

Meeting Date
12/1/2016



REPLACEMENT AGENDA	
Section	Public Hearing
Item No.	IV.C.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: ADOPTION OF COMPREHENSIVE PLAN PACKAGE 2016 – 2 PLAN AMENDMENTS (DISTRICTS 1 – 5)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:
It is requested that the Board conduct a public hearing and consider adoption of the 2016 - 2 Comprehensive Plan Amendments including one private application for Sharpes Executive Golf Course (2015-2.1) and two additional amendments to the Comprehensive Plan's Conservation Element (2016-2.2) and Glossary (2016-2.3).

Summary Explanation & Background:

The Brevard County Code Chapter 62-502 (b)(3) establishes twice a year Comprehensive Plan amendment cycles. The 2016-2 Comprehensive Plan amendment Fall cycle is the year's first amendment package, and it should be noted that Brevard County did not transmit a Comprehensive Plan Amendment in the Spring 2016 cycle. There is one private application being considered for adoption in this cycle: 2016 – 2.1 submitted by Sharpes Executive Golf Course, Inc., listed below and more fully described in the attached staff report. Two additional amendments, proposed by Brevard County staff, are being considered in this cycle: 2016-2.2 proposes to amend the Conservation Element, relating to development along the surface water conservation buffer, and 2016-2.3 proposes to amend the Glossary, updating certain definitions according to Florida Administrative Code changes. The Local Planning Agency will hold a public hearing regarding the adoption of the 2016-2 Plan Amendment on November 21, 2016. Staff will apprise the Commission of the LPA recommendations at the hearing.

Plan Amendment 2016-2.1 – a proposal initiated by Sharpes Executive Golf Course, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Recreational to Residential 4 for approximately 56.17 acres on the west side of US 1, ¼ mile south of the intersection of Camp Road.

Plan Amendment 2016-2.2 – a proposal initiated by Brevard County staff to amend Part I, the Conservation Element, to amend Objective 3 – Surface Water, to amend Policy 3.3 and Map 5, relating to development along the surface water conservation buffer. Due to a scrivener's error in the LPA Adoption Package, additional language has been re-inserted to clarify that this amendment does not change buffer requirements along Aquatic Preserves and Outstanding Florida Waters. Please see highlighted language on errata sheets as follows: Staff Report, page 3 and Exhibit A, page 2.

Plan Amendment 2016-2.3 – a proposal initiated by Brevard County staff to amend Part XV, the Glossary, to update certain definitions according to Florida Administrative Code changes.

The adoption package includes no changes from the transmittal package, except the 2016-2.2 clarification noted above, as no objections were raised by any affected parties.

Staff Contact: Erin Sterk, Planner III/Grants Administrator, Planning & Development Dept.
Tel: 633-2070 e-mail: erin.sterk@BrevardFL.gov

Clerk to the Board instruction: Chairman to sign Adoption Cover Letter and three Ordinances

Exhibits Attached: 2016 – 2 Adoption Package

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Stockton Whitten	Assistant County Manager	Department Director / Extension Robin M. DiFabio, AICP Director, Planning & Development Department
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Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

December 2, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director Attn: Erin Sterk
RE: Item IV.C., Adoption of Comprehensive Plan Package 2016-2 Plan Amendments

The Board of County Commissioners, in regular session on December 1, 2016, adopted Ordinance Nos. 16-26, 16-27, and 16-28, Comprehensive Plan Amendment Package 2016-2, as follows:

- 1). Plan Amendment 2016-2.1 – A proposal initiated by Sharpes Executive Golf Course, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Recreational to Residential 4 for approximately 56.17 acres on the west side of U.S. 1, ¼ mile south of the intersection of Camp Road.
- 2). Plan Amendment 2016-2.2 – A proposal initiated by Brevard County staff to amend Part I, the Conservation Element, to amend Objective 3 – Surface Water, to amend Policy 3.3 and Map 5, relating to development along the surface water conservation buffer. Due to a scrivener's error in the LPA Adoption Package, additional language has been reinserted to clarify that this amendment does not change buffer requirements along Aquatic Preserves and Outstanding Florida Waters. Please see highlighted language on errata sheets as follows: Staff Report, page 3 and Exhibit A, page 2.
- 3). A proposal initiated by Brevard County staff to amend Part XV, the Glossary, to update certain definitions according to Florida Administrative Code changes.

Enclosed are Cover Letter and fully-executed Ordinances for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (4)



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

December 1, 2016

Mr. Ray Eubanks,
Plan Processing Administrator
Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2016-2 Fall Comprehensive Plan Amendment Adoption Package

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment submittal package for the 2016-2 Fall Comprehensive Plan Amendment cycle. There is one private application for amendment being considered for adoption in this cycle: 2016-2.1 submitted by Sharpes Executive Golf Course, Inc., and two additional amendments proposed by Brevard County staff, 2016-2.2 updating the Conservation Element and 2016-2.3 updating the Glossary, with each amendment more fully described in the attached staff reports.

The Local Planning Agency held a public hearing regarding the adoption of the 2016-2 Plan Amendment on November 21, 2016, recommending approval of all three Comprehensive Plan Amendments, 2016-2.1, 2016-2.2, and 2016-2.3.

The Brevard County Board of Commissioners approved the adoption of the 2016-2 Plan Amendment package during a public hearing on December 1, 2016. Copies of the proposed amendment package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing. Brevard County requests that DEO provide review through the Expedited State Review Amendment Process, per Section 163.3184(3) and (5), Florida Statutes.

The proposed amendment package was adopted by Brevard County on December 1, 2016.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2016-2 Plan Amendment package is:

Erin Sterk, Planner III
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
(321) 633-2069 - FAX (321) 633-2074

A local newspaper of general circulation is:

Florida Today
1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one paper copy and two copies in Portable Document Format (PDF) on the enclosed CD-ROM of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Erin Sterk at the above address.

Sincerely,



Curt Smith, Chairman
Brevard County Board of County Commissioners

Enclosures

cc: Board of County Commissioners (w/out encl.)
Stockton Whitten, County Manager (w/out encl.)
Scott Knox, County Attorney (w/out encl.)
Robin DiFabio, Director, Planning and Development Department (w/out encl.)
Exec. Director, East Central Florida Regional Planning Council
Director of Planning and Public Transportation Operations, FDOT District Five
St. Johns River Water Management District
Florida Department of Environmental Protection
Florida Division of Agriculture and Consumer Services
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Department of Education

**Comprehensive Plan Amendment
Sharpes Executive Golf Course, Inc. 2016-2.1**

**Comprehensive Plan Amendment
Fall Adoption 2016-2**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2016-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT**

Request: 2016-2.1
LSCPA FLU Map Amendment

Owner / Applicant: Sharpes Executive Golf Course, Inc.
D.R. Horton

Location: Legal Description On file
Tax Acct Parcel #2317662

Acreage: ± 56.17

Existing Zoning Classification: Agricultural Residential (AU)
Medium-Density Multiple-Family Residential (RU-2-15 (12))

Proposed Zoning Classification: (Rezoning to be filed for review at future Adoption Hearing)
RU-1-7 with a BDP to limit density to 4 units per acre.

Existing Land Use Designation: Recreational (REC)

Proposed Land Use Designation: Residential 4 (RES 4)

FUTURE LAND USE MAP AMENDMENT

Description:

The subject property consists of 56.17 acres located on the west side of US 1 and ¼ mile south of the intersection of Camp Road. The existing Recreational (REC) Future Land Use was adopted with the initial Comprehensive Plan in 1988, with a residential density classification of Urban Fringe, allowing 4 units per acre. In February 1962, a Special Use Permit (SUP) was issued, allowing for the golf course use. In July 1980, 6 acres of the larger parcel adjacent to US 1 were rezoned for multi-family development, but never developed. The proposed Future Land Use of Residential 4 will allow the subject property to be rezoned to RU-1-7, and subsequently developed with single-family residences.

A companion rezoning application to RU-1-7 will be filed and heard at the future adoption hearing of this amendment request after transmittal and State review. Staff anticipates the applicant submitting a Binding Development Plan (BDP), limiting development on the parcel to 4 units per acre to be filed for review subsequent with this application's a future Adoption Hearing.

The abutting property to the north has been previously developed as single-family mobile homes, at 4 units to the acre. There is one retail parcel abutting the property to the north, adjacent to US 1. The Florida East Coast Railway corridor directly abuts the property to the west, with sporadic single-family mobile home development just west of the railway corridor. Commercial development lies to the east, across US 1. A Brevard County park abuts the property to the south, save for a small piece of Institutional-zoned vacant land to the south west.

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Residential Retail	TR-1 BU-1	Res 4 CC
East	Commercial (Across US 1)	BU-1	CC NC
South	Brevard County Park Institutional	RU-2-4 IN(L)	Rec Res 4
West	Residential (Across FEC Railway)	TR-1 RU-1-11	Res 4

Availability of Public Facilities and Services:

Potable Water: The subject property is located in the City of Cocoa Service Area. City Utilities reports that it has excess capacity available for future residential and commercial use.

Sanitary Sewer: The subject property is not located within Brevard County’s sanitary sewer service area, but is within the City of Cocoa service area.

Solid Waste: Brevard County provides solid waste collection and disposal for this area and adequate capacity exists to serve the land use proposed for the subject property.

Parks & Recreation: The proposed land use amendment would not exceed existing park land level of service for the North Planning Area.

Drainage: All necessary drainage and stormwater management facilities must be provided on-site by the developer and approved during the subdivision and land development review process.

Transportation: The proposed amendment is located on US 1 Segment 36002 SR 528 to Camp Road with a current 2015 traffic count of 26,800 Average Daily Trips (ADT) and a Maximum Allowable Volume (MAV) of 41,790. The roadway has a current operating volume 64.13%. The proposed project if approved would increase the Average Daily Trip Count to an estimated 28,953 ADT for the proposed residential project which will increase the operating volume to 69.28%.

The Planning & Development Department has notified Public Works Traffic Operations Management of the proposed Comprehensive Plan change and future subdivision submittal and, as the project is anticipated to generate more than 1,000 trips per day, the applicant has been advised of the requirement a Traffic Impact Study with the future site plans to determine required roadway improvements.

	ADT	PM PEAK		
Trips from Existing Zoning	283	17	Segment Number	36002
Trips from Proposed Zoning	2,153	169	Segment Name	US 1
Maximum Acceptable Volume (MAV)	41,790	3,761	Acceptable LOS	D
Current Volume	22,800	2,412	Directional Split	0.51
Volume With Proposed Development	28,953	2,581	ITE CODE	
Current Volume / MAV	64.13%	64.13%	210	
Volume / MAV with Proposal	69.28%	69.28%		
Current LOS	C	C		
LOS With Proposal	C	C		
Findings	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

Public Schools: At this time, the concurrency service area for the middle and high school levels are projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the Sharpes Executive Golf Course Comprehensive Plan Amendment. Considering the adjacent middle and high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Sharpes Executive Golf Course Comprehensive Plan Amendment. Please refer to the included School Impact Analysis – Capacity Determination for further information.

Environmental Resources:

Any future use will require review and compliance with all relevant County regulations, including environmental review as required.

Coastal High Hazard Zone:

The subject property is not located within the Coastal High Hazard Zone.

Historic Resources:

There is no Florida Master Site File for any historic resources on the property.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms with site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Future Land Use Element Policies

The following policies pertain to this future land use planning activity.

Residential 4 (maximum of 4 dwelling units per acre)

Policy 1.7

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation; or

The subject parcel is adjacent to parcels with Residential 4 land use designation on the north, south, and west side; Community Commercial and Neighborhood Commercial to the east; and Recreational to the south.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

The subject parcel is located between commercial land use across US 1 to the east and recreational land use to the south and will serve as a transition between the two.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

The subject parcel is not adjacent to any incorporated areas.

Summary

The proposed amendment is seeking to change the Comprehensive Plan to allow for residential development, replacing the existing golf course. It proposes to remove the existing Residential Future Land Use and replace it with Residential 4, allowing for a companion rezoning to RU-1-7 and construction of a single-family development.

The subject property is served with potable water, but not sanitary sewer, and is located on an arterial roadway, which is also on the state highway system. Located on the west side of US 1, the property abuts existing residential development to the north, a Brevard County Park to the south, and to the east across US 1 lies existing neighborhood commercial and community commercial development. Fairglen Elementary School is less than 400' feet to the east across US 1, with a pedestrian overpass connecting bicyclists and pedestrians to the school, and existing transit routes operate along US 1.

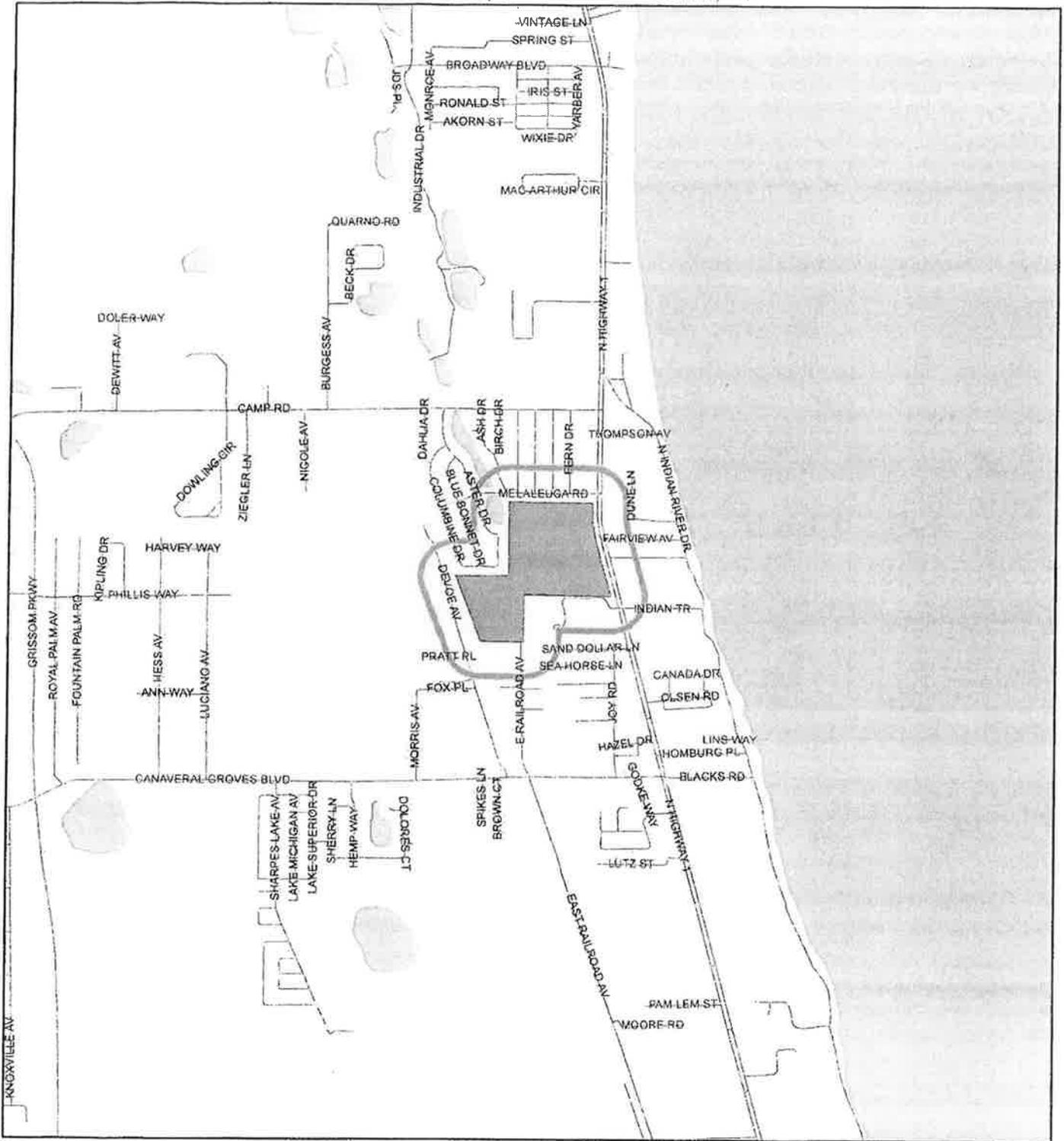
The applicant will submit a rezoning application for a change from the two existing zonings, RU-2-15 (12) and AU, to RU-1-7 with a BDP to limit density to 4 units per acre for public hearing at the adoption of this proposed amendment.

If you have any questions, please contact Erin Sterk, Planner III, of the Planning & Development Department at (321) 633-2070, ext. 52640, or via email to Erin.Sterk@BrevardFL.gov

LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Supporting Maps

LOCATION MAP

Comprehensive Plan Amendment 2016-2.1
 16PZ00068 Sharpes Executive Golf Course, Inc.



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

— Buffer

■ Subject Property

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 the Brevard County Planning and Zoning Office - GIS Section Date: 7/5/2016

AERIAL MAP

Comprehensive Plan Amendment 2016-2.1
16PZ00068 Sharpes Executive Golf Course, Inc.



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2016

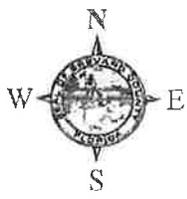
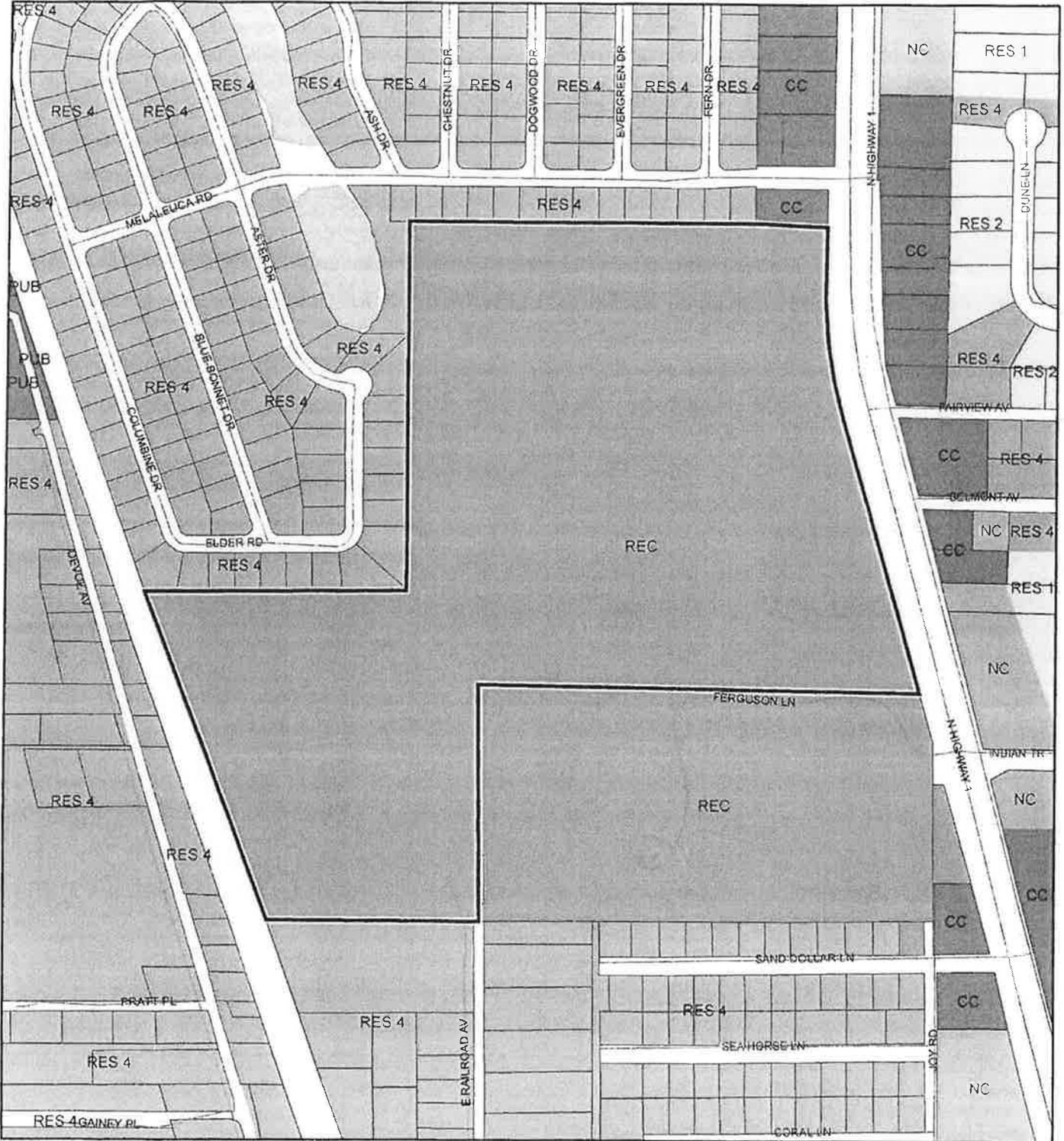
— Subject Property
□ Parcels

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/5/2016

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2016-2.1
 16PZ00068 Sharpes Executive Golf Course, Inc.



1:4,800 or 1 inch = 400 feet

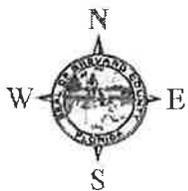
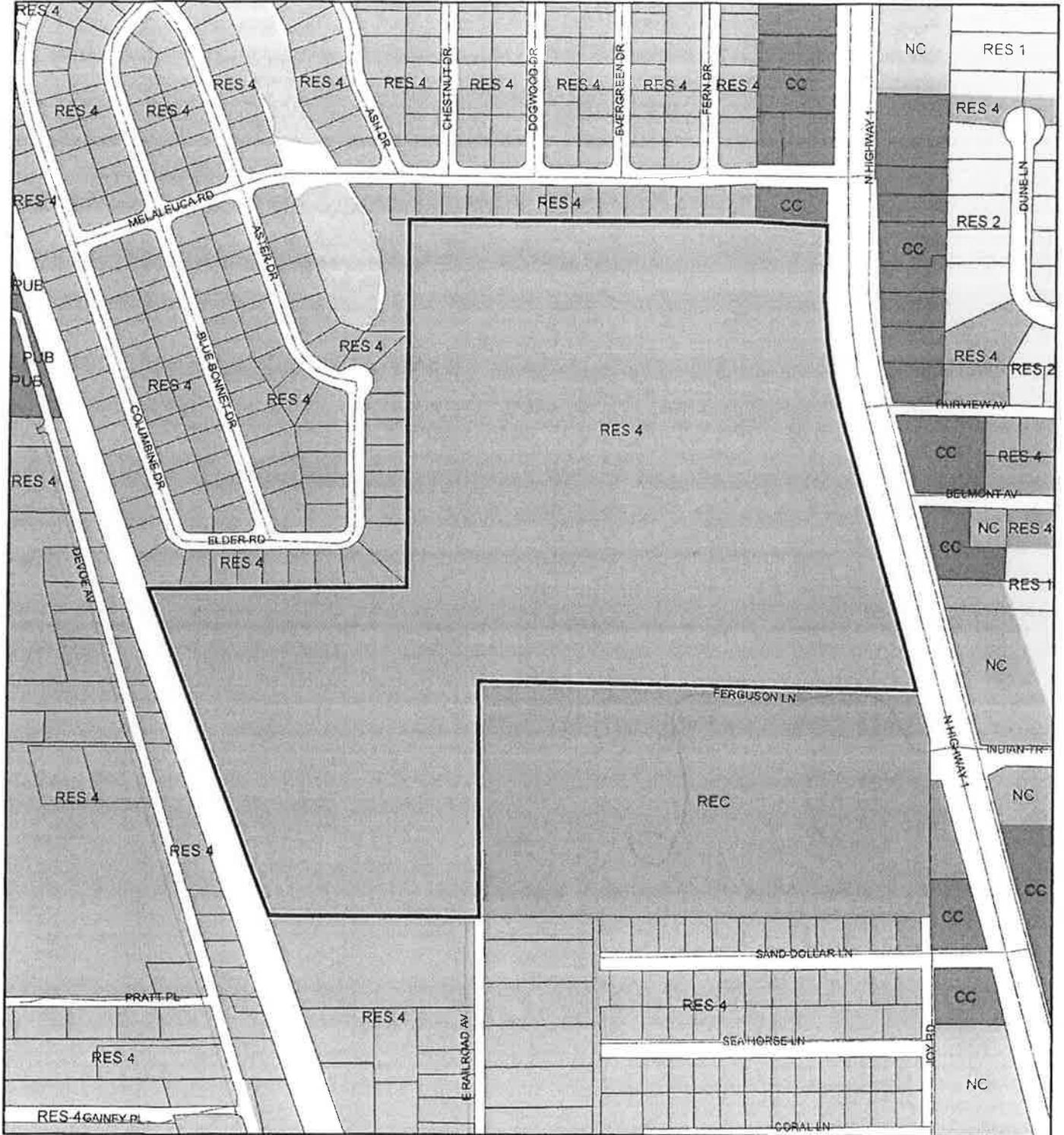
 Subject Property
 Parcels

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 herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/7/2016

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2016-2.1
 16PZ00068 Sharpes Executive Golf Course, Inc.



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 herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/7/2016

LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
School Impact Analysis: Capacity Determination

School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Desmond K. Blackburn, Ph.D., Superintendent



July 14, 2016

Ms. Erin Sterk
Planner III/Grants Administrator
Planning & Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

**RE: Proposed Sharpes Executive Golf Course Comprehensive Plan Amendment
School Impact Analysis – Capacity Determination CD-2016-07**

Dear Ms. Sterk,

We received a completed *School Facility Planning & Concurrency Application* for the referenced development on May June 6, 2016. The subject property consists of Parcel ID 23-36-31-00-12 (Tax ID 2317662), containing approximately 56.17 acres in Brevard County, Florida. The proposed comprehensive plan amendment would increase the maximum number of residential units permitted by 133 dwelling units. The School Concurrency Determination of this proposed development has been undertaken based on the proposed development. The following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in years 2016-17 to 2020-21 of the *Brevard County Public Schools Financially Feasible Plan for School Years 2015-2016 to 2020-21* which is attached for reference.

Single Family	225		
Students Generated	Student Generation Rates	Calculated Students Generated	Rounded Number of Students Generated
Elementary	0.28	63	63
Middle	0.08	18	18
High	0.16	36	36
Total	0.52		117

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x450 • FAX: (321) 633-4646



An Equal Opportunity Employer

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2016-17 to 2020-21**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	753	753	753	753	753
Cocoa Jr/Sr High School	1,782	1,782	1,782	1,827	1,895
Cocoa Jr/Sr High School	1,782	1,782	1,782	1,827	1,895

Projected Student Membership

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	701	670	661	653	654
Cocoa Jr/Sr High School	1,601	1,665	1,724	1,801	1,892
Cocoa Jr/Sr High School	1,601	1,665	1,724	1,801	1,892

Students Generated by Previously Issued SCADL Reservations

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	-	-	-	-	-
Cocoa Jr/Sr High School	-	-	-	-	-
Cocoa Jr/Sr High School	-	-	-	-	-

**Cumulative Students Generated by the
Sharpes Comprehensive Plan Amendment**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	-	8	26	44	63
Cocoa Jr/Sr High School	-	2	8	13	18
Cocoa Jr/Sr High School	-	5	15	25	36

**Total Projected Student Membership (includes
Cumulative Impact of the Sharpes Comprehensive Plan Amendment)**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	701	678	687	697	717
Cocoa Jr/Sr High School	1,601	1,667	1,732	1,814	1,910
Cocoa Jr/Sr High School	1,601	1,670	1,739	1,826	1,928

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Fairglen Elementary School	52	75	66	56	36
Cocoa Jr/Sr High School	181	115	50	13	(15)
Cocoa Jr/Sr High School	181	112	43	1	(33)

At this time, the concurrency service area for the middle and high school levels are projected to have insufficient capacity to accommodate the maximum potential residential development resulting from the Sharpes Comprehensive Plan Amendment.

Because there is a shortfall of available capacity in the concurrency service area of the Sharpes Comprehensive Plan Amendment, the capacity of adjacent concurrency service areas must be considered, per Interlocal Agreement Section 13.2(e). The adjacent Middle School Concurrency Service Areas are those of Space Coast Jr/Sr High School and McNair Middle School. The adjacent High School Concurrency Service Areas are those of Space Coast Jr/Sr High School and Rockledge High School. A table of capacities of the *Adjacent School Concurrency Service Areas* that could accommodate the impact of the Sharpes Comprehensive Plan Amendment is shown:

**FISH Capacity (including relocatables) from the
Financially Feasible Plan Data and Analysis for School Years 2016-17 to 2020-21**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	1,812	1,812	1,812	1,812	1,812

Projected Student Membership

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	1,531	1,504	1,450	1,466	1,483

Students Generated by Previously Issued SCADL Reservations

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	-	-	-	-	-

**Cumulative Students Generated by the
Sharpes Comprehensive Plan Amendment**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	-	7	23	38	54

**Total Projected Student Membership (includes
Cumulative Impact of the Sharpes Comprehensive Plan Amendment)**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	1,531	1,511	1,473	1,504	1,537

**Projected Available Capacity =
FISH Capacity - Total Projected Student Membership**

School	2016-17	2017-18	2018-19	2019-20	2020-21
Space Coast Jr/Sr High School	281	301	339	308	275

Considering the adjacent middle and high school concurrency service areas, there is sufficient capacity for the total projected student membership to accommodate the Sharpes Comprehensive Plan Amendment.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Lindemann", written over a light blue horizontal line.

David G. Lindemann, AICP
Manager Facilities Planning & Intergovernmental Relations

Enclosure: *Brevard County Public Schools Utilization 2015-16 to 2020-21*

Copy: Susan Hann, P.E., AICP, Director of Planning & Project Management
File CD-2016-07



Brevard County Public Schools Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service Data and Analysis for School Years 2015-16 to 2020-21

School	Type	Grades	Utilization Factor	School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21		
				FISH Capacity	10/16/15 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrence Service Areas																					
Alan	Elementary	PK-5	100%	751	605	81%	751	624	83%	751	610	81%	751	611	81%	751	612	81%	751	613	81%
Avonlea	Elementary	PK-5	100%	884	705	80%	884	700	79%	884	711	80%	884	713	80%	884	714	80%	884	715	80%
Apple	Elementary	K-5	100%	902	857	95%	902	826	92%	902	851	94%	902	852	95%	902	853	95%	902	854	95%
Altamira	Elementary	PK-5	100%	703	644	92%	703	586	83%	703	589	84%	703	594	84%	703	598	85%	703	603	86%
Audubon	Elementary	PK-5	100%	781	644	83%	781	643	83%	781	649	84%	781	654	84%	781	661	85%	781	668	86%
Cambridge	Elementary	PK-5	100%	785	685	87%	785	687	88%	785	678	86%	785	673	86%	785	664	85%	785	658	84%
Cape View	Elementary	PK-5	100%	548	428	78%	548	421	77%	548	420	76%	548	418	76%	548	421	77%	548	424	77%
Carroll	Elementary	K-5	100%	751	639	85%	751	654	86%	751	631	84%	751	639	85%	751	639	85%	751	654	87%
Challenger 7	Elementary	PK-5	100%	551	514	93%	551	507	92%	551	499	90%	551	492	89%	551	470	85%	551	463	84%
Columbia	Elementary	PK-5	100%	751	577	77%	751	557	74%	751	550	73%	751	544	72%	751	533	71%	751	511	68%
Coquina	Elementary	PK-5	100%	693	653	94%	693	600	87%	693	607	88%	693	607	88%	693	622	90%	693	637	92%
Coral	Elementary	PK-5	100%	1,154	931	81%	1,154	900	78%	1,154	977	85%	1,154	912	79%	1,154	950	82%	1,154	986	86%
Craton	Elementary	PK-5	100%	785	665	85%	785	659	84%	785	659	84%	785	659	84%	785	659	84%	785	659	84%
Discovery	Elementary	PK-5	100%	980	834	85%	980	826	84%	980	835	86%	980	842	87%	980	860	88%	980	890	91%
Discovery	Elementary	PK-5	100%	980	838	86%	980	826	85%	980	885	91%	980	892	92%	980	900	92%	980	908	93%
Enterprise	Elementary	K-5	100%	729	539	74%	729	528	72%	729	491	67%	729	482	66%	729	470	64%	729	458	62%
Enterprise	Elementary	PK-5	100%	753	681	91%	753	701	93%	753	674	90%	753	661	89%	753	653	87%	753	654	87%
Enterprise	Elementary	PK-5	100%	711	681	97%	711	656	93%	711	629	89%	711	621	87%	711	627	88%	711	622	87%
Enterprise	Elementary	PK-5	100%	717	647	90%	717	644	90%	717	642	89%	717	642	89%	717	642	89%	717	642	89%
Enterprise	Elementary	PK-5	100%	623	434	70%	623	432	69%	623	421	67%	623	416	66%	623	411	65%	623	409	64%
Enterprise	Elementary	PK-5	100%	605	432	71%	605	443	73%	605	443	73%	605	431	71%	605	421	70%	605	409	67%
Enterprise	Elementary	PK-5	100%	729	650	89%	729	650	89%	729	679	93%	729	679	93%	729	685	95%	729	691	96%
Enterprise	Elementary	PK-5	100%	932	810	87%	932	746	80%	932	786	84%	932	793	85%	932	796	85%	932	798	85%
Enterprise	Elementary	PK-5	100%	892	721	81%	892	727	82%	892	709	79%	892	690	77%	892	685	77%	892	682	76%
Enterprise	Elementary	PK-5	100%	790	691	87%	790	629	80%	790	616	78%	790	633	80%	790	612	77%	790	615	76%
Enterprise	Elementary	PK-5	100%	898	745	83%	898	683	76%	898	623	69%	898	633	70%	898	629	70%	898	625	69%
Enterprise	Elementary	PK-5	100%	914	745	81%	914	688	75%	914	629	69%	914	621	68%	914	618	67%	914	618	67%
Enterprise	Elementary	PK-5	100%	1,114	1,005	90%	1,114	1,060	95%	1,114	1,035	93%	1,114	1,041	93%	1,114	1,041	93%	1,114	1,041	93%
Enterprise	Elementary	PK-5	100%	824	740	90%	824	723	88%	824	723	88%	824	703	85%	824	695	84%	824	682	83%
Enterprise	Elementary	PK-5	100%	707	495	70%	707	430	61%	707	409	58%	707	409	58%	707	409	58%	707	409	58%
Enterprise	Elementary	PK-5	100%	725	517	71%	725	432	59%	725	442	61%	725	442	61%	725	442	61%	725	442	61%
Enterprise	Elementary	PK-5	100%	654	532	81%	654	484	74%	654	444	68%	654	444	68%	654	444	68%	654	444	68%
Enterprise	Elementary	PK-5	100%	1,005	815	81%	1,005	838	83%	1,005	844	84%	1,005	803	80%	1,005	777	77%	1,005	724	72%
Enterprise	Elementary	PK-5	100%	503	479	95%	503	453	90%	503	447	89%	503	447	89%	503	447	89%	503	447	89%
Enterprise	Elementary	PK-5	100%	852	761	89%	852	775	91%	852	767	90%	852	767	90%	852	767	90%	852	767	90%
Enterprise	Elementary	PK-5	100%	850	848	99%	850	832	98%	850	824	97%	850	824	97%	850	824	97%	850	824	97%
Enterprise	Elementary	PK-5	100%	777	690	89%	777	738	95%	777	738	95%	777	738	95%	777	738	95%	777	738	95%
Enterprise	Elementary	PK-5	100%	599	375	63%	599	342	57%	599	342	57%	599	342	57%	599	342	57%	599	342	57%
Enterprise	Elementary	PK-5	100%	745	565	76%	745	513	69%	745	514	69%	745	514	69%	745	514	69%	745	514	69%
Enterprise	Elementary	PK-5	100%	745	565	76%	745	513	69%	745	514	69%	745	514	69%	745	514	69%	745	514	69%
Enterprise	Elementary	PK-5	100%	458	330	72%	458	283	62%	458	333	73%	458	333	73%	458	333	73%	458	333	73%
Enterprise	Elementary	PK-5	100%	609	516	85%	609	465	76%	609	521	86%	609	509	84%	609	509	84%	609	509	84%
Enterprise	Elementary	PK-5	100%	925	849	92%	925	851	92%	925	876	94%	925	876	94%	925	885	95%	925	885	95%
Enterprise	Elementary	PK-5	100%	798	628	79%	798	568	71%	798	586	73%	798	586	73%	798	586	73%	798	586	73%
Enterprise	Elementary	PK-5	100%	501	449	90%	501	464	93%	501	465	93%	501	467	93%	501	467	93%	501	467	93%
Enterprise	Elementary	PK-5	100%	819	786	96%	819	706	86%	819	741	90%	819	747	92%	819	747	92%	819	747	92%
Enterprise	Elementary	PK-5	100%	814	689	85%	814	707	87%	814	691	85%	814	693	85%	814	693	85%	814	693	85%
Enterprise	Elementary	PK-5	100%	811	700	86%	811	638	79%	811	689	85%	811	689	85%	811	689	85%	811	689	85%
Enterprise	Elementary	PK-5	100%	957	811	85%	957	691	72%	957	657	69%	957	607	64%	957	607	64%	957	607	64%
Enterprise	Elementary	PK-5	100%	715	559	78%	715	541	76%	715	542	76%	715	537	75%	715	522	73%	715	502	70%
Elementary Totals				40,965	33,796	83%	40,965	32,863	80%	40,965	34,124	83%	40,965	34,603	85%	40,965	34,283	84%	40,965	35,948	88%

School	Type	Grades	Utilization Factor	School Year 2015-16			School Year 2016-17			School Year 2017-18			School Year 2018-19			School Year 2019-20			School Year 2020-21		
				FISH Capacity	10/16/15 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,525	1,142	75%	1,525	1,115	73%	1,525	1,184	78%	1,525	1,184	78%	1,525	1,266	83%	1,525	1,337	88%
Delaware	Middle	7-8	90%	961	685	71%	961	679	71%	961	723	75%	961	723	75%	961	819	85%	961	850	88%
Hochner	Middle	7-8	90%	659	507	77%	659	496	75%	659	564	86%	659	564	86%	659	540	82%	659	559	85%
Jackson	Middle	7-8	90%	654	578	88%	654	578	88%	654	574	88%	654	550	84%	654	550	84%	654	550	84%
Jefferson	Middle	7-8	90%	848	615	73%	848	610	72%	848	610	72%	848	610	72%	848	610	72%	848	610	72%
Johnson	Middle	7-8	90%	1,020	785	77%	1,020	778	76%	1,020	827	81%	1,020	810	80%	1,020	847	83%	1,020	817	80%
Kennedy	Middle	7-8	90%	819	608	74%	819	601	73%	819	663	81%	819	664	81%	819	695	85%	819	756	92%
Middle	Middle	7-8	90%	743	438	59%	743	464	62%	743	470	63%	743	501	67%	743	543	73%	743	529	71%
Walker	Middle	7-8	90%	611	472	77%	611	502	82%	611	511	84%	611	504	83%	611	521	85%	611	505	83%
Southwest	Middle	7-8	90%	1,177	882	75%	1,177	860	74%	1,177	871	74%	1,177	855	73%	1,177	844	72%	1,177	849	73%
Stone	Middle	7-8	90%	1,013	838	83%	1,013	854	84%	1,013	919	91%	1,013	979	97%	1,013	1,032	100%	1,013	1,211	100%
Middle Totals				10,030	7,549		10,030	7,541		10,030	8,062		10,030	8,594		10,030	8,594		10,030	9,148	
Junior /Senior High School Concurrency Service Areas																					
Cocoa	Jr./Sr.High	PK, 7-12	90%	1,782	1,498	84%	1,782	1,601	90%	1,782	1,724	97%	1,782	1,724	97%	1,782	1,801	98%	1,782	1,862	100%
Cocoa Beach	Jr./Sr.High	7-12	90%	1,466	1,102	75%	1,466	1,085	74%	1,466	1,085	74%	1,466	1,085	74%	1,466	1,085	74%	1,466	1,085	74%
Space Coast	Jr./Sr.High	7-12	90%	1,812	1,474	81%	1,812	1,531	84%	1,812	1,504	83%	1,812	1,450	80%	1,812	1,458	81%	1,812	1,483	82%
Jr./Sr.High Totals				5,060	4,074		5,060	4,217		5,060	4,354		5,060	4,359		5,060	4,352		5,060	4,460	
Senior High School Concurrency Service Areas																					
Astonaut	High	9-12	95%	1,446	1,100	77%	1,446	1,077	74%	1,446	1,035	72%	1,446	1,032	71%	1,446	1,052	73%	1,446	1,081	75%
Bayside	High	9-12	95%	2,235	1,687	75%	2,235	1,646	74%	2,235	1,648	74%	2,235	1,648	74%	2,235	1,631	73%	2,235	1,671	75%
Eau Gallie	High	PK, 9-12	95%	2,186	1,713	78%	2,186	1,710	78%	2,186	1,708	78%	2,186	1,745	80%	2,186	1,820	83%	2,186	1,847	84%
Heritage	High	9-12	95%	2,314	1,851	80%	2,314	1,846	80%	2,314	1,822	79%	2,314	1,810	78%	2,314	1,804	78%	2,314	1,830	79%
Merbourne	High	9-12	95%	2,317	2,227	96%	2,317	2,250	97%	2,317	2,220	96%	2,317	2,263	98%	2,317	2,335	100%	2,317	2,365	99%
Hermit Island	High	PK, 9-12	95%	1,915	1,644	86%	1,915	1,575	82%	1,915	1,585	83%	1,915	1,609	84%	1,915	1,510	79%	1,915	1,541	80%
Palm Bay	High	PK, 9-12	95%	2,613	2,095	80%	2,613	1,958	75%	2,613	1,883	72%	2,613	1,727	66%	2,613	1,836	70%	2,613	1,865	71%
Rockledge	High	9-12	95%	1,677	1,447	86%	1,677	1,520	91%	1,677	1,520	91%	1,677	1,520	91%	1,677	1,490	89%	1,677	1,469	87%
Rockledge	High	PK, 9-12	95%	1,525	1,345	88%	1,525	1,351	89%	1,525	1,326	86%	1,525	1,316	86%	1,525	1,298	84%	1,525	1,334	87%
Satellite	High	9-12	95%	1,872	1,393	74%	1,872	1,413	75%	1,872	1,411	75%	1,872	1,443	77%	1,872	1,413	75%	1,872	1,433	76%
Viera	High	PK, 9-12	95%	2,277	2,002	88%	2,277	2,000	88%	2,277	2,049	90%	2,277	2,028	89%	2,277	2,352	98%	2,277	2,514	100%
High Totals				22,377	17,888		22,377	17,916		22,377	18,340		22,377	18,749		22,377	18,749		22,377	19,156	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	413	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	489	86%	569	480	84%	569	480	84%	569	480	84%	569	480	84%	569	480	84%
West Melbourne	Elementary	K-6	100%	618	531	86%	618	532	86%	618	532	86%	618	532	86%	618	532	86%	618	532	86%
Edgewood	Jr./Sr.High	7-12	90%	1,072	949	88%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	950	89%	1,072	950	89%
West Shore	Jr./Sr.High	7-12	90%	1,264	957	76%	1,264	956	76%	1,264	956	76%	1,264	956	76%	1,264	956	76%	1,264	956	76%
Schools of Choice				3,998	3,359		3,998	3,362													
Forward Totals				82,454	64,666		82,454	67,019		82,454	67,609		82,454	68,632		82,454	69,340		82,454	70,074	

- Notes
- FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2015-16 are reported from the FISH database as of December 1, 2015.
 - Student Membership is reported from the Fall FTE Count (10/16/15).
 - Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
 - Development Projections from Brevard County Local Government Jurisdictions
 - Brevard County School Concurrency Student Generation Multipliers (SGM)
 - Fall PTE student addresses and corresponding concurrency service areas
 - Student Mobility Rates / Cohort Survival
 - Brevard County Birth rates by ZIP code
 - Davis Demographics estimates are then adjusted using the following factors:
 - PK (Pre-Kindergarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
 - Current out-of-Area attendance patterns are assumed to remain constant.
 - Non-enrolled student addresses (S) are assumed to continue in their attendance schools.
 - In order to maintain utilization rates lower than the 100% Level of Service, Relocatable Classrooms are assumed to add future student stations as necessary.
 - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate Classrooms (Grades 4-5) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
 - Intermediate relocatable classrooms are proposed to be added at Riviera Elementary, Quest Elementary, Imperial Elementary, Apolis Elementary, Pinewood Elementary, Stone Middle, and Jackson Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Webb Burn High, Cocoa Jr/Sr High, Rockledge High and Viera High (Total of 20 Classrooms)
 - No plans for redistricting are proposed at this time while the addition of relocatable classrooms are proposed to maintain Utilization Rates lower than the 100% Level of Service.
 - No plans for additional permanent capacity are included in this analysis.

LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Applicant Submittals



1. Type of Application:

Small-scale Comprehensive Plan Future Land Use Map Amendment

Large-scale Future Land Use Map Amendment

Comprehensive Plan Text Amendment

Plan Element(s) of Text Amendment request: _____

2. Applicant: BOAZ BARNAVON, D.R. HORTON Staff Planner: ERIN STERK

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: RECREATIONAL (REC)
Requested Future Land Use Designation: RESIDENTIAL 4 (RES 4)
Existing Zoning: AV & RV-2-15(12)

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new text.

SEE ATTACHED EXHIBIT "A" — applicant justification

& ATTACHED EXHIBIT "B" — Confirmation of Sewer availability from Cocoa Utilities — added to Transmittal @ 8/4/16 BOCC Meeting

(use additional sheets if necessary)

EXHIBIT "A"

This is a request to change the underlying land use from REC (Recreation) to Residential 4 (Residential with cap of 4 units per acre).

The current underlying land use does not conform to the present existing use as a Private golf course. Had this been a municipal or public course, then it would be a consistent use, but a private golf course is a commercial endeavor just like a bowling alley or movie theatre. Additionally, a portion of the site is already zoned as multi-family RU-2-15 (with a cap of 12 Units/acre).

With the exception of a few small parcels fronting US highway 1, all the surrounding property has a land use of RES 4 which would make this change consistent.

The proposed land use change furthers the policies, objectives and goals of the Land Use Element.

ADMINISTRATIVE POLICIES

Administrative Policy 3: The proposed use is compatible with the existing surrounding uses and would not significantly diminish the enjoyment of, safety, or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use. The proposed use would not cause a material reduction in the value of existing abutting lands or approved development. The proposed use is consistent with an emerging or existing pattern of surrounding development as determined through an analysis of: 1) historical land use patterns; 2) actual development over the immediately preceding three years; and 3) development approved within the past three years but not yet constructed. The proposed use would not result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4: Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area will not be materially or adversely affected by the proposed rezoning or land use application.

Administrative Policy 6: The use proposed is consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.

Administrative Policy 7: The proposed use shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

The proposed land use change is consistent and compliant with Objective 1.

RESIDENTIAL LAND USES

Objective 1

Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:

Criteria:

- A. Ensure the compatibility of new development with its surroundings;

- B. Ensure the delivery of services that meet or exceed established levels of service;
- C. Discourage the occurrence of inefficiencies inherent in urban sprawl as defined by Florida Statutes;
- D. Strive to decrease identified hurricane evacuation deficiencies;
- E. Produce neighborhoods that complement adjacent land uses;
- F. Permit mixed use developments which, through the application of appropriate performance standards, juxtaposes neighborhood services and employment centers with residential uses in order to promote efficient use of land; and
- G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

The proposed Land Use is compatible and compliant with Policy 1.7

Residential 4 (maximum of 4 dwelling units per acre)

Policy 1.7

The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing Residential 4 land use designation;

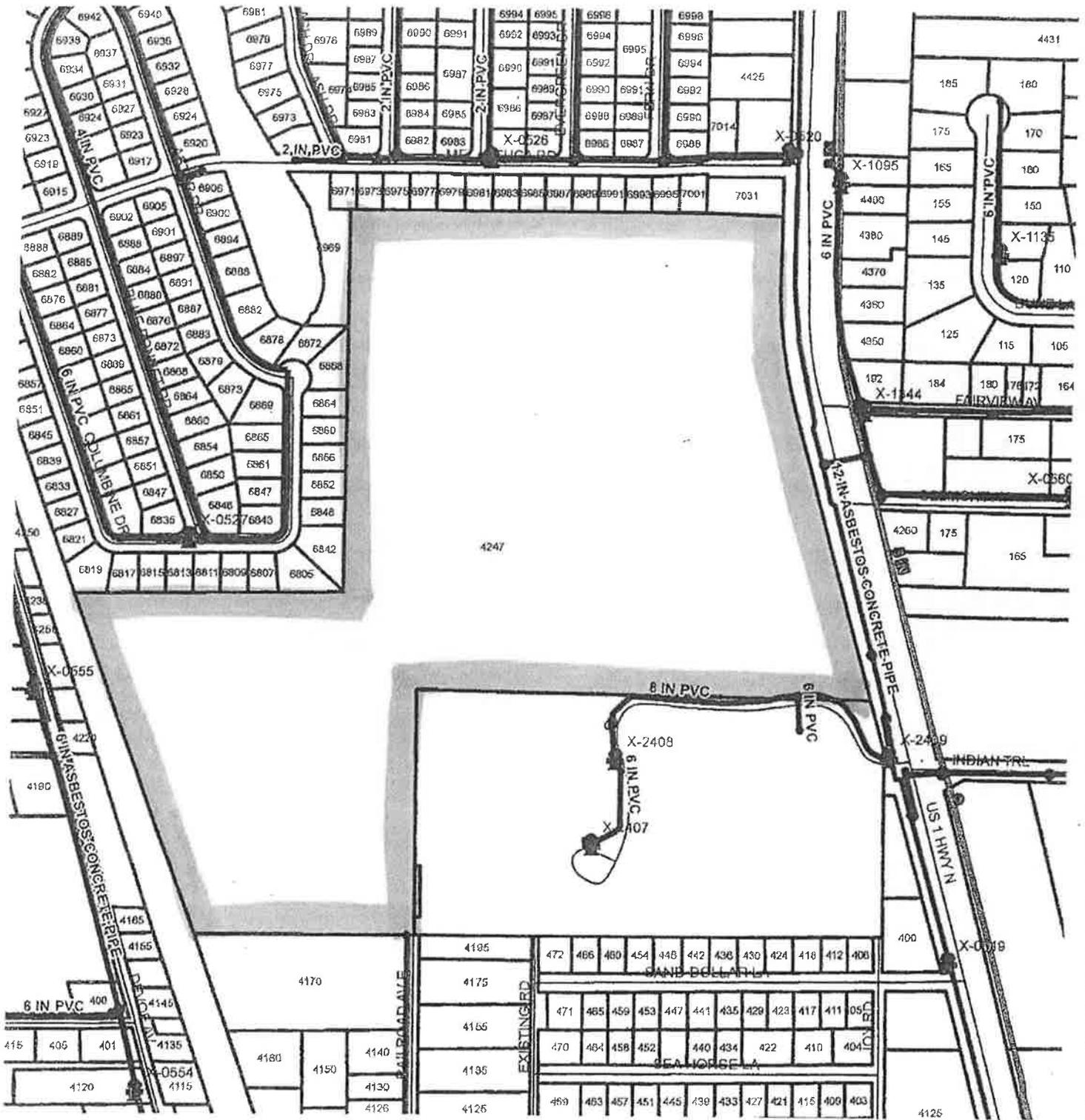
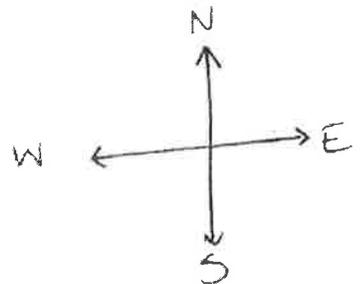


EXHIBIT "B"
 Cocoa Utilities' Force Main Map



Sterk, Erin

To: Lorna Ettman
Cc: George Toler
Subject: RE: Message from "ud-pr10"

From: Lorna Ettman [<mailto:lettman@cocoafl.org>]
Sent: Thursday, July 28, 2016 12:18 PM
To: Sterk, Erin
Cc: George Toler
Subject: RE: Message from "ud-pr10"

Yes that is correct with the Annexation Agreement. I do not have sewer available but there is a Force Main at Camp road and US1 or a Force Main on the East side of US 1 across from the golf course that the owner could install an extension with a lift station in the plans to be submitted to City of Cocoa for approval of the subdivision.

Lorna Ettman
Engineering Coordinator
Engineering Division
LETTMAN@COCOAFI.ORG
321-433-8795



Stay Connected:       www.cocoafl.org

From: Sterk, Erin [<mailto:Erin.Sterk@brevardfl.gov>]
Sent: Thursday, July 28, 2016 11:48 AM
To: Lorna Ettman <lettman@cocoafl.org>
Subject: RE: Message from "ud-pr10"

Lorna,

Thank you for the info yesterday and for the map.

We spoke about annexation being required to connect. I just spoke with the applicant for the County FLU Designation Change @ Sharpes Executive/Sam Snead Golf Course and they noted that a *Preannexation Agreement* can be signed to allow for connection today and annexation at a later date, if the parcel becomes contiguous, etc. Can you clarify that for me or confirm the details of those requirements?

Thanks again,

Erin Sterk

Planner III/Grants Administrator
Brevard County

(321) 633-2070 ext. 52640

-----Original Message-----

From: Lorna Ettman [<mailto:lettman@cocoafl.org>]
Sent: Wednesday, July 27, 2016 11:53 AM
To: Sterk, Erin
Subject: FW: Message from "ud-pr10"

Sorry we do not have sewer available, what we do have is a Force Main, they may extend but they will also need a lift station for the property.

Lorna Ettman
Engineering Coordinator
Engineering Division
LETTMAN@COCOAFL.ORG
321-433-8795
Stay Connected: www.cocoafl.org

-----Original Message-----

From: UD-PR10.scan@cocoafl.org [<mailto:UD-PR10.scan@cocoafl.org>]
Sent: Wednesday, July 27, 2016 12:05 PM
To: Lorna Ettman <lettman@cocoafl.org>
Subject: Message from "ud-pr10"

This E-mail was sent from "ud-pr10" (MP C4503).

Scan Date: 07.27.2016 12:04:32 (-0400)
Queries to: UD-PR10.scan@cocoafl.org

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LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Ordinance

ORDINANCE NO. 16-26

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.1; 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; PROVIDING FOR 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on June 30, 2016, for adoption as the Plan Amendment Cycle 2016-2; 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

Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.1; and

WHEREAS, Plan Amendment 2016-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2016-2.1 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

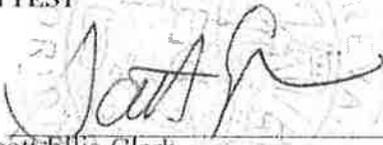
Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2016-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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 1 day of December, 2016.

ATTEST



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

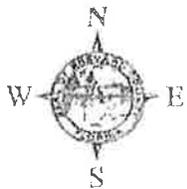
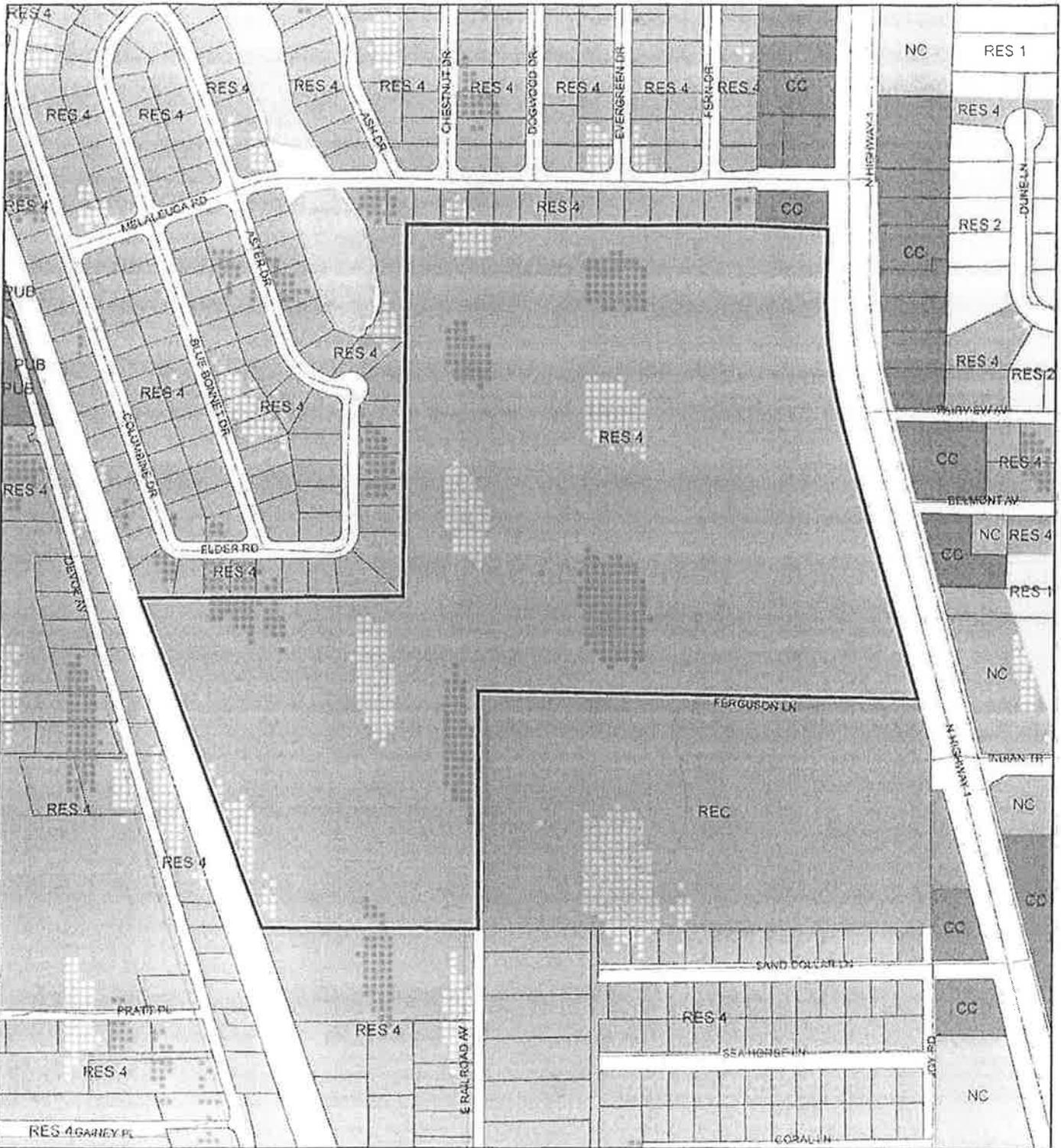
By: 
Curt Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2016-2.1
16PZ00068 Sharpes Executive Golf Course, Inc.



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 herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/7/2016



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 2, 2016

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-26, which was filed in this office on December 2, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

**Comprehensive Plan Amendment
Part I: Conservation Element 2016-2.2**

**STAFF REPORT
LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 2016-2.2
OBJECTIVE 3 (SURFACE WATER PROTECTION)
CONSERVATION ELEMENT**

Request: 2016-2.2
Conservation Element Objective 3 – Surface Water; Policy 3.3 & Map 5

Owner / Applicant: Brevard County

Location: Brevard County, see description below of specific areas

Acreage: N/A

CONSERVATION ELEMENT AMENDMENT

Description:

On February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters (see attached revised Map 5).

Brevard County Comprehensive Plan Conservation Element, Objective 3, Surface Water; and Chapter 62, Article X, Division 3, Surface Water Protection contain criteria regarding the amount and types of development allowed within the surface water protection buffer. Currently, Brevard County establishes a 25-foot surface water protection buffer for lots adjacent to Class III waters; and a 50-foot buffer on Class II waters, Aquatic Preserves, Outstanding FL Waters (OFWs), and conditionally approved Class III shellfish harvesting waters.

Much of the lands associated with this reclassification are located within the incorporated areas of Brevard County. The following are reclassification areas in unincorporated Brevard County:

- Shoreline east of U.S. Highway, from S.R. 528 extending south approximately 0.4 miles
- Western shoreline of Merritt Island, from S.R. 528 extending south approximately 4 miles
- Shoreline west of Tropical Trail, from Merritt Island Causeway extending south approximately 1 mile
- Shoreline west of Tropical Trail, approximately from the Waterside subdivision extending south approximately 1 mile
- Shoreline west of Tropical Trail, measuring approximately 0.4 miles in the vicinity of the Twin Rivers subdivision
- Shoreline west of Point Drive and South Tropical Trail, from the south end of Point Drive extending north approximately 3.4 miles

- Shoreline west of Riverside Drive, from Eau Gallie Blvd extending south approximately 3.3 miles to the border of Indian River Lagoon
- Shoreline west of South River Road, from Town of Melbourne Beach extending south approximately 1 mile

All of these areas consist of existing residential development, with intermittent undeveloped lots. There are no large undeveloped tracts, nor are there areas of commercial development. There are also Class III reclassification areas located within the Banana River Aquatic Preserve and OFWs. However, these areas are already subject to a 50-foot surface water protection buffer, thus are not affected by the reclassification.

The new Class II designations summarized above could adversely affect development on those residential lots that can currently meet a 25-foot surface water protection buffer primary structure setback; but due to insufficient lot depth, could not meet a 50-foot setback. Proposed policy amendment 3.3.D is intended only for those lots legally established prior to the date of reclassification, and located in reclassification areas. Avoidance and minimization of buffer impacts is required. The properties are subject to a maximum of 30% impervious area in the buffer, and stormwater management is required.

Conservation Element, Map 5 is also updated to reflect the new water classifications. Comprehensive Plan Amendment 2016-2.3 updates related definitions in the Glossary. NRM requests legislative intent and permission to advertise the following draft Comprehensive Plan amendment.

OBJECTIVE 3

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

Policy 3.3

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries designated as Class II waters, Aquatic Preserves and Outstanding Florida Waters by implementing and revising as necessary, the Surface Water Protection Ordinance, including the following minimum criteria:

Criteria:

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.

- B. Except as allowable under Policies 3.3.C and 3.3.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended.
- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended. Lots located along areas of Aquatic Preserves and Outstanding Florida Waters shall maintain a fifty (50) foot surface water protection buffer in accordance with Policy 3.3.A, B, and C.

Proposed policy amendment 3.3.D is intended only for those residential lots legally established prior to the date of reclassification, and located in reclassification areas. The amendment allows a 25-foot surface water protection buffer primary structure setback where there is insufficient lot depth to meet a 50-foot setback. Avoidance and minimization

of buffer impacts is required. The properties are subject to a maximum of 30% impervious area in the buffer, and stormwater management is required.

- DE. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent.
- EF. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- FG. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening as allowed by this element.
- GH. Prohibit discharges of any substances below ambient water quality standards.

Map 5

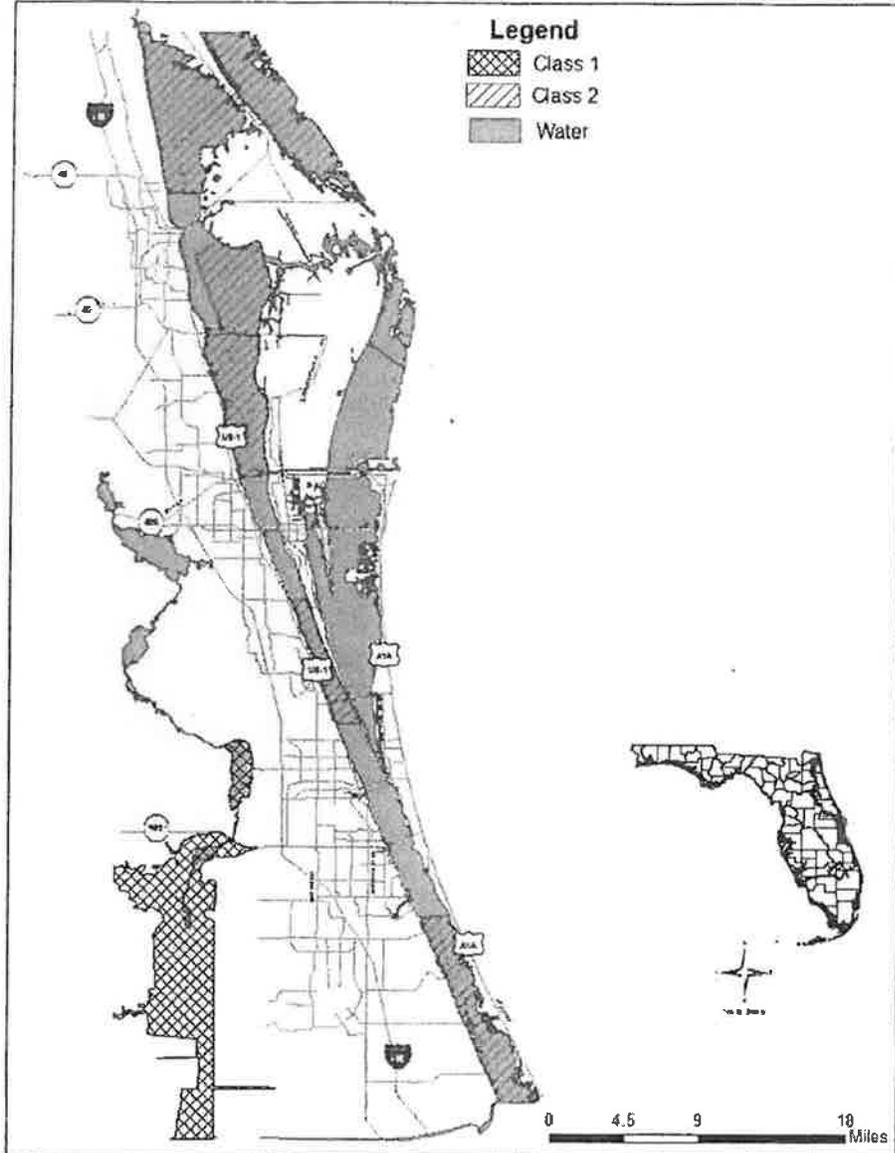
Please see attached Existing Map 5 and Proposed Map 5.

Appendix

LIST OF MAPS

Map	Title
1	General Soils
2	Vegetation
3	Biologically Diverse Habitat
4	Floodplains
5	Water Quality of Rivers, Lakes, Bays, and Harbors <u>Surface Water - Classification</u>
6	Wetlands
7	Marine Facilities
8	Mitigation Qualified Roadways
9	Landscape Level Polygon

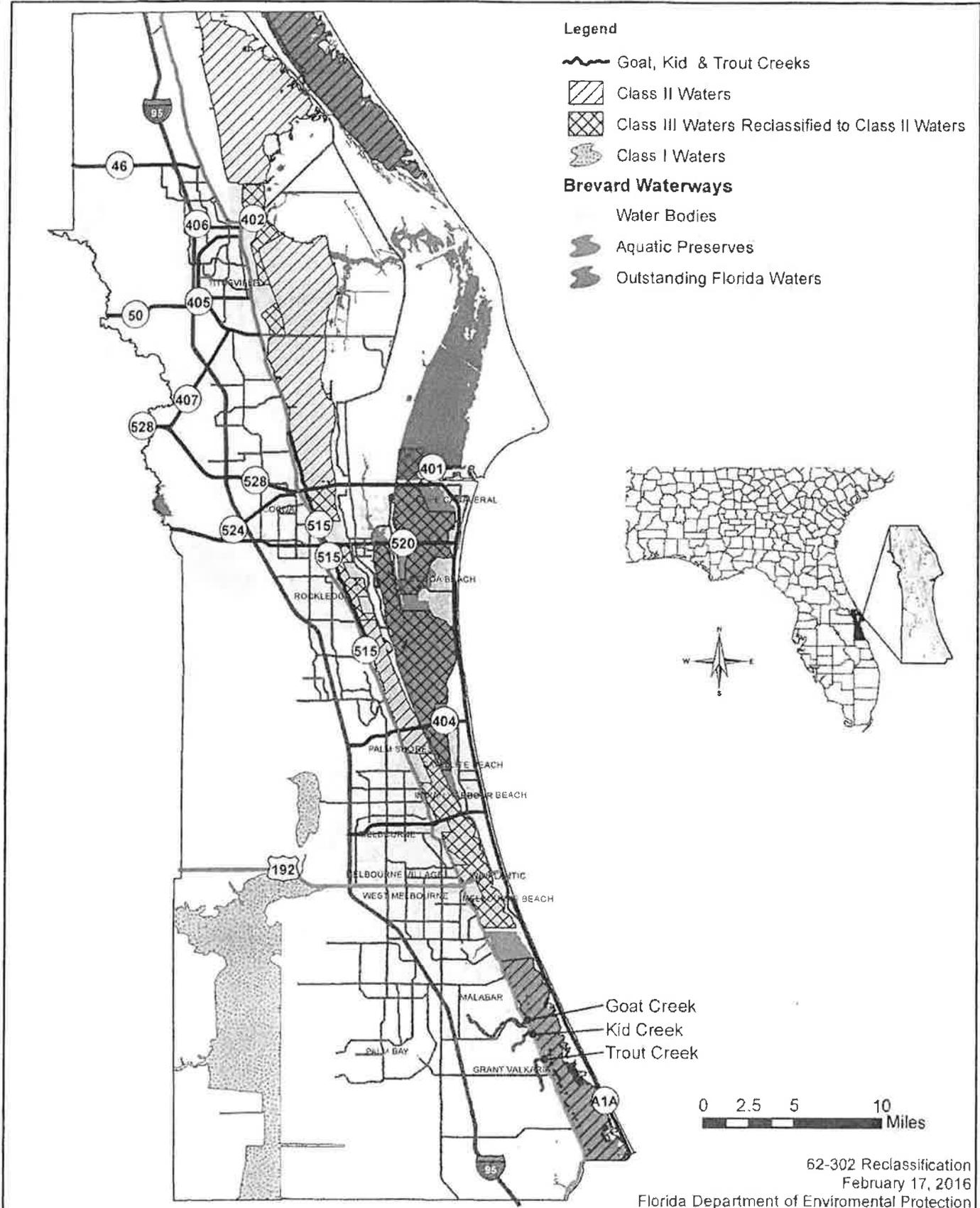
LSCPA
Part I: Conservation Element
Fall 2016-2.2
Supporting Maps



**Conservation Element
Surface Water Classification**

Prepared by: Brevard County Natural Resources Management Office
Notes: State Plane 1984, Florida East
Surface Water classifications, FDEP, 2008

**Map-5
Water Quality of Rivers, Lakes, Bays and Harbors**



LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Ordinance

ORDINANCE NO. 16-26

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.1; 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; PROVIDING FOR 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on June 30, 2016, for adoption as the Plan Amendment Cycle 2016-2; 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

Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.1; and

WHEREAS, Plan Amendment 2016-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2016-2.1 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is 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 2016-2.1, 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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 1 day of December, 2016.

ATTEST



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By: 

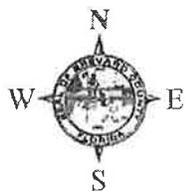
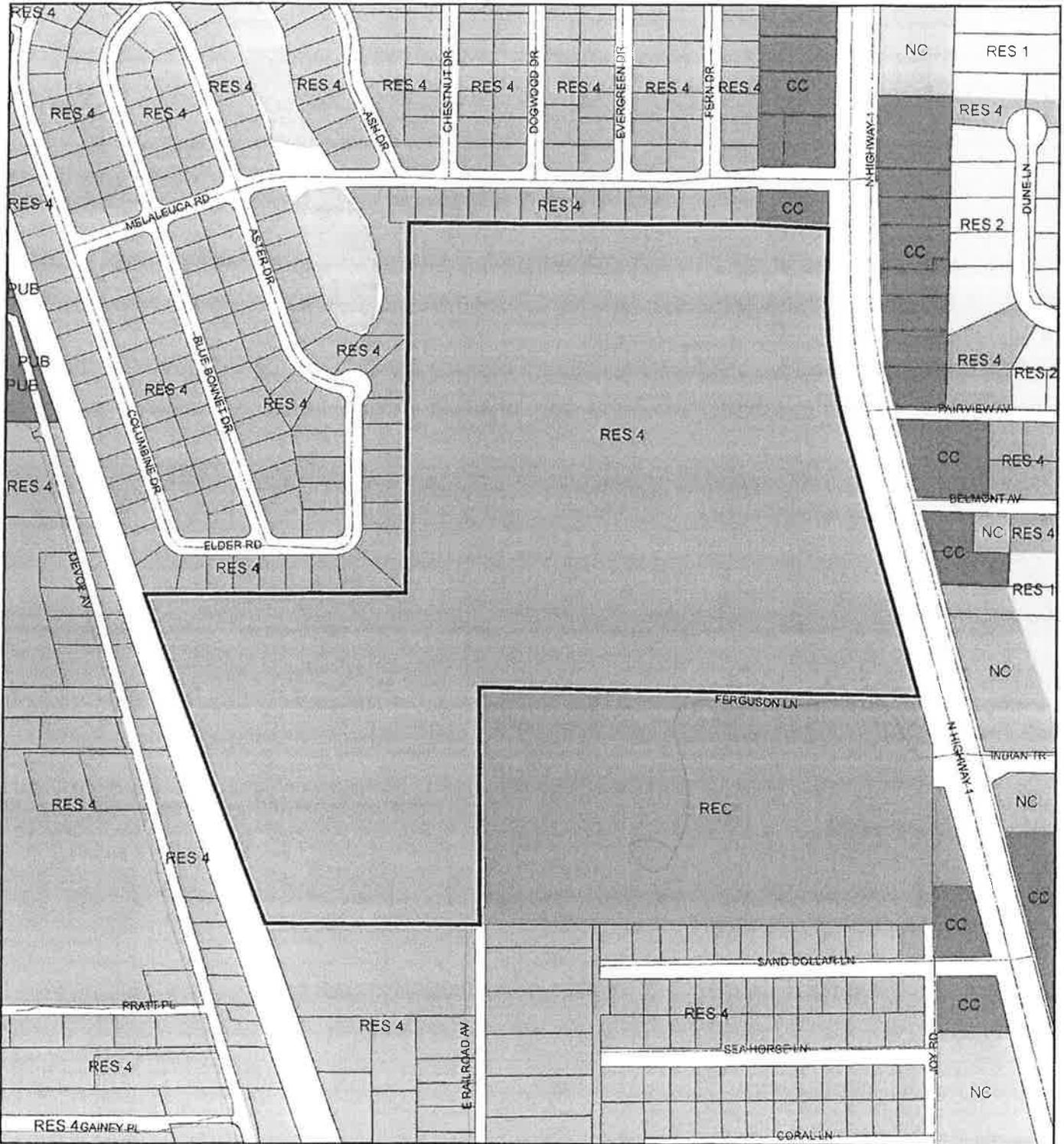
Curt Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Sharpes Executive Golf Course, Inc.
Fall 2016-2.1
Exhibit A

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2016-2.1
 16PZ00068 Sharpes Executive Golf Course, Inc.



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 the Brevard County Planning and Zoning Office - GIS Section Date: 7/7/2016

LSCPA
Part I: Conservation Element
Fall 2016-2.2
Ordinance

ORDINANCE NO. 16 -27

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.2; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART I, ENTITLED CONSERVATION ELEMENT; SPECIFICALLY AMENDING OBJECTIVE 3, ENTITLED SURFACE WATER; SPECIFICALLY AMENDING POLICY 3.3 AND MAP 5; PROVIDING FOR 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on June 30, 2016, for adoption as the Plan Amendment Cycle 2016-2; 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

Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.2, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.2; and

WHEREAS, Plan Amendment 2016-2.2 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the intent of Objective 3 of the Brevard County Comprehensive Plan, Conservation Element is to improve the quality of surface waters within the County, and to protect and enhance the natural functions of these waters; and

WHEREAS, on February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters; and

WHEREAS, Objective 3 currently establishes a 25-foot surface water protection buffer for lots adjacent to Class III waters; and a 50-foot buffer on Class II waters; and

WHEREAS, Objective 3 contains criteria regarding the amount and types of development allowed within the surface water protection buffer; and

WHEREAS, the new Class II designations could adversely affect the ability for development on those residential lots that can currently meet a 25-foot surface water protection buffer primary structure setback; but due to insufficient lot depth, could not meet a 50-foot setback; and

WHEREAS, Conservation Element, Map 5 requires updating to reflect the reclassifications and an updated map title; and

WHEREAS, Plan Amendment 2016-2.2 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

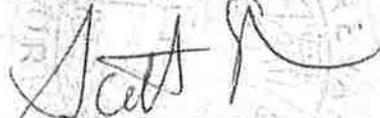
Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2016-2.2, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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, 1 day of December, 2016.

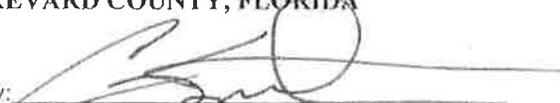
ATTEST



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By:



Carl Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Part I: Conservation Element
Fall 2016-2.2
Exhibit A

EXHIBIT A

Policy 3.3

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries designated as Class II waters, Aquatic Preserves and Outstanding Florida Waters by implementing and revising as necessary, the Surface Water Protection Ordinance, including the following minimum criteria:

Criteria:

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under Policies 3.3.C and 3.3.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended.
- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a

primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended. Lots located along areas of Aquatic Preserves and Outstanding Florida Waters shall maintain a fifty (50) foot surface water protection buffer in accordance with Policy 3.3.A, B, and C.

- DE. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent.
- EF. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- FG. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening as allowed by this element.
- GH. Prohibit discharges of any substances below ambient water quality standards.

Map 5

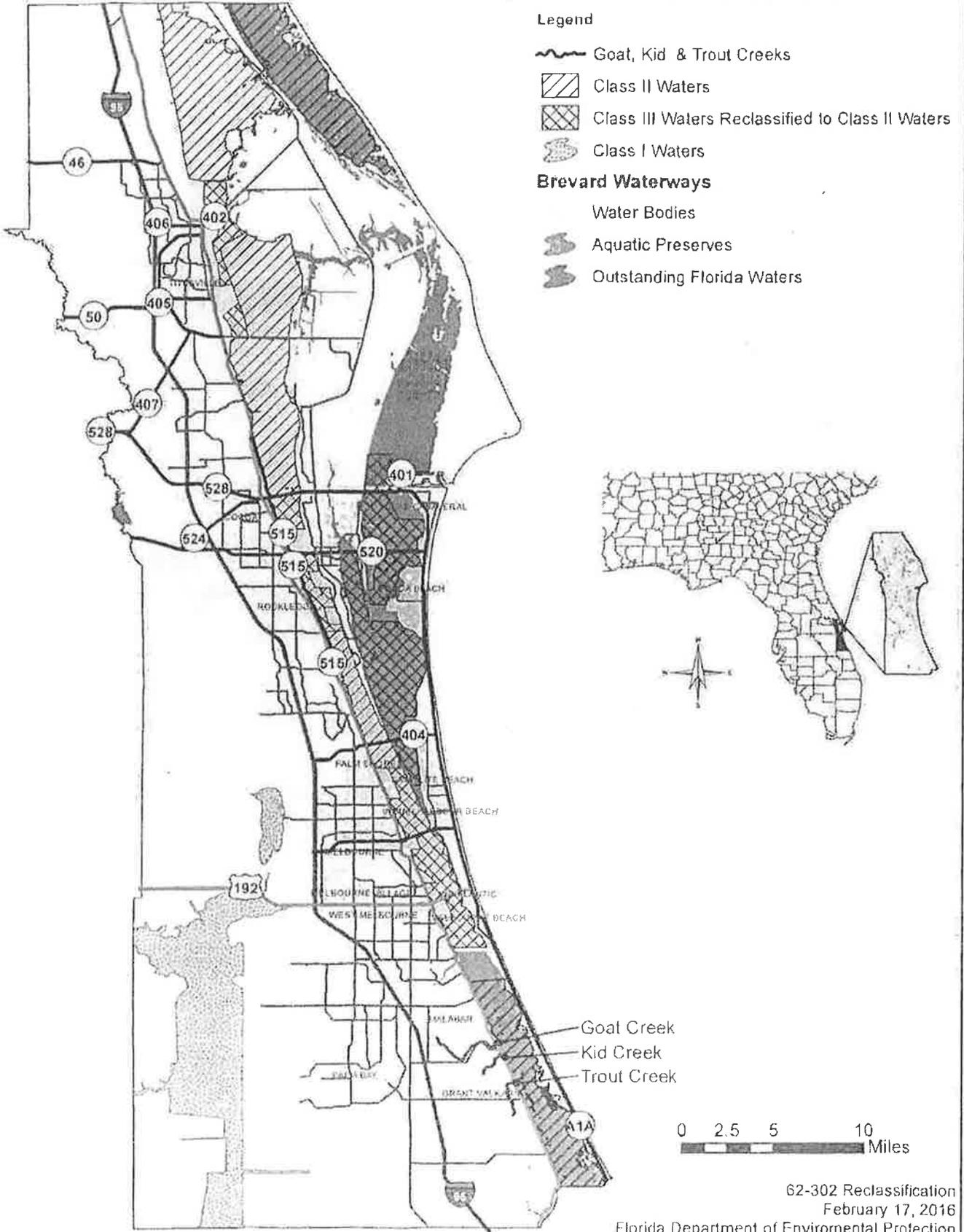
Please see attached Existing Map 5 and Proposed Map 5.

Appendix

LIST OF MAPS

Map	Title
1	General Soils

- 2 Vegetation
- 3 Biologically Diverse Habitat
- 4 Floodplains
- 5 ~~Water Quality of Rivers, Lakes, Bays, and Harbors~~ Surface Water - Classification
- 6 Wetlands
- 7 Marine Facilities
- 8 Mitigation Qualified Roadways
- 9 Landscape Level Polygon



Conservation Element
Surface Water - Classification



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 2, 2016

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-27, which was filed in this office on December 2, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

LSCPA
Part I: Conservation Element
Fall 2016-2.2
Ordinance

ORDINANCE NO. 16-27

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.2; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART I, ENTITLED CONSERVATION ELEMENT; SPECIFICALLY AMENDING OBJECTIVE 3, ENTITLED SURFACE WATER; SPECIFICALLY AMENDING POLICY 3.3 AND MAP 5; PROVIDING FOR 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on June 30, 2016, for adoption as the Plan Amendment Cycle 2016-2; 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

Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.2, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.2; and

WHEREAS, Plan Amendment 2016-2.2 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the intent of Objective 3 of the Brevard County Comprehensive Plan, Conservation Element is to improve the quality of surface waters within the County, and to protect and enhance the natural functions of these waters; and

WHEREAS, on February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters; and

WHEREAS, Objective 3 currently establishes a 25-foot surface water protection buffer for lots adjacent to Class III waters; and a 50-foot buffer on Class II waters; and

WHEREAS, Objective 3 contains criteria regarding the amount and types of development allowed within the surface water protection buffer; and

WHEREAS, the new Class II designations could adversely affect the ability for development on those residential lots that can currently meet a 25-foot surface water protection buffer primary structure setback; but due to insufficient lot depth, could not meet a 50-foot setback; and

WHEREAS, Conservation Element, Map 5 requires updating to reflect the reclassifications and an updated map title; and

WHEREAS, Plan Amendment 2016-2.2 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is 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 2016-2.2, 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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, 1 day of December, 2016.

ATTEST

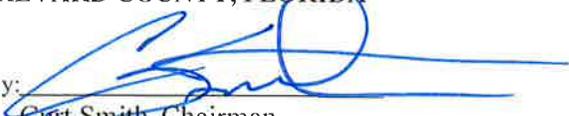




Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By:



Curt Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Part I: Conservation Element
Fall 2016-2.2
Exhibit A

EXHIBIT A

Policy 3.3

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries designated as Class II waters, Aquatic Preserves and Outstanding Florida Waters by implementing and revising as necessary, the Surface Water Protection Ordinance, including the following minimum criteria:

Criteria:

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under Policies 3.3.C and 3.3.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended.
- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a

primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended. Lots located along areas of Aquatic Preserves and Outstanding Florida Waters shall maintain a fifty (50) foot surface water protection buffer in accordance with Policy 3.3.A, B, and C.

- DE. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent.
- EF. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- FG. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening as allowed by this element.
- GH. Prohibit discharges of any substances below ambient water quality standards.

Map 5

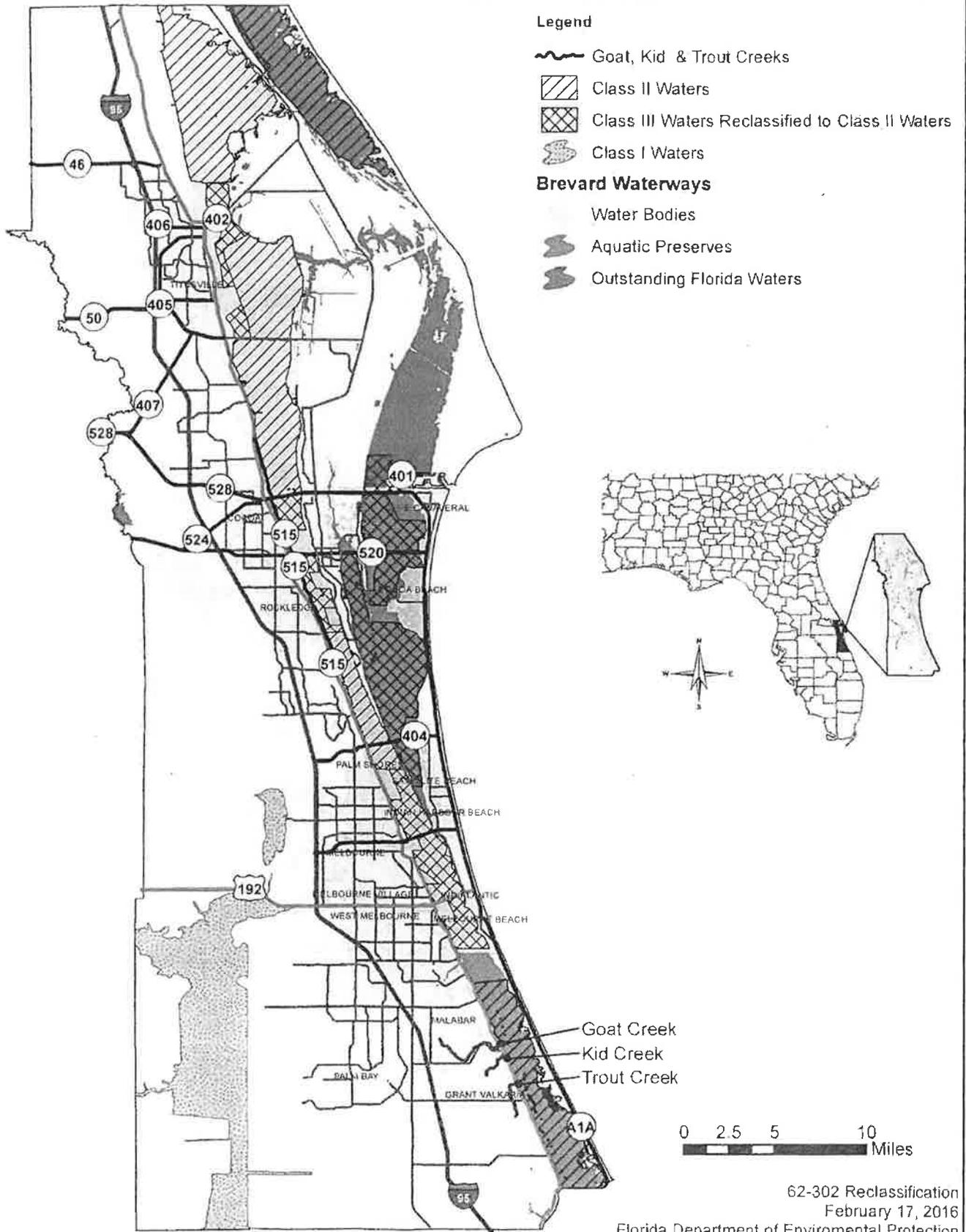
Please see attached Existing Map 5 and Proposed Map 5.

Appendix

LIST OF MAPS

Map	Title
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Conservation Element
Surface Water - Classification

Map 5

LSCPA
Part XV: Glossary
2016-2.3
Ordinance

ORDINANCE NO. 16 -28

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.3; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XV, ENTITLED THE GLOSSARY; PROVIDING FOR 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 Community Affairs; 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 163.3184 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 amendments to the Comprehensive Plan on June 30, 2016, for adoption as the Plan Amendment Cycle 2016-2; 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

Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.3, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.3; and

WHEREAS, Plan Amendment 2016-2.3 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the intent of Objective 3 of the Brevard County Comprehensive Plan, Conservation Element is to improve the quality of surface waters within the County, and to protect and enhance the natural functions of these waters; and

WHEREAS, on February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters; and

WHEREAS, the Comprehensive Plan Glossary contains outdated references; and

WHEREAS, Plan Amendment 2016-2.3 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is 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 2016-2.3, 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 plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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, 1 day of December, 2016.

ATTEST



Scott Ellis, Clerk

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

By:



Curt Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Part XV: Glossary
2016-2.3
Exhibit A

EXHIBIT A

Glossary

Class I Waters - waters utilized as a source of potable water supply as determined by the Florida Department of Environmental Protection and defined within Chapter ~~17-362-302~~, F.A.C., as amended.

Class II Waters - waters utilized for shellfish propagation and harvesting as determined by the Florida Department of Environmental Protection and defined within Chapter ~~17-362-302~~, F.A.C., as amended.

Class III Waters - all waters within Brevard County except those designated by the Florida Department of Environmental Protection as Class I, ~~or Class II~~, Class III shellfish areas, Outstanding Florida Waters, or Aquatic Preserves; those which are part of a designated stormwater management system; or those that are man-made waterbodies that do not have a direct surface water connection to open water.

Outstanding Florida Waters - those water bodies afforded special protection and described within Rule ~~17-3.04162-303~~, F.A.C., as amended ~~and designated under the authority of Chapter 403 of the Florida Statutes.~~

~~Shoreline Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.~~

Surface Water Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the surface water protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the surface water protection buffer and other development restrictions are found in Conservation Element ~~Policies 3.3, 3.4, and 3.5~~ Objective 3.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 2, 2016

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-28, which was filed in this office on December 2, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

LSCPA
Part XV: Glossary
2016-2.3
Ordinance

ORDINANCE NO. 16 -28

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2016-2.3; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XV, ENTITLED THE GLOSSARY; PROVIDING FOR 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

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Officially filed with the Secretary of State December 2, 2016

WHEREAS, on November 21, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2016-2.3, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 1, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, 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 the adoption of Plan Amendment 2016-2.3; and

WHEREAS, Plan Amendment 2016-2.3 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the intent of Objective 3 of the Brevard County Comprehensive Plan, Conservation Element is to improve the quality of surface waters within the County, and to protect and enhance the natural functions of these waters; and

WHEREAS, on February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters; and

WHEREAS, the Comprehensive Plan Glossary contains outdated references; and

WHEREAS, Plan Amendment 2016-2.3 adopted by this Ordinance is based upon findings of fact as included in the 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 2016-2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

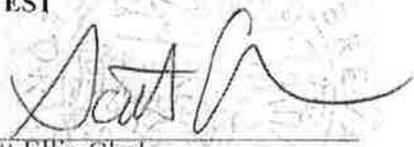
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Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). 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, 1 day of December, 2016.

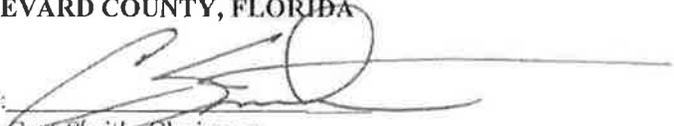
ATTEST



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

By:



Curt Smith, Chairman

Approved by the Board on 12-1, 2016.

LSCPA
Part XV: Glossary
2016-2.3
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Surface Water Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the surface water protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the surface water protection buffer and other development restrictions are found in Conservation Element Policies ~~3.3, 3.4, and 3.5~~ Objective 3.

**Comprehensive Plan Amendment
Part XV: Glossary 2016-2.3**

**STAFF REPORT
LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 2016-2.3
GLOSSARY**

Request: 2016-2.3
Glossary

Owner / Applicant: Brevard County

Location: N/A

Acreage: N/A

GLOSSARY AMENDMENT

Description:

On February 17, 2016, the State of Florida adopted modifications to 62-302.400, F.A.C., reclassifying some areas of the Indian River Lagoon (IRL) and its tributaries from Class III waters to Class II waters (see attached revised Map 5).

Brevard County Comprehensive Plan Conservation Element, Objective 3, Surface Water; and Chapter 62, Article X, Division 3, Surface Water Protection contain criteria regarding the amount and types of development allowed within the surface water protection buffer. Currently, Brevard County establishes a 25-foot surface water protection buffer for lots adjacent to Class III waters; and a 50-foot buffer on Class II waters, Aquatic Preserves, Outstanding FL Waters (OFWs), and conditionally approved Class III shellfish harvesting waters.

Much of the lands associated with this reclassification are located within the incorporated areas of Brevard County. The following are reclassification areas in unincorporated Brevard County:

- Shoreline east of U.S. Highway, from S.R. 528 extending south approximately 0.4 miles
- Western shoreline of Merritt Island, from S.R. 528 extending south approximately 4 miles
- Shoreline west of Tropical Trail, from Merritt Island Causeway extending south approximately 1 mile
- Shoreline west of Tropical Trail, approximately from the Waterside subdivision extending south approximately 1 mile
- Shoreline west of Tropical Trail, measuring approximately 0.4 miles in the vicinity of the Twin Rivers subdivision
- Shoreline west of Point Drive and South Tropical Trail, from the south end of Point Drive extending north approximately 3.4 miles

- Shoreline west of Riverside Drive, from Eau Gallie Blvd extending south approximately 3.3 miles to the border of Indialantic
- Shoreline west of South River Road, from Town of Melbourne Beach extending south approximately 1 mile

All of these areas consist of existing residential development, with intermittent undeveloped lots. There are no large undeveloped tracts, nor are there areas of commercial development. There are also Class III reclassification areas located within the Banana River Aquatic Preserve and OFWs. However, these areas are already subject to a 50-foot surface water protection buffer, thus are not affected by the reclassification.

The new Class II designations summarized above could adversely affect development on those residential lots that can currently meet a 25-foot surface water protection buffer primary structure setback; but due to insufficient lot depth, could not meet a 50-foot setback. Proposed policy amendment to Conservation Element, Policy 3.3.D (as presented in Comprehensive Plan Amendment 2016-2.2) is intended only for those lots legally established prior to the date of reclassification, and located in reclassification areas. Avoidance and minimization of buffer impacts is required. The properties are subject to a maximum of 30% impervious area in the buffer, and stormwater management is required.

Comprehensive Plan Amendment 2016-2.3 updates related definitions in the Glossary. Conservation Element, Map 5 is also updated to reflect the new water classifications (Comprehensive Plan Amendment 2016-2.2). NRM requests legislative intent and permission to advertise the following draft Comprehensive Plan amendment.

Comprehensive Plan Policies/Comprehensive Plan Analysis:

Staff findings of fact are shown in italics.

Glossary

Class I Waters - waters utilized as a source of potable water supply as determined by the Florida Department of Environmental Protection and defined within Chapter ~~17-362-302~~, F.A.C., as amended.

Updated for consistency with F.A.C.

Class II Waters - waters utilized for shellfish propagation and harvesting as determined by the Florida Department of Environmental Protection and defined within Chapter ~~17-362-302~~, F.A.C., as amended.

Updated for consistency with F.A.C.

Class III Waters - all waters within Brevard County except those designated by the Florida Department of Environmental Protection as Class I, ~~or Class II~~, Class III shellfish areas, Outstanding Florida Waters, or Aquatic Preserves; those which are part of a designated stormwater management system; or those that are man-made waterbodies that do not have a direct surface water connection to open water.

Updated for consistency with Chapter 62, Article X, Division 3, Section 62-3661.

Outstanding Florida Waters - those water bodies afforded special protection and described within Rule ~~17-3.04162-303~~, F.A.C., ~~as amended and designated under the authority of Chapter 403 of the Florida Statutes.~~

Updated for consistency with F.A.C.

~~Shoreline Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.~~

Updated for consistency with Chapter 62, Article X, Division 3, Section 62-3661.

Surface Water Protection Buffer - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the surface water protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the surface water protection buffer and other development restrictions are found in Conservation Element ~~Policies 3.3, 3.4, and 3.5~~Objective 3.

Updated to reflect requirement to comply with all Policies of Objective 3.

**Department of Economic Opportunity
Expedited State Review Comments
Response to Agency Comments**

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

September 9, 2016

The Honorable Robin Fisher
Chair, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Fisher:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment 16-1ESR), which we received on August 12, 2015. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that would be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County considers appropriate changes to the amendment(s) based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment(s) after adoption.

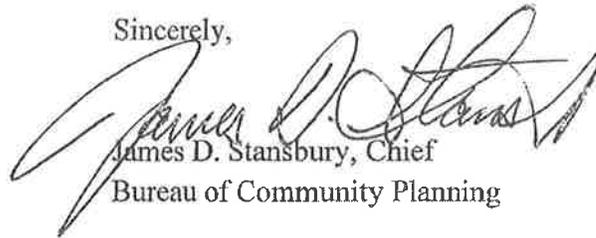
The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Barbara Lenczewski,
Planning Analyst at (850) 717-8502 or by email at Barbara.Lenczewski@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning

JS/bl

Enclosure(s): Procedures for Adoption

cc: Erin Sterk, Planner III, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

State Agency Comment Letters



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida 32720

JIM BOXOLD
SECRETARY

September 6, 2016

Erin Sterk
Planner III/Grants Administrator
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: BREVARD COUNTY
DEO #: 16-1ESR

Dear Ms. Sterk:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in your memorandum dated August 4, 2016.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. Since the amendment does not appear to have significant adverse impacts to the State Highway System or the Strategic Intermodal System, the Department does not have any concerns at this time.

If you have any questions, you may contact Steve Shams at 386-943-5421 or by e-mail at steve.shams@dot.state.fl.us.

Sincerely,

David J. Cooke
Transportation Planning Manager

Attachment

C: Robin Sobrino, Brevard County
Fred Milch, ECFRPC
Carmen Monroy, FDOT
Dana Reiding, FDOT

Dennis Smith, FDOT
Adam Biblo, DEO
Ray Eubanks, DEO

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 16-1ESR
Date Amendment Received FDOT: 08/15/2016
Review Comments Deadline: 09/14/2016
Today's Date: 09/06/2016

GENERAL BACKGROUND INFORMATION

Brevard County has submitted the proposed Brevard County 16-1ESR large scale comprehensive plan amendment for a land use designation change for 56.17± acres of land located on the west side of US 1 and ¼ mile south of the intersection of Camp Road. The proposed amendment changes the future land use designation from Recreational to Residential 4.

The pertinent FLUM designations and descriptions for the Future Land Use amendment include the following:

- **BREVARD COUNTY – RECREATIONAL**

Intent: The Recreation Land Use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

- A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.
- B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

Maximum allowed density: N/A. The maximum density is based on the maximum development allowed for the zoning classification of the property.

- **BREVARD COUNTY – RESIDENTIAL 4**

Intent: The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan:

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

FDOT Contact:	Steve Shams, MURP Planner (In-house) FDOT District 5, Planning & Corridor Development	Reviewed by:	Melody Butler, P.E. Vanasse Hangen Brustlin, Inc.
Telephone:	386-943-5421		407-839-4006
Fax:	386-943-5713		407-839-4008
E-mail:	steve.shams@dot.state.fl.us		mbutler@vhb.com
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Brevard County\Review\2016\16-1ESR\Proposed\Brevard_16-1ESR_Proposed_Review.docx		

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 16-1ESR
Date Amendment Received FDOT: 08/15/2016
Review Comments Deadline: 09/14/2016
Today's Date: 09/06/2016

- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximized the integration of open space within the development and promote interconnectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

Maximum allowed density: Residential – Four (4) dwelling units per one (1) acre

FDOT Contact:	Steve Shams, MURP Planner (In-house) FDOT District 5, Planning & Corridor Development	Reviewed by:	Melody Butler, P.E. Vanasse Hangen Brustlin, Inc.
Telephone:	386-943-5421		407-839-4006
Fax:	386-943-5713		407-839-4008
E-mail:	steve.shams@dot.state.fl.us		mbutler@vhb.com
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Brevard County\Review\2016\16-1ESR\Proposed\Brevard_16-1ESR_Proposed_Review.docx		

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 16-1ESR
Date Amendment Received FDOT: 08/15/2016
Review Comments Deadline: 09/14/2016
Today's Date: 09/06/2016

FLUM AMENDMENT

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes

Background:

The proposed amendment consists of 56.17± acres of land located on the west side of US 1 and ¼ mile south of the intersection of Camp Road. The map amendment changes the Future Land Use designation from Recreational to Residential 4. The table below shows the trip generation potential for the currently adopted and proposed land uses, and the change in trips as a result of the amendment.

Table 1: Trip Generation Potential of Parcels Affected by FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Recreational	12 dwelling units/1 acre ¹	220	6.67	80 d.u.	608	50
		N/A ²	430	49.50	18 holes	643	53
Proposed	Residential 4	4 dwelling units/1 acre	210	56.17	225 d.u.	2,215	218
Change in Trips						+964	+115

Notes:

1. The current zoning classification for approximately 6.67 acres of the property is medium density multiple-family residential: RU-2-15 (12). The maximum density for this zoning is 12 units per acre.
2. The current zoning classification for the remainder of the property is agricultural residential: AU. There is no maximum density provided for this zoning classification; therefore, the existing 18-hole golf course land use was used to calculate the trip generation.

Source: ITE Trip Generation Manual 9th Edition
 D.U. = dwelling units, S.F. = square feet

The analysis shows the amendment would increase the trip generation potential of the 56.17± acres of property included in the amendment by 964 daily trips and 115 P.M. peak hour trips.

The State roadway segments within three miles of the site potentially impacted by the amendment are shown in the following table with year 2016 and 2035 projected volumes.

FDOT Contact:	Steve Shams, MURP Planner (In-house) FDOT District 5, Planning & Corridor Development	Reviewed by:	Melody Butler, P.E. Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 mbutler@vhb.com
Telephone:	386-943-5421		
Fax:	386-943-5713		
E-mail:	steve.shams@dot.state.fl.us		
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Brevard County\Review\2016\16-1ESR\Proposed\Brevard_16-1ESR_Proposed_Review.docx		

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 16-1ESR
Date Amendment Received FDOT: 08/15/2016
Review Comments Deadline: 09/14/2016
Today's Date: 09/06/2016

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS/SIS?	2016				2035			
			LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?	LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?
SR 528	I-95 to SR 524	Y	D	111,800	24,600	Y	D	111,800	41,500	Y
SR 524	SR 501 to Begin of Ramp #70007108	Y	D	41,790	26,200	Y	D	41,790	49,100	N
	Begin of Ramp #70007108 to SR 528	Y	D	14,520	8,500	Y	D	14,520	11,000	Y
SR 524/ SR 528	SR 528 to US 1/SR 5	Y	D	74,400	41,000	Y	D	74,400	64,900	Y
	US 1/SR 5 to SR 3	Y	D	74,400	46,400	Y	D	74,400	58,500	Y
Industry Rd/ SR 524	SR 524 to S. of Grissom Pkwy	Y	D	41,790	16,000	Y	D	41,790	30,700	Y
SR 5/US 1	Forrest Ave/Cocoa PI to SR 528	Y	D	41,790	27,100	Y	D	41,790	37,800	Y
	SR 528 to Fay Blvd	Y	D	41,790	27,100	Y	D	41,790	36,500	Y
	Fay Blvd to SR 405	Y	D	41,790	21,500	Y	D	41,790	31,700	Y

Source: FDOT District Five 2015 LOS_ALL Report Update

Review:

The Department does have some concern for the segment of SR 524 projected to exceed the LOS standard through 2035. This segment is projected to exceed the LOS standard by year 2035 without the additional trips resulting from the land use designation change. The proposed land use amendment results in a moderate increase in trip potential of the property. The project trip distribution is not known at this time and the deficient segment is not adjacent to the property (approximately 3.3 miles away), therefore this segment is not anticipated to be significantly impacted as a result of the proposed land use amendment.

Recommendations:

The FDOT recommends Brevard County coordinate with the Department as this project moves forward from the CPA stage to site development to ensure the segment of SR 524 is not significantly impacted by project generated traffic.

FDOT Contact: Steve Shams, MURP Planner (In-house) Telephone: 386-943-5421 Fax: 386-943-5713 E-mail: steve.shams@dol.state.fl.us File: H:\OOC\Planning\Growth Management\CPA Project Files\Brevard County\Review2016\16-1ESR\Proposed\Brevard_16-1ESR_Proposed_Review.docx	Reviewed by: Melody Butler, P.E. Vanasse Hangen Brustlin, Inc. 407-839-4006 407-839-4008 mbutler@vhb.com
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COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 16-1ESR
Date Amendment Received FDOT: 08/15/2016
Review Comments Deadline: 09/14/2016
Today's Date: 09/06/2016

The Department respectfully requests a copy of the adopted plan. Please provide the adopted plan within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

FDOT Contact:	Steve Shams, MURP Planner (In-house) FDOT District 5, Planning & Corridor Development	Reviewed by:	Melody Butler, P.E. Vanasse Hangen Brustlin, Inc.
Telephone:	386-943-5421		407-839-4006
Fax:	386-943-5713		407-839-4008
E-mail:	steve.shams@dot.state.fl.us		mbutler@vhb.com
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St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

September 8, 2016

Ms. Erin Sterk
Planner II
Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

Re: Brevard County Proposed Comprehensive Plan Amendment #16-1ESR

Dear Ms. Sterk:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on the review of the submitted materials, District staff have no comments on the proposed amendment.

If you have any questions or need additional information, please contact me at (386) 312-2369 or sfitzgib@sjrwmd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Fitzgibbons', written over a light blue horizontal line.

Steve Fitzgibbons, AICP
Intergovernmental Planner
Office of Communications and Intergovernmental Affairs

cc: Ray Eubanks, Florida Department of Economic Opportunity

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TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

September 20, 2016

VIA US MAIL/EMAIL (JohnDoe@example.com)

The Honorable Jim Barfield
Brevard County BOCC
2725 Judge Fran Jamieson Way, Building A
Viera, Florida 32940

Re: DACS Docket # -- 20160816-797
Brevard County 2016-2 Fall Comprehensive Plan Amendment
Submission dated August 4, 2016

Dear Commissioner Barfield:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on August 16, 2016 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

A handwritten signature in cursive script that reads "Stormie Knight".

Stormie Knight
Sr. Management Analyst I
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Brevard County 16-1 ESR)

From: Hight, Jason [mailto:Jason.Hight@MyFWC.com]
Sent: Monday, August 29, 2016 1:44 PM
To: DCPexternalagencycomments@deo.myflorida.com; Sterk, Erin
Cc: Gramovot, Alex; Wallace, Traci; Chabre, Jane
Subject: Brevard County 16-1ESR [2016-2.1, 2016-2.2, 2016-2.3]

Dear Ms. Sterk:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Alex Gramovot at (850) 617-9408 or by email at Alex.Gramovot@myfwc.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

Brevard County 16-1ESR_31479

From: Suber, Tracy [mailto:Tracy.Suber@fldoe.org]

Sent: Wednesday, August 17, 2016 3:29 PM

To: Sterk, Erin

Cc: DCPexternalagencycomments; 'adam.biblo@deo.myflorida.com'; Lindemann.David@PIng, Design and Constr; Hann.Susan@PIng, Design and Constr

Subject: Brevard 16-1ESR

Dear Ms. Sterk –

Thank you for the opportunity to review Brevard County's proposed 16-1ESR amendment package, which the Florida Department of Education (FDOE) received on August 16, 2016. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The amendment proposes one future land use map amendment to facilitate residential development and two text amendments related to surface water protection. The map amendment would increase residential density by up to 133 dwelling units. According to the analysis prepared by the School Board of Brevard County, the affected or adjacent public schools can reasonably be expected to have sufficient available capacity to meet the increased demand. The text amendments review the Conservation element and glossary and do not appear to have any effect on public school facilities. Because the proposal does not appear to have the potential to create adverse effects on public school facilities, I offer no comment.

Again, thank you for the opportunity to review and comment. If you have questions about this letter, or if I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,
Tracy Suber

Tracy D. Suber
Growth Management and Facilities Policy Liaison
Office of Educational Facilities
325 West Gaines Street, Suite 1014, Tallahassee, Florida 32399-0400
850-245-9312 Office



**Legal Advertisements,
Citizen Courtesy Sheets, Misc.**

PUBLIC HEARING NOTICE

The Brevard County Local Planning Agency (LPA) will meet on Monday, November 21, 2016, at 3:00 p.m., at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Building C, Commission Room, to consider the following items: LPA AGENDA: Item 1, Three ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", setting forth the adoption of the Fall Plan Amendment, Cycle 2016-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions with require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date. a. Plan Amendment 2016-2.1 - a proposal initiated by Sharpes Executive Golf Course, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Recreational to Residential 4 on 56.17 acres on the west side of U.S. 1, approx. 0.26 miles south of Camp Rd. b. Plan Amendment 2016-2.2 - a proposal initiated by Brevard County staff to amend Part I, the Conservation Element, to amend Objective 3 - Surface Water, to amend Policy 3.3 and Map 5, relating to development along the surface water conservation buffer. c. Plan Amendment 2016-2.3 - a proposal initiated by Brevard County staff to amend Part XV, the Glossary, to update certain definitions according to Florida Administrative Code changes. P&Z AGENDA: DISTRICT 1 IV.B.6. (16PZ00095) - SEASONS IN THE SUN, LLC - (Rodney Honeycutt) - requests an amendment to an existing BDP, to add all types of RVs with a minimum length of 22 feet, in an RVP (Recreational Vehicle Park) zoning classification, on property described as a parcel of land being a part of the SE 1/4 of Section 13, Township 21S, Range 34E, Brevard County, Florida, described as follows: Commencing at the SW corner of said Section 13, thence N89deg27'18"E, along the south line of said Section 13, a distance of 33 ft. to a point lying on the east right-of-way line of Turpentine Rd. (a 66 ft. wide right-of-way), thence on a bearing of north along said east right-of-way line of Turpentine Rd. (said right-of-way line lying parallel with and 33 ft. east of the west line of said Section 13), 394.50 ft. to the intersection with the northerly right-of-way line of Hammock Trail (a 100 ft. right-of-way) as described in ORB 1212, Page 917 of the Public Records of Brevard County, Florida; thence continue on a bearing of north, along the aforementioned easterly right-of-way line of Turpentine Rd., 834.74 ft. to the SW corner of the parcel of land described in ORB 258, Page 403 of the Public Records of Brevard County, Florida; thence N89deg20'20"E, along the south line of said parcel, 133 ft. to the SE corner thereof and said point being the SW corner of the parcel of land described in ORB 2314, Page 2137 of the public records of Brevard County, Florida; thence along the boundaries of said parcel of land, the following two courses and distances: thence N58deg49'19"E, 69.61 ft.; thence on a bearing of north, 62.65 ft. to a point lying on the south line of the NW 1/4 of the SW 1/4 of the aforesaid Section 13 and the south line of Bar-C Ranchettes as recorded in Plat Book 24, Page 58 of the Public Records of Brevard County, Florida; thence N89deg20'20"E, along said line, 436.80 ft. to the SE corner of said plat of Bar-C Ranchettes and the SE corner of the west 1/2 of the NW 1/4 of the SW 1/4 of said Section 13; thence N00deg03'56"W, along the east line of said Plat of Bar-C Ranchettes and along said east line of the west 1/2 of the NW 1/4 of the SW 1/4 of Section 13, a distance of 1285.83 ft. to a point lying on the south right-of-way line of S.R. 46; thence N89deg10'34"E, along said right-of-way line, 615.30 ft. to the point of beginning of the land herein described; thence continue N89deg10'34"E, along said right-of-way line, 401.48 ft. to a point lying on the east line of the west 25 ft. of the east 1/2 of the NW 1/4 of the NE 1/4 of the SW 1/4 of said Section 13; thence S00deg08'56"E, along said line, 623.32 ft. to a point lying on the north line of the south 1/2 of the NE 1/4 of the SW 1/4 of said Section 13; thence N89deg16'10"E, along said line, 967.74 ft. to a point lying on the northerly right-of-way line of the aforesaid Hammock Trail and the arc of a circular curve, concave northerly, having a radius of 544.65 ft. and to which point a radial line bears S39deg42'41"E; thence along said right-of-way line of Hammock Trail, the following three courses and distances: thence westerly, along the arc of said curve, through a central angle of 64deg09'17", 609.85 ft. to the point of tangency; thence N65deg33'30"W, 641 ft. to the point of curvature of a circular curve, concave southerly and having a radius of 675.82 ft.; thence westerly, along the arc of said curve, through a central angle of 39deg31'20", 466.20 ft.; thence N15deg04'59"W, 112.69 ft.; thence N45deg46'25"W, 47.84 ft.; thence N44deg13'35"E, 139.33 ft.; thence N40deg01'27"E, 302.44 ft.; thence N14deg14'48"W, 186.22 ft.; thence N40deg01'27"E, 302.44 ft.; thence N89deg33'12"E, 115.85 ft.; thence S81deg28'48"E, 60.10 ft.; thence N08deg33'12"E, 403.88 ft. to the point of beginning. Section 13, Township 21, Range 34, (38.10 acres) Located on the south side of S.R. 46, approx. 0.23 mile west of N. Carpenter Rd. (2400 Seasons in the Sun Blvd., Mims)

IV.B.7. (16PZ00102) - SHARPES EXECUTIVE GOLF COURSE, INC. - (Boaz Bar Navon and Rodney Honeycutt) - requests a change of classification from AU (Agricultural Residential) and RU-2-15(12) (Medium Density Multi-Family Residential with a Cap of 12 Units) to RU-1-7 (Single-Family Residential), with a BDP (Binding Development Plan) limited to 4 units per acre, on property described as lands described in ORB 2480, Page 307, of the Public Records of Brevard County, Florida, being more particularly described as follows: Parcel No. 1: Being part of Section 31, Township 23S, Range 36E, Brevard County, Florida, and described as follows: From a zone set at the SW corner of Section 31, Township 23S, Range 36E, run north along the west line of said Section 2,685.10 ft. to an iron pipe set at the west 1/4 corner; thence N89deg26'E along the center line of said Section 31, 1,319.11 ft. to a concrete monument which is the point of beginning of the land herein described; thence continue N89deg26'E along the center line of said Section 1,319.11 ft. to an iron pipe; thence N08deg20'E 1,330 ft. to a point; thence S89deg43'W 1,319.56 ft. to a concrete monument set 1,319.56 ft. east of the west line of said Section 31; thence S00deg15'W 1,336.45 ft. to the point of beginning, and containing 40.40 acres of land, more or less, excepting the right-of-way of State Hwy 5. Parcel No. 2: Begin at a concrete post at NE corner of U.S. Lot 2, Section 31, Township 23S, Range 36E, Brevard County, Florida, run thence south on east side said lot 2 a distance of 665 ft. to a concrete post; run thence west and parallel to north line of said Lot 2 a distance of 615.8 ft. to a concrete post on west side of FECRR; run thence northwesterly along said railway a distance of 705.4 ft. to a concrete post on the north line of said U.S. Lot 2; run thence east along the north line of said Lot 2, a distance of 854 ft. to point of beginning. Containing 11.15 acres according to Deed Book 240, Page 543, less and except the portion thereof within the right-of-way of S.R. 5. Parcel No. 3: A tract or parcel of land in Section 31, Township 23S, Range 36E, Brevard County, Florida, described as follows: Beginning at a point 6.32 chains north of the SW corner of Government Lot 1, Section 31, Township 23S, Range 36E, said point being the SW corner of Orange Park Subdivision, recorded in Plat Book 7, Page 23, Public Records of Brevard County, Florida; thence run north on the west line of said Government Lot 1 (being also the west line of said Orange Park Subdivision) to the point where said line intersects the proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1; thence run southeasterly along the westerly line of said proposed new right-of-way line of S.R. 5, also known as U.S. Hwy 1, to the point where said proposed new right-of-way line intersects the south line of said Orange Park Subdivision which point is 6.32 chains north of the south line of said Government Lot 1; by right angle measurement; thence run west on the south line of said Orange Park Subdivision to the point of beginning of the land conveyed hereby. Parcel No. 4: Commence at SE corner of SW 1/4 of NW 1/4 running north 276 ft. thence run due west 825 ft. more or less to right-of-way of FECRR thence run southeasterly along railway 276 ft. more or less to south line of SW 1/4 of NW 1/4 thence run east to point of beginning, being in Section 31, Township 23S, Range 36E, Public Records of Brevard County, Florida. Parcel No. 5: Begin at a point on the west line of Government Lot 1, in Section 31, Township 23S, Range 36E, 239.10 ft. north of the SW corner of said Government Lot 1, and from said point of beginning continue north on the west line of said Government Lot 1 a distance of 172.5 ft. to a point; thence run east and parallel with the south line of said Government Lot 1, a distance of 62.7 ft. to a point on the west line of the right-of-way of U.S. Hwy 1, being also known as S.R. 5, as presently located; thence run southeasterly along the west line of the right-of-way of said U.S. Hwy 1, a distance of 179 ft. to a concrete post; thence run west and parallel with the south line of said Government Lot 1, and 239.10 ft. distant north therefrom, a distance of 110.6 ft. to the concrete post set on the west line of said Government Lot 1, being the point of beginning of the land conveyed hereby. Parcel No. 6: Beginning at the SW corner of U.S. Government Lot 1, in Section 31, Township 23S, Range 36E, and thence run north along the west line of said U.S. Government Lot 1, a distance of 239.10 ft. to a point, said point being the NW corner of the land described in Deed Book 383, Page 282, Public Records of Brevard County, Florida; thence run east along the north line of said land described in Deed Book 383, Page 282, and parallel to the south line of said U.S. Government Lot 1, to the center line of S.R. 5, being also U.S. Hwy 1, as presently located; thence run southerly along the center line of said S.R. 5, being U.S. Hwy 1, to a point on the south line of U.S. Government Lot 1, aforesaid; thence run west along the south line of said U.S. Government Lot 1 to the SW corner thereof, being the point of beginning of the land conveyed hereby, and excepting therefrom the right-of-way of S.R. 5, being also known as U.S. 1, and further excepting the rights of way or easement of any public utilities on or across said land. Overall description by surveyor: A parcel of land being a portion of Section 31, Township 23S, Range 36E, Brevard County, Florida, being more particularly described as follows: Commence at the SW corner of said Section 31, thence N88deg10'45"E, along the south line of said Section 31, a distance of 1,532.39 ft. to the SE corner of Government Lot 3 of said Section 31, said point also being the SW corner of the SE 1/4 of said Section 31; thence continue N88deg10'45"E, along said south line, a distance of 1,320.51 ft. to the SE corner of the west 1/2 of the SE 1/4 of said Section 31; thence N00deg13'57"W, along the east line of the west 1/2 of the SE 1/4 of said Section 31, a distance of 2,623.93 ft. to the NE corner of the west 1/2 of the SE 1/4 of said Section 31; thence S89deg26'00"W, along the south line of Government Lot 1 of said Section 31 and the north line of the south 1/2 of said Section 31, a distance of 32.89 ft. to the intersection of said south and north line and the west right-of-way line of U.S. Hwy 1 (aka S.R. 5 as shown on FDOT right-of-way map Section 7002-177), said point also being the point of beginning of the herein described parcel; thence continue S89deg26'00"W, along said south and north line, a distance of 1,287.13 ft. to the NE corner of Government Lot 2 of said Section 31, said point also being the NW corner of the SE 1/4 of said Section 31; thence S00deg13'57"E, along the east line of said Government Lot 2 and the west line of the west 1/2 of the SE 1/4 of said Section 31, a distance of 661.36 ft. to the NW corner of lands described in ORB 2603, Page 400 and the NE corner of lands described in Deed Book 423, Page 430, all of the Public Records of Brevard County, Florida; thence S89deg12'15"W, along the north line of said Deed Book 423, Page 430, a distance of 622.28 ft. to a point on the easterly right-of-way line of FECRR; thence N19deg44'09"W, along said easterly right-of-way line, a distance of 995.25 ft. to the SW corner of Williams Point Trailer Town Addition, according to the plat thereof, as recorded in Plat Book 18, Page 54, of the said Public Records of Brevard County; thence N89deg24'02"E, along the south line of said Williams Point Trailer Town Addition, a distance of 747.01 ft. to the SE corner of said Williams Point Trailer Town Addition; thence N00deg10'15"W, along the east line of said Williams Point Trailer Town Addition, a distance of 1,060.43 ft. to a point on the south line of Williams Point Trailer Town Addition, according to the plat thereof, as recorded in Plat Book 17, Page 83, of the said Public Records of Brevard County; thence N89deg48'18"E, along the south line and its easterly extension of said Williams Point Trailer Town, a distance of 1,216.00 ft. to a point on the said west right-of-way line of U.S. Hwy 1; thence run along said west right-of-way line for the following four (4) calls: S00deg12'26"W, a distance of 53.24 ft. to the point of curvature of a curve concave northeasterly, having a radius of 1,956.08 ft., a central angle of 15deg40'31", and a radial bearing of S89deg47'34"E, thence southeasterly along the arc a distance of 535.15 ft. to a point; thence S16deg59'47"E, a distance of 348.76 ft.; thence S15deg14'13"E, a distance of 419.67 ft. to the point of beginning. Containing 56.17 acres, more or less. Located on the west side of U.S. Hwy 1, approx. 0.26 mile south of Camp Rd. (4242 N. U.S. Hwy 1, Cocoa) All persons for or against said items can be heard at said time and place. If a person decides to appeal any decision made by the Board 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 this proceeding is made, at his/her expense, which record includes testimony and evidence upon which any appeal is to be based. 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 five (5) days prior to the meeting. 633-2069 for the meeting. Planning & Development Department - By Jennifer Jones, Special Projects Coordinator.

PUBLIC HEARING NOTICE

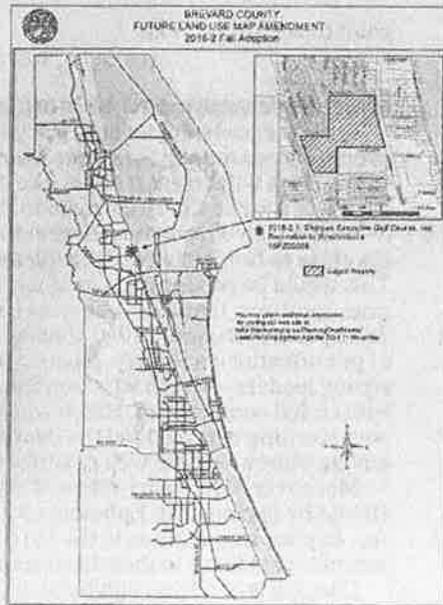
The Brevard County Board of County Commissioners will consider ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the adoption of the Fall Plan Amendment Cycle 2016-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

At a public hearing on Thursday, December 1, 2016, at 5:00 p.m., the Brevard County Board of County Commissioners will consider the adoption of the 2016-2 Comprehensive Plan Amendments. This meeting will be held in the Commission Room, First Floor, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida. Said Plan Amendment 2016-2 consists of three proposals, as follows:

a. Plan Amendment 2016-2.1 – a proposal initiated by Sharpes Executive Golf Course, Inc., to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Recreational to Residential 4 on 53.82 acres on the west side of U.S. 1, approx. 0.26 miles south of Camp Rd.

b. Plan Amendment 2016-2.2 – a proposal initiated by Brevard County staff to amend Part I, the Conservation Element, to amend Objective 3 – Surface Water, to amend Policy 3.3 and Map 5, relating to development along the surface water conservation buffer.

c. Plan Amendment 2016-2.3 – a proposal initiated by Brevard County staff to amend Part XV, the Glossary, to update certain definitions according to Florida Administrative Code changes.



If any person desires to appeal any decision made by this Board with respect to any matter considered at this meeting, such 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, which record includes testimony and evidence upon which any such appeal is to be based. Arrangements for any verbatim transcript must be made at the expense of the person making those arrangements.

In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning & Development Department at least 48 hours in advance at: (321) 633-2069.

Per: Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, Florida 32940
(321) 633-2069