

ORDINANCE NO. 2021-_____

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 6, SUBDIVISION I, "GENERAL PROVISIONS"; SPECIFICALLY AMENDING 62-2110 FLOOR AREA RATIOS, TO ADD INCREASED FAR RATIO UP TO 1.75 FOR PROPERTIES ZONED PUD WHEN LOCATED WITHIN THE COMMUNITY COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, On March 4, 2021, the Board adopted the 2020-2 Fall Cycle Comprehensive Plan Amendment, a text amendment to Chapter XI - Future Land Use Element which increased the Floor Area Ratio of maximum development in a PUD when located within the Community Commercial FLU designation from 1 to 1.75; and

WHEREAS, the Board of County Commissioners, on May 18, 2021 directed the preparation of an amendment to the Zoning Regulations as it relates to FAR; and

WHEREAS, the Building Construction Advisory Committee, on July 14, 2021 reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on July 26, 2021 reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

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

SECTION 1. Section 62-2110, Code of Ordinances of Brevard County, Florida, is hereby amended as follows: To add a maximum FAR of 1.75 in PUD zoned areas designated as community commercial.

Sec. 62-2110. Floor area ratios.

Floor area ratio (FAR) allowances shall be based upon the future land use designation of the property. FAR allowances are as follows:

- (1) *A maximum FAR of 0.75 in areas designated as neighborhood commercial.*

- (2) *A maximum FAR of 1.00 in areas designated as community commercial.*
- (3) *A maximum FAR of 1.75 in PUD zoned areas designated as community commercial.*

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 24th day of August, 2021.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rita Pritchett, Chair
(as approved by the Board on August 24, 2021)

(S E A L)

Reviewed for legal form and content by: _____