (Aldon Bookhardt) requests a Small Scale Comprehensive Plan Amendment (20S0.6) to change the Future Land Use designation from RES 4 (Residential 4) to NC (Neighborhood Commercial) on property described as follows: Begin at the NE corner of Lot 7, Jones Ward Plat of Mims, according to the map or plat thereof, recorded in Plat Book 1, Page 4, and Plat Book 2, Page 37 of the Public Records of Brevard County, Florida. Said point also lying on the westerly right-of-way line of Harry T. Moore Avenue and the southerly right-of-way line of East Main Street. Thence run along said westerly right-of-way line of Harry T. Moore 500deg49'13"E for 292.98 ft. to a point on the northerly right-of-way line of Jefferson Street. Thence run along the northerly right of Jefferson Street S61deg53'05"E for 60.76 ft. to the SW corner of Lot 9, of said Jones Ward Plat of Mims. Thence run along the easterly line of Lots 5 & 10, of said Jones Ward Plat of Mims, N27deg56'28"W for 360.10 ft. to the southerly right-of-way line of East Main Street. Thence run along said southerly right-of-way line of East Main Street, N89deg05'28"E for 218.15 ft. to the point of beginning. Section 17, Township 21, Range 35. (0.98 acres) Located on the SW corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area.) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 20S.06: 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. 4. (20Z00023) 2354 TALMADGE DRIVE, LLC (Aldon Bookhardt) requests a change of zoning classification from RU-1.9 (Single-Family Residential) and BU-1 (General Retail Commercial) to BU-1-A (Restricted Neighborhood Commercial) on property described as follows: Begin at the NE corner of Lot 7, Jones Ward Plat of Mims, according to the map or plat thereof, recorded in Plat Book 1, Page 4, and Plat Book 2, Page 37 of the Public Records of Brevard County, Florida. Said point also lying on the westerly right-of-way line of Harry T. Moore Avenue and the southerly right-of-way line of East Main Street. Thence run along said westerly right-of-way line of Harry T. Moore 500deg49'13"E for 292.98 ft. to a point on the northerly right-of-way line of Jefferson Street. Thence run along the northerly right of Jefferson Street S61deg53'05"E for 60.76 ft. to the SW corner of Lot 9, of said Jones Ward Plat of Mims. Thence run along the easterly line of Lots 5 & 10, of said Jones Ward Plat of Mims, N27deg56'28"W for 360.10 ft. to the southerly right-of-way line of East Main Street. Thence run along said southerly right-of-way line of East Main Street, N89deg05'28"E for 218.15 ft. to the point of beginning. Section 17, Township 21, Range 35. (0.98 acres); and a BDP (Binding Development Plan) limited to 4 units per acre, on property described as follows: Begin at the NW corner of Lot 1, Jones Ward Plat of Mims, according to the map or plat thereof, recorded in Plat Book 1, Page 4, and Plat Book 2, Page 37 of the Public Records of Brevard County, Florida. Said point also lying on the easterly right-of-way line of Myrtle Avenue and the southerly right-of-way line of East Main Street. Thence run along said southerly right-of-way line of East Main Street N89deg05'28"E for 359.25 ft. to a point on the southerly right-of-way line of East Main Street and the extended easterly line of Lot 5, of said Jones Ward Plat of Mims. Thence run along the southerly line of a vacated right-of-way per ORB 2488, Page 922, S62deg03'32"W for 320 ft. to the NW corner of Lot 13, of said Jones Ward Plat of Mims. Thence run along the easterly right-of-way line of Myrtle Avenue N27deg56'28"W for 393.37 ft. to a point of beginning. Section 17, Township 21, Range 35. (2.29 acres) Located on the SW corner of East Main Street and Harry T. Moore Avenue. (No assigned address. In the Mims area.)
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, OCTOBER 5, 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, NOVEMBER 5, 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.