

Meeting Date
8/4/16



AGENDA	
Section	Public Hearing
Item No.	IV.D

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: TRANSMITTAL 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 transmittal 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 Zoning Code Chapter 62-502 (b)(3) establishes a twice a year application deadline. 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 for amendment being considered for transmittal in this cycle: 2016 – 2.1 submitted by Sharpes Executive Golf Course, Inc., listed below and more fully described in the attached staff report. The Local Planning Agency held a public hearing regarding the transmittal of the 2016-2 Plan Amendment on July 25, 2016, recommending approval of all three Comprehensive Plan Amendments, 2016-2.1, 2016-2.2, and 2016-2.3.

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.

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 US1, 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.

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.

Clerk to the Board instruction: Chairman to sign Transmittal Cover Letter, Ordinance is draft for transmittal – Do not execute

Exhibits Attached: 2016 – 2 Transmittal Package

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension		Robin M. DiFabio, AICP Director, Planning & Development Department				
Stockton Whitten								



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

August 5, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item IV.D., Transmittal of Comprehensive Plan Package 2016-2 Plan Amendments

The Board of County Commissioners, in regular session on August 4, 2016, conducted a public hearing to consider transmittal of the 2016-2 Comprehensive Plan Amendments including one private application for Sharpes Executive Golf Course (2016-2.1); two additional amendments to the Comprehensive Plan's Conservation Element (2016-2.2); and Glossary (2016-2.3). Enclosed for your action is the fully-executed Letter.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

Encl. (1)



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

August 4, 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 Transmittal 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 transmittal 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 transmittal of the 2016-2 Plan Amendment on July 25, 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 transmittal of the 2016-2 Plan Amendment package during a public hearing on August 4, 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 the Department of Economic Opportunity review the proposed amendment package and reply with an Objections, Recommendations, and Comments Report.

The proposed amendment package is anticipated to be adopted by Brevard County in December, 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:

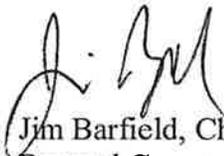
Erin Sterk, Planner III
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940
(321) 633-2069 - FAX (321) 633-2074

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 Stuart Buchanan at the above address.

Sincerely,



Jim Barfield, 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
Fall Transmittal 2016-2**

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

**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	TR-1	Res 4
	Retail	BU-1	CC
East	Commercial (Across US 1)	BU-1	CC NC
South	Brevard County Park	RU-2-4	Rec
	Institutional	IN(L)	Res 4
West	Residential	TR-1	Res 4
	(Across FEC Railway)	RU-1-11	

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.

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.

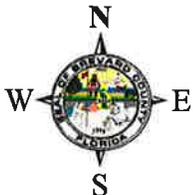
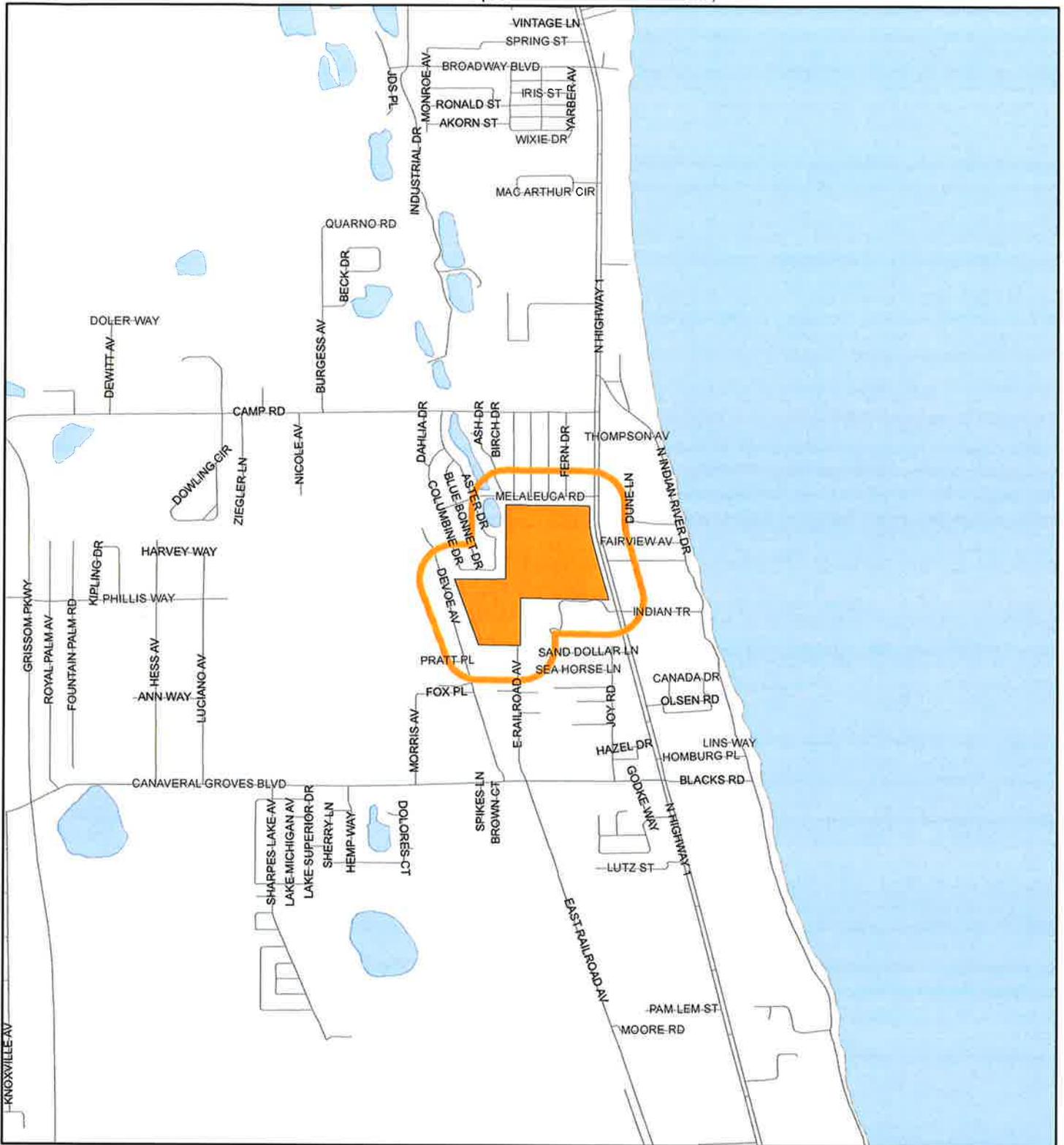
The applicant will submit a rezoning application for a change from the two existing zonings, RU-2-15 (12) and AU, to RU-1-7 with a BDP to limit density to 4 units per acre for public hearing at the adoption of this proposed amendment.

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

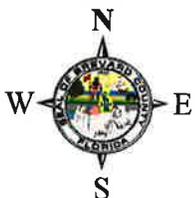
Buffer Distance: 500 feet

-  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.

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

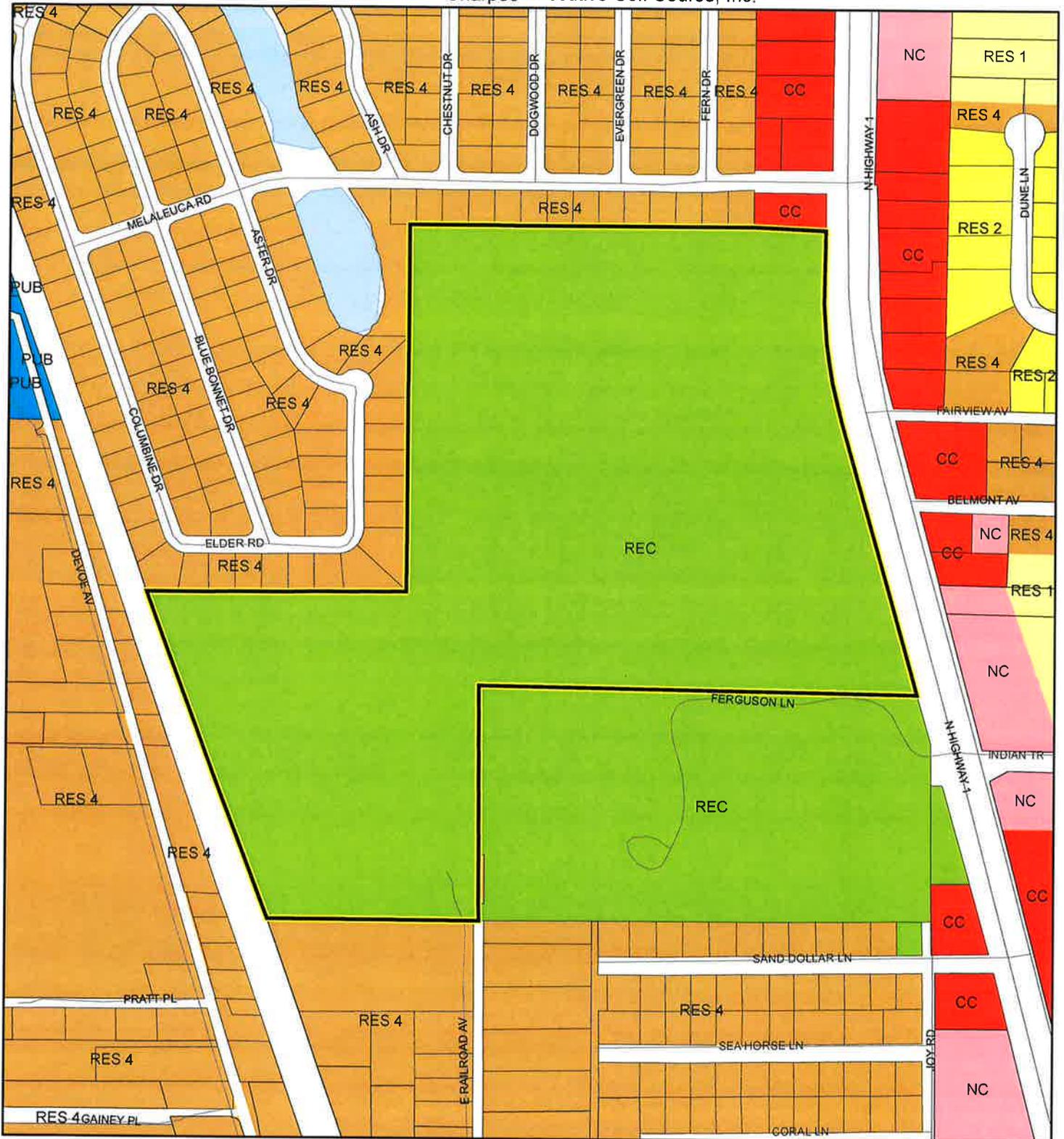
 Parcels

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: 7/5/2016

FUTURE LAND USE MAP

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



1:4,800 or 1 inch = 400 feet

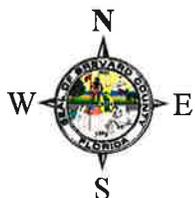
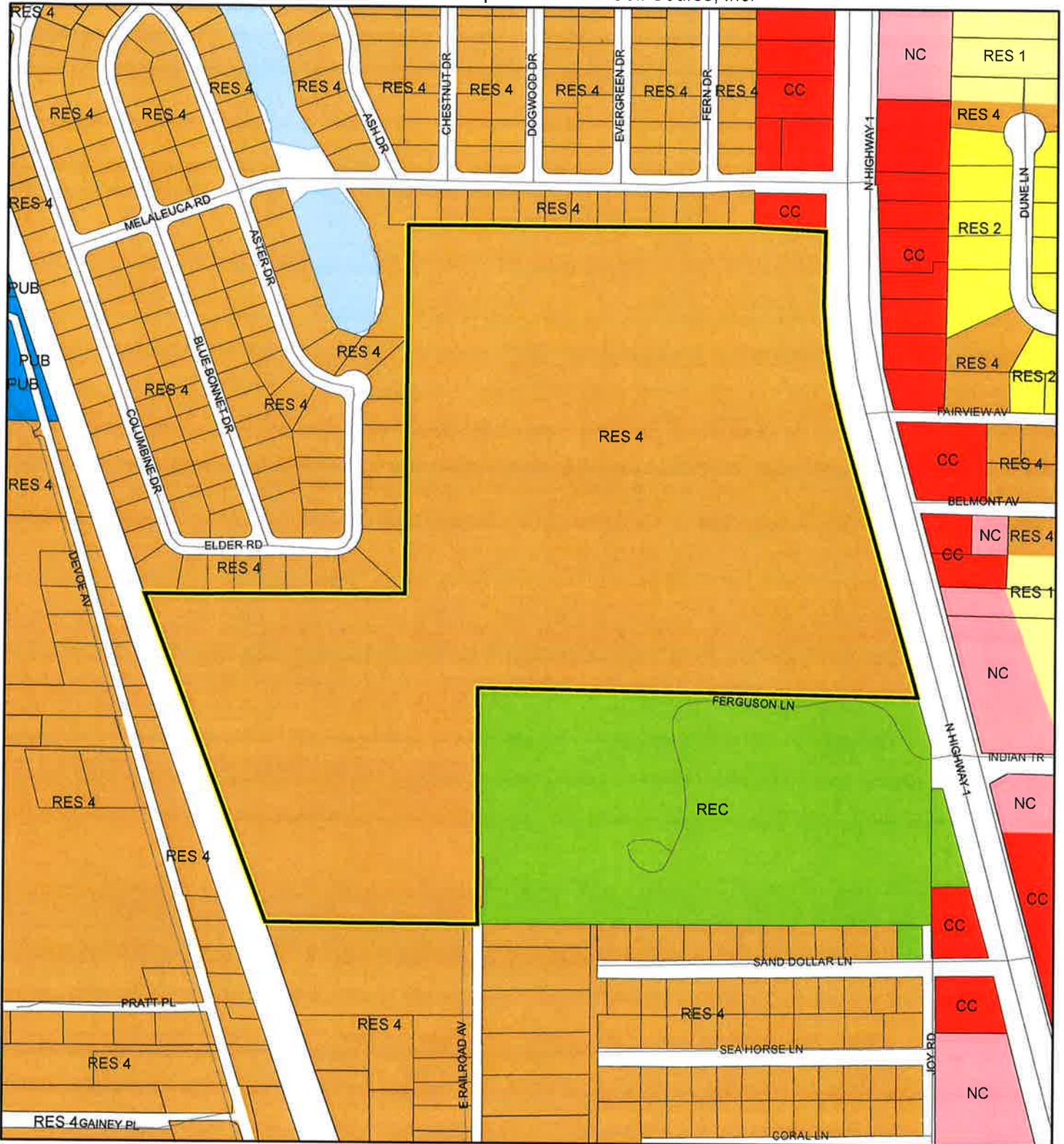
 Subject Property
 Parcels

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 hereon.

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 to 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,



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 Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	605	81%	751	624	83%	751	611	81%	751	612	81%	751	612	81%	751	595	76%
Andersen	Elementary	K-6	100%	884	705	80%	884	700	79%	884	711	80%	884	741	84%	884	741	84%	884	763	86%
Apollonia	Elementary	PK-6	100%	902	857	95%	902	826	92%	902	851	94%	902	882	98%	902	919	99%	902	913	95%
Atlantis	Elementary	PK-6	100%	703	582	83%	703	569	81%	703	567	81%	703	538	77%	703	538	77%	703	528	75%
Audubon	Elementary	PK-6	100%	761	644	85%	761	649	85%	761	649	85%	761	622	82%	761	622	82%	761	598	79%
Cambridge	Elementary	PK-6	100%	765	666	87%	765	687	90%	765	678	89%	765	664	87%	765	664	87%	765	642	84%
Cape View	Elementary	PK-6	100%	548	426	78%	548	421	77%	548	430	78%	548	421	77%	548	421	77%	548	424	77%
Carroll	Elementary	K-6	100%	751	638	85%	751	634	84%	751	631	84%	751	639	85%	751	639	85%	751	654	87%
Challenger 7	Elementary	PK-6	100%	551	514	93%	551	507	92%	551	489	89%	551	482	87%	551	470	85%	551	463	84%
Chattahoochee	Elementary	PK-6	100%	751	577	77%	751	555	74%	751	544	72%	751	533	71%	751	533	71%	751	511	68%
Coquina	Elementary	K-6	100%	1,154	931	81%	1,154	960	83%	1,154	977	85%	1,154	1,012	89%	1,154	1,012	89%	1,154	996	86%
Creel	Elementary	PK-6	100%	795	665	84%	795	657	83%	795	669	84%	795	707	89%	795	709	89%	795	721	91%
Croton	Elementary	PK-6	100%	980	834	85%	980	826	84%	980	815	83%	980	894	91%	980	894	91%	980	880	90%
Discovery	Elementary	PK-6	100%	890	858	94%	890	852	96%	890	862	96%	890	892	100%	890	892	100%	890	880	99%
Endeavour	Elementary	PK-6	100%	729	539	74%	729	529	73%	729	491	67%	729	441	60%	729	441	60%	729	402	55%
Enterprise	Elementary	PK-6	100%	711	483	68%	711	456	64%	711	429	60%	711	431	61%	711	427	60%	711	422	59%
Falghien	Elementary	PK-6	100%	777	647	83%	777	644	83%	777	642	83%	777	642	83%	777	642	83%	777	655	84%
Gannett	Elementary	PK-6	100%	629	434	69%	629	442	71%	629	421	67%	629	418	66%	629	411	65%	629	389	62%
Harbor City	Elementary	PK-6	100%	605	432	71%	605	443	73%	605	431	70%	605	431	70%	605	421	70%	605	405	67%
Holland	Elementary	PK-6	100%	729	650	89%	729	650	89%	729	679	93%	729	725	99%	729	725	99%	729	756	98%
Imperial Estates	Elementary	K-6	100%	930	810	87%	930	831	89%	930	846	91%	930	877	94%	930	880	95%	930	896	97%
Indalantic	Elementary	K-6	100%	798	753	94%	798	746	93%	798	732	92%	798	733	92%	798	712	89%	798	715	90%
Jupiter	Elementary	PK-6	100%	892	721	81%	892	727	82%	892	709	79%	892	690	77%	892	686	76%	892	686	76%
Lockmar	Elementary	PK-6	100%	790	631	80%	790	626	79%	790	616	78%	790	633	80%	790	612	77%	790	594	75%
Longleaf	Elementary	PK-6	100%	998	846	85%	998	845	85%	998	823	82%	998	833	83%	998	868	87%	998	895	90%
Manatee	Elementary	K-6	100%	918	744	81%	918	768	84%	918	774	84%	918	787	86%	918	775	84%	918	765	83%
McAuliffe	Elementary	PK-6	100%	1,114	1,003	90%	1,114	1,040	93%	1,114	1,035	93%	1,114	1,041	93%	1,114	977	88%	1,114	931	84%
Meadowlane Intermediate	Elementary	3-6	100%	824	740	90%	824	730	89%	824	723	88%	824	703	85%	824	695	84%	824	692	84%
Meadowlane Primary	Elementary	K-6	100%	707	495	70%	707	482	68%	707	509	72%	707	520	74%	707	505	71%	707	494	70%
Mims	Elementary	PK-6	100%	725	517	71%	725	538	74%	725	542	75%	725	563	78%	725	557	74%	725	540	74%
Oak Park	Elementary	PK-6	100%	932	858	92%	932	874	94%	932	896	96%	932	896	96%	932	853	92%	932	856	92%
Ocean Breeze	Elementary	PK-6	100%	654	532	81%	654	515	79%	654	544	83%	654	566	87%	654	563	86%	654	566	87%
Palm Bay	Elementary	PK-6	100%	1,005	815	81%	1,005	836	83%	1,005	808	80%	1,005	803	80%	1,005	777	77%	1,005	724	72%
Pinewood	Elementary	PK-6	100%	503	479	95%	503	503	100%	503	547	96%	503	569	98%	503	584	99%	503	602	98%
Port Malabar	Elementary	PK-6	100%	852	751	89%	852	775	91%	852	765	90%	852	767	90%	852	747	88%	852	715	84%
Quest	Elementary	PK-6	100%	950	848	89%	950	852	90%	950	972	95%	950	1,126	100%	950	1,260	100%	950	1,346	99%
Riviera	Elementary	PK-6	100%	777	690	89%	777	739	95%	777	799	99%	777	843	100%	777	829	98%	777	843	94%
Roosevelt	Elementary	K-6	100%	599	375	63%	599	362	64%	599	405	68%	599	433	72%	599	433	72%	599	443	74%
Sabal	Elementary	PK-6	100%	785	565	72%	785	573	73%	785	584	74%	785	606	77%	785	605	77%	785	613	78%
Saturn	Elementary	PK-6	100%	958	785	82%	958	779	81%	958	774	81%	958	762	80%	958	776	81%	958	779	81%
Sea Park	Elementary	PK-6	100%	439	330	75%	439	325	74%	439	333	76%	439	333	76%	439	329	75%	439	322	73%
Sherwood	Elementary	PK-6	100%	609	505	83%	609	505	83%	609	521	86%	609	530	87%	609	538	89%	609	553	91%
Sunrise	Elementary	PK-6	100%	895	844	94%	895	851	95%	895	876	98%	895	872	97%	895	865	96%	895	858	96%
Sunrise	Elementary	K-6	100%	755	649	86%	755	628	83%	755	610	81%	755	595	79%	755	577	76%	755	577	76%
Surfside	Elementary	K-6	100%	501	449	90%	501	464	93%	501	465	93%	501	467	93%	501	457	91%	501	464	93%
Tropical	Elementary	K-6	100%	910	795	84%	910	760	84%	910	741	81%	910	747	82%	910	730	80%	910	720	79%
Turner	Elementary	PK-6	100%	874	689	79%	874	707	81%	874	691	79%	874	683	78%	874	657	75%	874	608	70%
University Park	Elementary	PK-6	100%	811	617	76%	811	638	79%	811	659	81%	811	777	90%	811	791	98%	811	790	97%
Westside	Elementary	K-6	100%	857	700	82%	857	691	81%	857	647	75%	857	609	71%	857	543	63%	857	485	57%
Williams	Elementary	PK-6	100%	715	559	78%	715	541	76%	715	542	76%	715	537	75%	715	522	73%	715	502	70%
Elementary Totals				40,989	33,983		41,077	34,124		41,297	34,609		41,917	34,283		41,827	33,948		41,827	33,948	

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 Membership	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	1,266	83%	1,525	1,337	88%
DuLaura	Middle	7-8	90%	961	886	71%	961	679	71%	961	767	80%	961	849	88%	961	850	88%
Hoover	Middle	7-8	90%	659	507	77%	659	496	75%	659	564	86%	659	540	82%	659	559	85%
Jackson	Middle	7-8	90%	654	578	88%	654	575	88%	654	611	93%	654	654	100%	654	708	99%
Jefferson	Middle	7-8	90%	848	815	73%	848	815	73%	848	860	78%	848	848	100%	848	917	99%
Johnson	Middle	7-8	90%	1,020	785	77%	1,020	776	76%	1,020	818	80%	1,020	847	83%	1,020	917	90%
Kennedy	Middle	7-8	90%	819	608	74%	819	601	73%	819	663	81%	819	698	85%	819	796	97%
Madsen	Middle	7-8	90%	743	438	59%	743	464	62%	743	501	67%	743	543	73%	743	529	71%
McNair	Middle	7-8	90%	611	472	77%	611	502	82%	611	504	82%	611	521	85%	611	505	83%
Southwest	Middle	7-8	90%	1,177	882	75%	1,177	869	74%	1,177	871	74%	1,177	844	80%	1,177	1,049	89%
Stone	Middle	7-8	90%	1,013	836	83%	1,013	854	84%	1,013	979	97%	1,013	1,032	100%	1,013	1,211	100%
Middle Totals				10,030	7,541		10,030	7,541		10,030	8,062		10,030	8,594		10,287	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	1,885	93%	1,782	1,801	96%	1,895	1,892	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%
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	1,465	81%	1,812	1,483	82%
Jr / Sr High Totals				5,060	4,074		5,060	4,217		5,060	4,259		5,060	4,352		5,173	4,460	
Senior High School Concurrency Service Areas																		
Astronaut	High	9-12	95%	1,446	1,108	77%	1,446	1,077	74%	1,446	1,035	72%	1,446	1,032	71%	1,446	1,081	75%
Bayside	High	9-12	95%	2,235	1,687	75%	2,235	1,646	74%	2,235	1,649	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	1,820	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	1,804	78%	2,314	1,830	79%
Melbourne	High	9-12	95%	2,317	2,227	96%	2,317	2,200	95%	2,317	2,220	96%	2,317	2,335	100%	2,317	2,352	99%
Merritt Island	High	PK, 9-12	95%	1,915	1,545	81%	1,915	1,575	82%	1,915	1,585	83%	1,915	1,510	79%	1,915	1,541	80%
Palm Bay	High	PK, 9-12	95%	2,613	1,570	60%	2,613	1,558	60%	2,613	1,883	72%	2,613	1,915	73%	2,613	1,865	71%
Rockledge	High	9-12	95%	1,677	1,447	86%	1,677	1,450	86%	1,677	1,536	91%	1,677	1,536	91%	1,677	1,749	97%
Satellite	High	PK, 9-12	95%	1,525	1,345	89%	1,525	1,351	89%	1,525	1,309	86%	1,525	1,286	84%	1,525	1,334	87%
Thusville	High	9-12	95%	1,872	1,393	74%	1,872	1,413	75%	1,872	1,443	77%	1,872	1,413	75%	1,872	1,453	77%
Viera	High	PK, 9-12	95%	2,277	2,002	88%	2,277	2,000	88%	2,277	2,049	90%	2,277	2,205	97%	2,277	2,512	100%
High Totals				22,377	17,888		22,377	17,916		22,377	18,340		22,377	18,749		22,734	19,156	
Schools of Choice (Not Concurrency Service Areas)																		
Freedom 7	Elementary	K-5	100%	475	413	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	489	86%	569	480	86%	569	480	86%	569	490	86%	569	480	86%
West Melbourne	Elementary	K-6	100%	618	551	89%	618	552	89%	618	552	89%	618	552	89%	618	552	89%
Edgewood	Jr / Sr High	7-12	90%	1,072	949	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%
Schools of Choice				3,998	3,359		3,998	3,362		3,998	3,362		3,998	3,362		3,998	3,362	
Brevard Totals				82,454	66,666		82,454	67,019		82,454	68,632		82,454	69,340		83,819	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 FIE 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 FIE 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.
 - Nonenrolled student addresses (58) 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 (Grades 4-8) 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, Apollo Elementary, Imperial Estates Elementary, Pinewood Elementary, Stone Middle, and Jackson Middle (Total of 42 Classrooms)
 - High school relocatable classrooms are proposed to be added at Melbourne High, Cocoa Jr/Sr High, Rockledge High and Viera High (Total of 20 Classrooms)
- No plans for redistributing are proposed at this time since 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 9 RU-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 test.

SEE ATTACHED EXHIBIT "A"

(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;

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Fall 2016-2.1
Ordinance

ORDINANCE NO. 16__

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

WHEREAS, on XX XX, 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 XX XX, 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 _____ day of _____, 2016.

ATTEST

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

Scott Ellis, Clerk

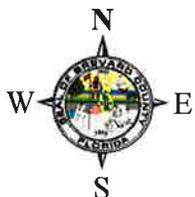
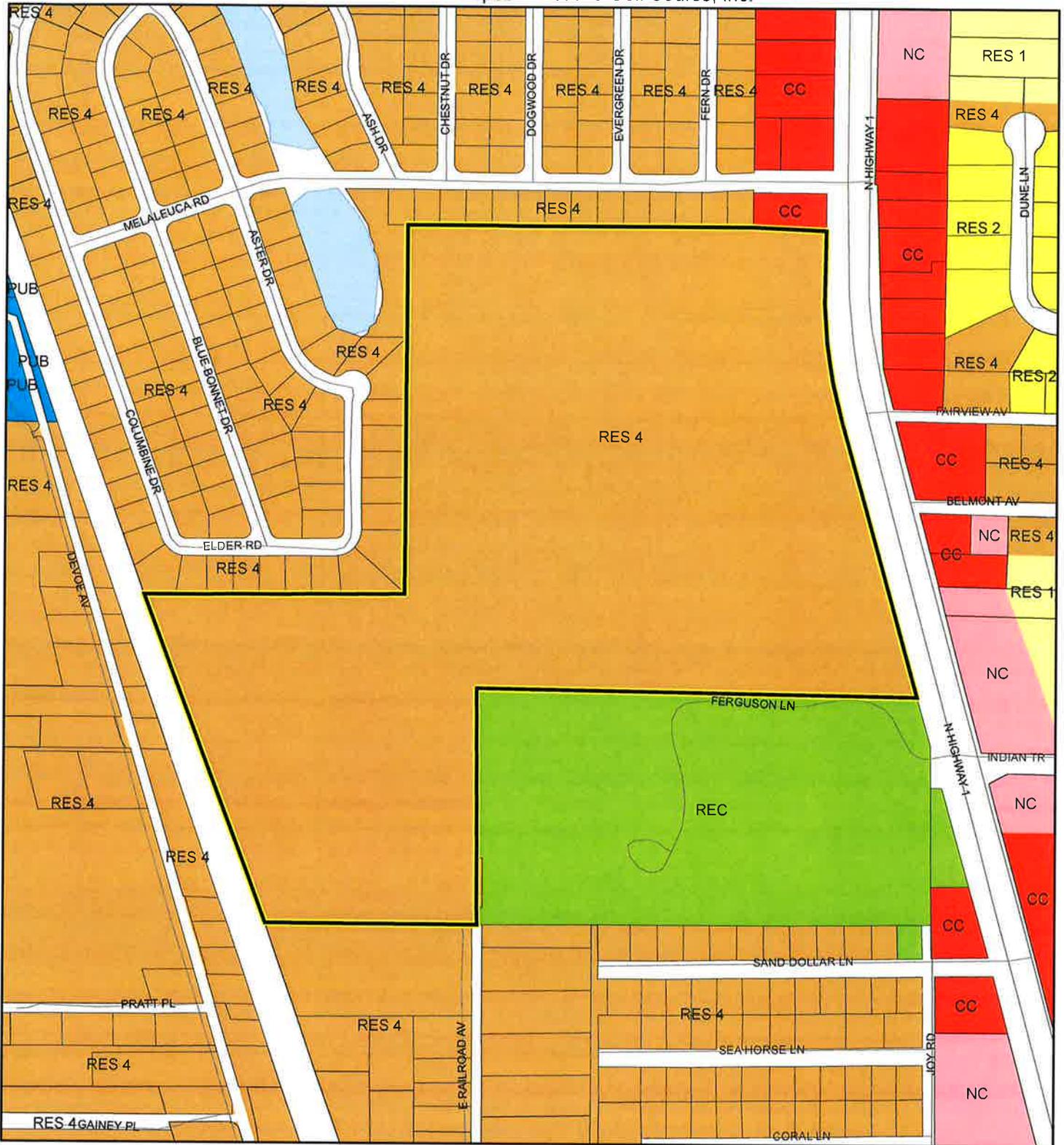
By: _____
Jim Barfield, Chairman

Approved by the Board on _____, 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

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

PUBLIC HEARING NOTICE

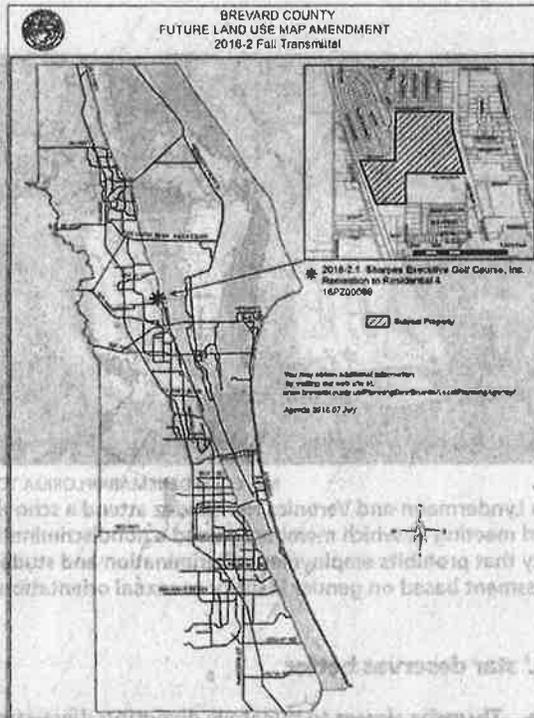
The Brevard County Board of County Commissioners will consider ordinances amending Article III, Chapter 62, of the Code of Ordinances of Brevard County; entitled "The Comprehensive Plan", setting forth the transmittal of the Fall Plan Amendment Cycle 2016-2; amending Section 62-501, entitled Contents 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, August 4, 2016, at 5:00 p.m., the Brevard County Board of County Commissioners will consider the transmittal 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

**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.

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

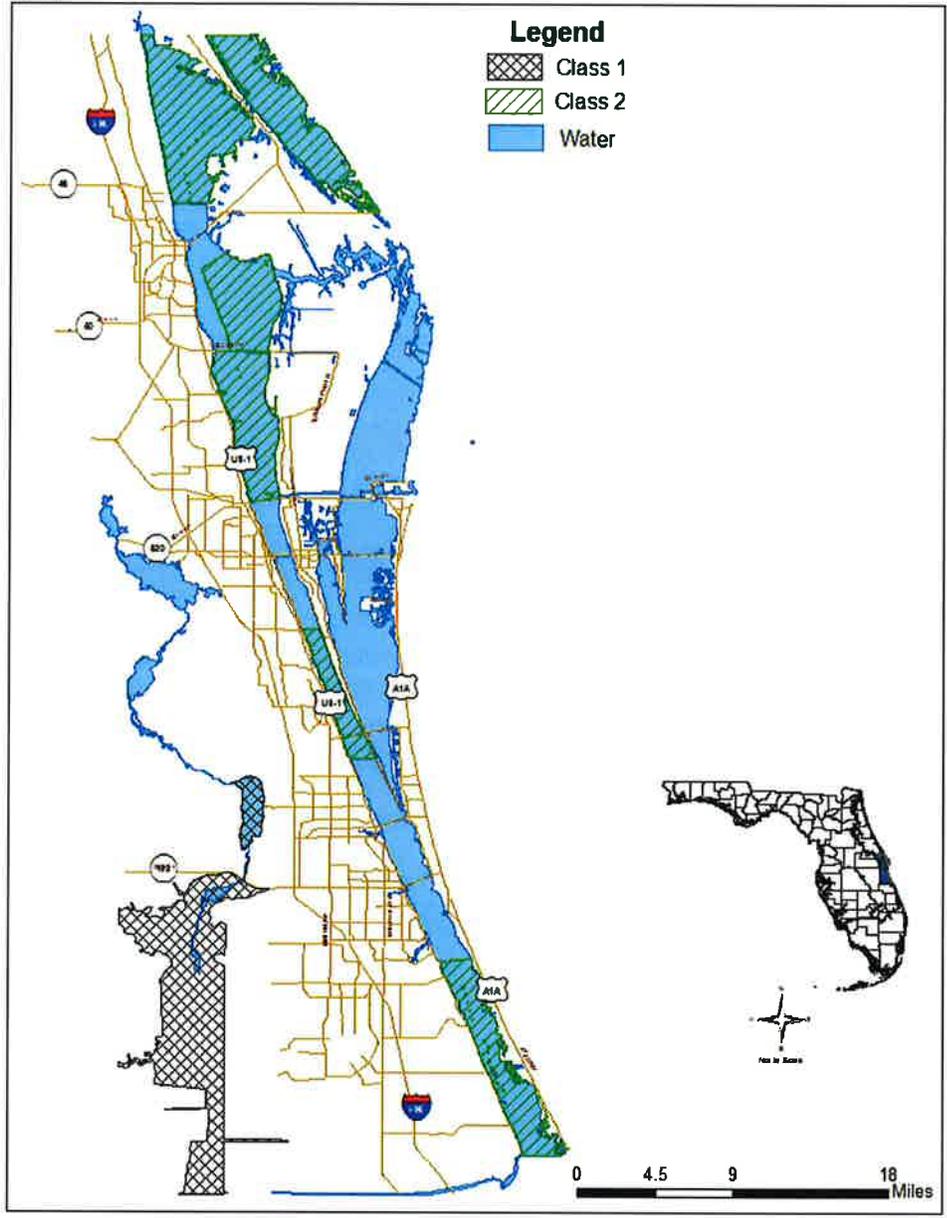
Please see attached Existing Map 5 and Proposed Map 5.

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

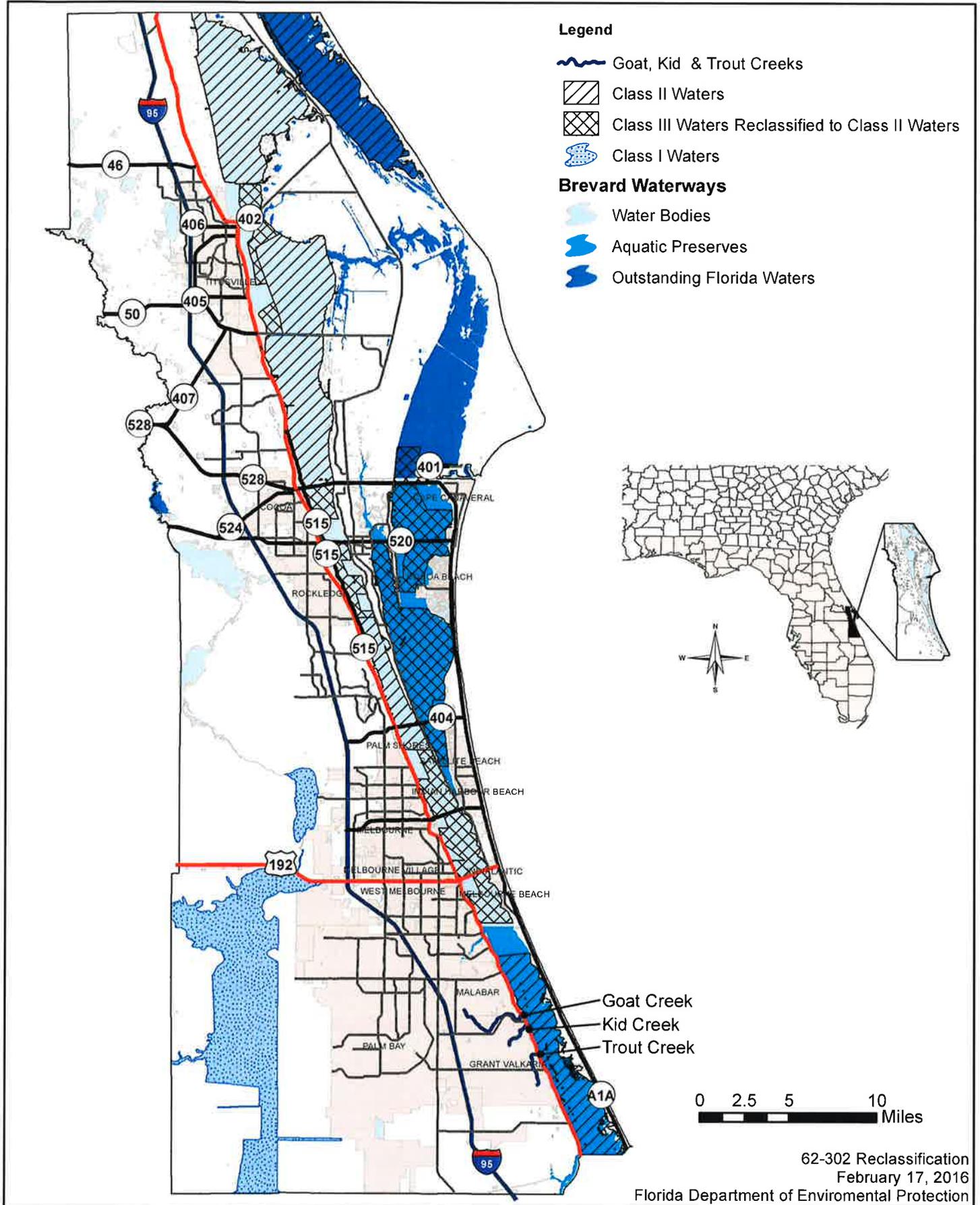
LSCPA
Part I: Conservation Element
Fall 2016-2.2
Supporting Maps



**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
Part I: Conservation Element
Fall 2016-2.2
Ordinance

ORDINANCE NO. 16__

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

WHEREAS, on XX XX, 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 XX XX, 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, this _____ day of _____, 2016.

ATTEST

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

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

Approved by the Board on _____, 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.

- 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.
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- GH. Prohibit discharges of any substances below ambient water quality standards.

Map 5

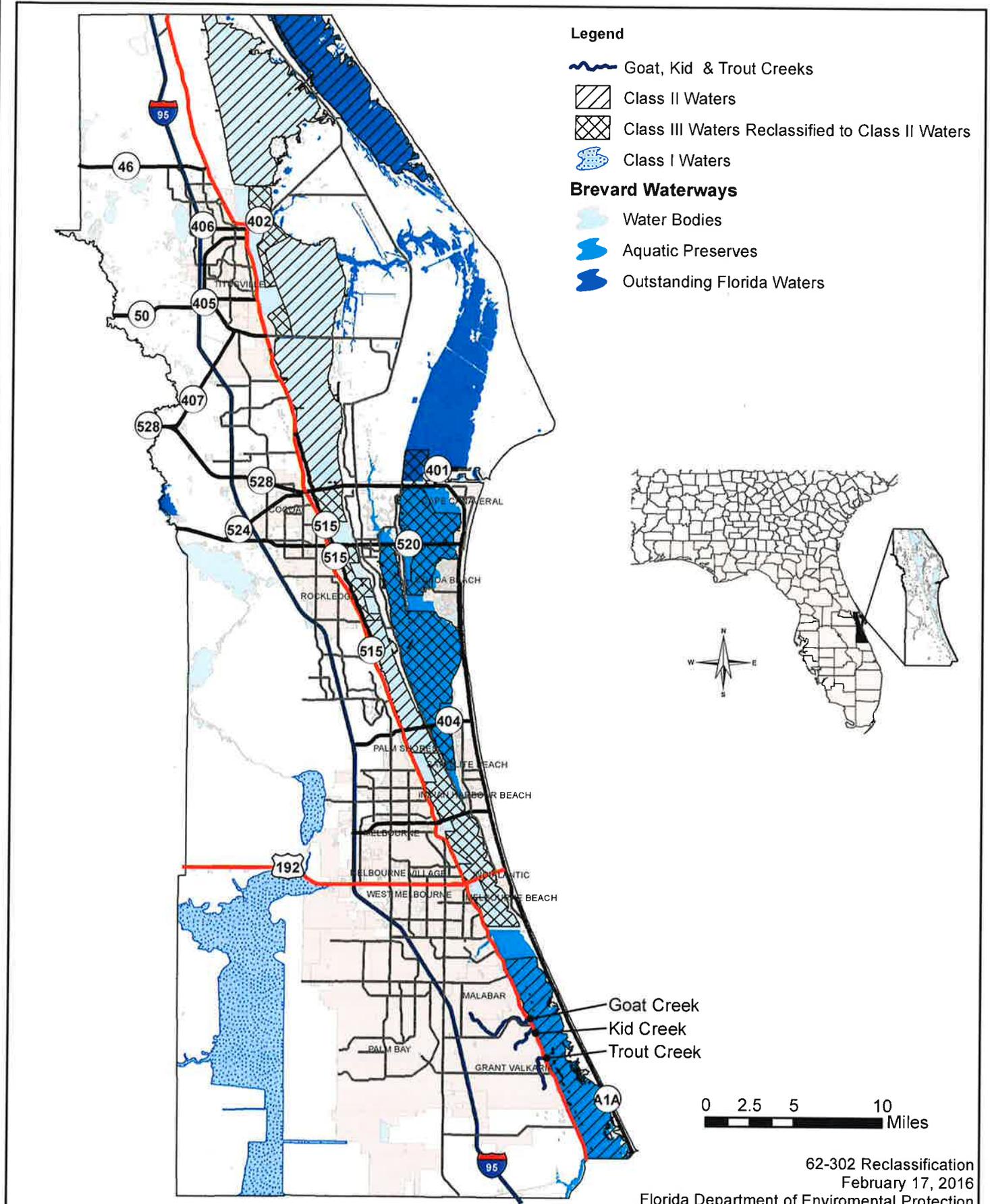
Please see attached Existing Map 5 and Proposed Map 5.

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1	General Soils
2	Vegetation
3	Biologically Diverse Habitat
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- 6 Wetlands
- 7 Marine Facilities
- 8 Mitigation Qualified Roadways
- 9 Landscape Level Polygon



Conservation Element
Surface Water - Classification

Map 5

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

**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.

LSCPA
Part XV: Glossary
2016-2.3
Ordinance

ORDINANCE NO. 16__

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

WHEREAS, on XX XX, 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 XX XX, 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, this _____ day of _____, 2016.

ATTEST

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

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

Approved by the Board on _____, 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.

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



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

August 4, 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 Transmittal 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 transmittal 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 transmittal of the 2016-2 Plan Amendment on July 25, 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 transmittal of the 2016-2 Plan Amendment package during a public hearing on August 4, 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 the Department of Economic Opportunity review the proposed amendment package and reply with an Objections, Recommendations, and Comments Report.

The proposed amendment package is anticipated to be adopted by Brevard County in December, 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 Stuart Buchanan at the above address.

Sincerely,

Jim Barfield, 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

III Public Comment
Yates/Deer Run
2/4/2016
EAC

**VOLUNTARY
ANNEXATION
PROCEDURES**



MARCH, 2016
CITY OF PALM BAY
GROWTH MANAGEMENT DEPARTMENT

VOLUNTARY ANNEXATION PROCEDURES

TABLE OF CONTENTS

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VOLUNTARY ANNEXATION PROCEDURES

A. GENERAL STEPS

STEP #1 (Petition)

Property owner petitions the City for annexation (Sample "*Petition*" attached as APPENDIX A).

STEP #2 (Verification)

City staff verifies that the petition contains the signatures of all property owners included in the request for annexation (Sample "*Verification*" attached as APPENDIX B).

STEP #3 (Advertisement)

The notice of annexation must be published at least one time per week for two consecutive weeks in a local paper. The notice must identify the ordinance number, a brief description of the area proposed for annexation, a map clearly showing the area, and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the City Clerk.

STEP #4 (Ordinance)

The City must adopt a non-emergency ordinance annexing the property. The ordinance must include a map clearly showing the annexed area and a complete legal description of that area by metes and bounds.

STEP #5 (Filing)

The adopted ordinance must be filed with the Clerk of the Circuit Court, the Chief Administrative Officer of Brevard County, and the Florida Department of State within seven (7) days following adoption.

VOLUNTARY ANNEXATION PROCEDURES

B. STAFF RESPONSIBILITIES

1. Determine that the property is eligible for annexation pursuant to Chapter 171.044, Florida Statutes.

*CANNOT BE WITHIN ANOTHER MUNICIPALITY.

*MUST BE CONTIGUOUS TO THE CITY LIMITS.

*MUST BE REASONABLY COMPACT.

*CANNOT CREATE AN ENCLAVE.

*MUST BE WITHIN BREVARD COUNTY.

2. Determine that the petition includes the signatures of all property owners within the area to be annexed. The names must match those on the deed(s). Utilize the format depicted in Appendix A.

3. Prepare the metes and bounds description from the survey of the property. Be sure to include all areas to be annexed including road right-of-way, canals, water bodies, and etcetera. This description will be utilized in the ordinance and to modify the City boundaries within the Code of Ordinances. A standard legal description is not adequate. The description must be a complete metes and bounds description. Utilize the City Surveyor as needed.

4. Prepare a map which clearly depicts the current City boundaries and the area to be annexed. This map must be attached to the ordinance and must be displayed in the advertisement.

5. Advertise in the local circulation/newspaper once each week for two consecutive weeks.

6. City Clerk must file the adopted ordinance within seven (7) days with the Clerk of the Circuit Court, the Chief Administrative Officer for Brevard County, and the Florida Department of State.

*Make comments
Reading
for
annexation*

VOLUNTARY ANNEXATION PROCEDURES

C. RELATED CONSIDERATIONS

1. A Comprehensive Plan Future Land Use Map Amendment is required for all annexations. Small Scale Amendments may be adopted immediately. Large Scale Amendments require State review. In the interim between annexation and adoption of a future land use amendment, the Brevard County land use designation prevails.
2. The property must be zoned by ordinance. **The County may challenge the zoning if it intensifies usage** and delay enactment of City zoning for up to two years. In the interim between annexation and adoption of zoning by the City, the Brevard County zoning applies to the site.
3. The City must amend Section 1.02 of the City Charter describing the City boundaries. This is handled by the City Clerk.
4. All utilities and the 911 System must be notified that the site is now within the City of Palm Bay.

CONTACTS

Palm Bay Growth Management Department
120 Malabar Road SE
Palm Bay, Florida 32907
(321) 733-3041 (Phone)
(321) 953-8920 (Fax)
Stuart.buchanan@palmbayflorida.org

Palm Bay City Clerk
120 Malabar Road SE
Palm Bay, Florida 32907
(321) 952-3414 (Phone)
(321) 953-8971 (Fax)

Palm Bay Utilities Department
1105 Troutman Boulevard NE
Palm Bay, Florida 32905
(321) 952-3471 (Phone)
(321) 768-7795 (Fax)

APPENDIX A

SAMPLE "PETITION" FOR VOLUNTARY ANNEXATION

(Date)

Honorable Mayor William Capote
City of Palm Bay
120 Malabar Road, SE
Palm Bay, Florida 32907

Dear Mayor Capote:

Pursuant to the requirements of Chapter 171.044, Florida Statutes, this letter serves as a petition for voluntary annexation into the City of Palm Bay for the following described property:

(INSERT FULL LEGAL DESCRIPTION)

I *(We)* am *(are)* the owner(s) of the above described property and feel the land meets all criteria necessary for annexation. Enclosed are a general location map, a survey of the property, a copy of all deeds, and payment for the Voluntary Annexation Petition(s).

Should you require additional information, please feel free to contact me *(us)* at *(Mailing Address)* or at *(Telephone #)*.

Sincerely,

(SIGNATURE(S))

*(NAME EITHER TYPED OR
PRINTED)*
PROPERTY OWNER(S)

Enclosures

cc: Stuart Buchanan, Growth Management Director

CHECKLIST OF ATTACHMENTS FOR PETITION

- Original of the Petition to annex.
- Copy of the deed for every property proposed for annexation.
- Survey of the property proposed for annexation.
- Metes and bounds legal description of the property.
- Completed Comprehensive Plan Amendment application for the site.
- Completed Zoning application for the site.
- Voluntary Annexation Petition fee for \$1,600.00 per property being annexed; payment made out to the "City of Palm Bay."

APPENDIX B

SAMPLE "VERIFICATION" OF SIGNATURES

I, (*INSERT STAFF MEMBERS NAME*), hereby certify that the names and signatures on the attached petition for voluntary annexation include all owners of property identified on the attached deed.

(*SIGNATURE* _____ *DATE*)
(TYPED NAME)
(TYPED TITLE)

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this (*INSERT DATE*) by (*INSERT STAFF MEMBERS NAME*), who is personally known by me or who has produced (*INSERT IDENTIFICATION PRODUCED*) as identification.

(SEAL)

(Signature of the Notary Public)
(Name of the Notary), Notary Public
Serial No. _____
My Commission Expires: _____

RE: PALM BAY
ANNEXATION OF UNDEVELOPED
PARCEL

III. Public Comment
Mr. Larry Vauverow
8/4/2016

GU and RR Zoning Comparison

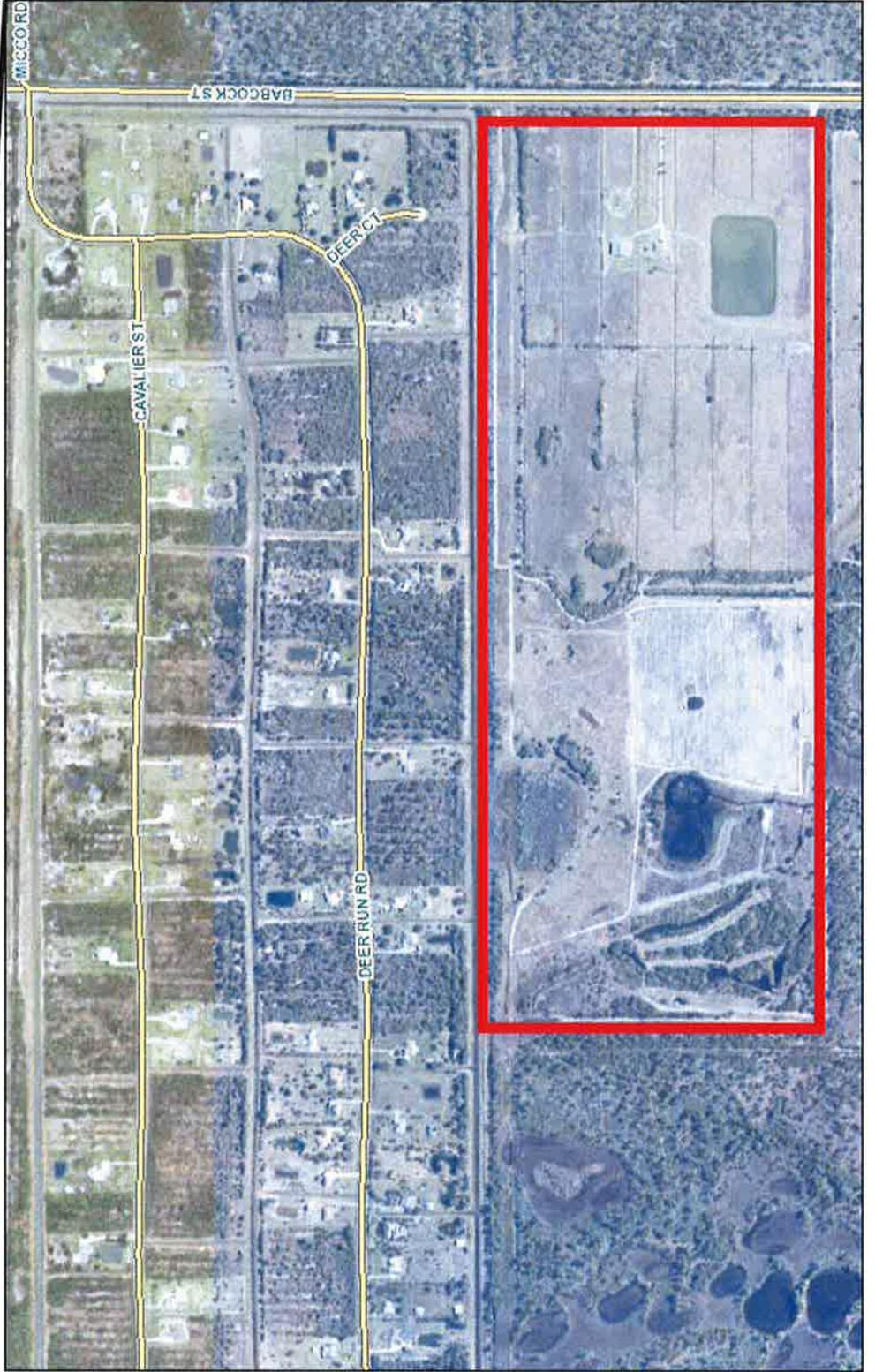
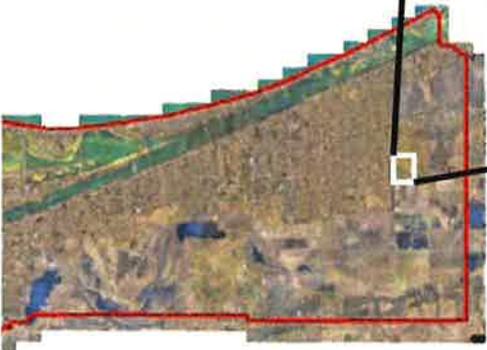
August 9, 2016

Not
Social
Action

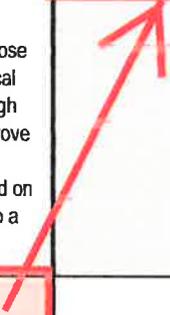
General Use Holding District		Rural Residential District
<p>(A) Intent. The provisions of this district are intended to apply to large undeveloped or sparsely developed areas which are capable of supporting single-family dwellings at very low densities without extensive infrastructure improvements. This district is also intended to place land in a hold pattern until such time as a specific request is presented which is consistent with the future land use plan and which provides for infrastructure improvements necessary to support a more intensive land development classification.</p>		<p>(A) Intent. The provisions of this district are intended to apply to areas uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. Large lot sizes are required to maintain the low density rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity.</p>
<p>(B) Principal uses and structures:</p>		<p>(B) Principal uses and structures:</p>
<p>(1) Single-family dwellings.</p>	↔	<p>(1) Single-family dwellings.</p>
<p>(2) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.</p>	↔	<p>(2) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.</p>
<p>(3) Keeping or raising for sale of horses, ponies, cows and other livestock provided that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area</p>	↔	<p>(3) Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.</p>
<p>(4) Keeping or raising of sale of small domestic animals, birds or fish.</p>	↔	<p>(4) Public parks, playgrounds and other public recreational facilities.</p>
<p>(5) Public parks, playgrounds and other public recreational facilities.</p>	↔	<p>(5) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.</p>
<p>(6) Public or private golf courses.</p>	↔	<p>(6) Keeping or raising for sale of small domestic animals, birds, or fish.</p>
<p>(7) Public utility equipment and facilities.</p>	↔	<p>(C) Accessory uses and structures:</p>
<p>(8) Public uses.</p>	↔	<p>Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.</p>
<p>(C) Accessory uses and structures:</p>		<p>(D) Conditional uses:</p>
<p>Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.</p>		<p>(1) Public or private golf courses.</p>
<p>(D) Conditional uses:</p>		<p>(2) Retail sales of agricultural products grown or raised on the same lot, provided the following conditions are met:</p>
<p>(1) Agricultural activities such as truck farming, bee keeping, fish hatcheries, poultry farms and other agricultural activities not expressly provided under principal uses.</p>	↔	<p>(a) No structure for sale of such products shall contain a floor area greater than two hundred (200) square feet.</p>
<p>(2) Retail sales of agricultural products grown or raised on the same lot, provided the following conditions are met:</p>	↔	<p>(b) The area and structure used for sale of such products shall meet the setbacks established for principal structures.</p>
<p>(a) No structure for sale of such products shall contain a floor area greater than two hundred (200) square feet.</p>	↔	<p>(c) All parking spaces, loading spaces and drives shall meet the setbacks established for principal structures.</p>
<p>(b) The area and structure used for sale of such products shall meet the setbacks established for principal structures.</p>	↔	<p>(3) Cemeteries.</p>
<p>(c) All parking spaces, loading spaces and drives shall meet the setbacks established for principal structures.</p>	↔	<p>(4) Broadcasting towers, antennas and transmitters.</p>
<p>(3) Cemeteries.</p>	↔	<p>(5) Churches.</p>
<p>(4) Broadcasting towers, antennas and transmitters.</p>	↔	<p>(6) Clubs, lodges, and similar activities.</p>
<p>(5) Churches.</p>	↔	<p>(7) Public and private schools.</p>
<p>(6) Clubs, lodges, and similar activities.</p>	↔	<p>(8) Stables or horse riding academy.</p>
<p>(7) Public and private schools.</p>	↔	<p>(9) Commercial dog kennels providing the following conditions are met:</p>
<p>(8) Mining.</p>	↔	<p>(a) Principal structure setbacks must be met for all kennel structures and activities.</p>
<p>(9) Stables or horse riding academy.</p>	↔	<p>(b) All parking spaces, loading spaces and drives shall meet the setbacks established for principal uses.</p>
<p>(10) Commercial dog kennels.</p>	↔	<p>(10) Public utility equipment not within a dedicated utility easement or right-of-way and on a site of greater than one (1) acre.</p>
<p>(11) Communication towers and facilities.</p>	↔	<p>(11) Public uses.</p>
<p>(E) Prohibited uses and structures:</p>		<p>(E) Prohibited uses and structures:</p>
<p>(1) All uses not expressly or provisionally permitted herein.</p>		<p>(1) All uses not specifically or provisionally permitted herein.</p>
<p>(2) All uses in keeping with the low density residential or agricultural character of the district.</p>		<p>(2) Mining.</p>
<p>(3) Corrections facilities.</p>		<p>(3) Intense agricultural activities such as truck farming, beekeeping, fish hatcheries, poultry farms and other agricultural activities not expressly provided for under principal uses.</p>

W.D.

Annexation / Pit Mine Location



Palm Bay and Brevard County Zoning Comparision

<p>CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA Chapter 62 - LAND DEVELOPMENT REGULATIONS ARTICLE VI. - ZONING REGULATIONS DIVISION 4. - REGULATIONS FOR SPECIFIC CLASSIFICATIONS</p>	<p>City of Palm Bay, Florida Code of Ordinances TITLE XVII: LAND DEVELOPMENT CODE CHAPTER 185: ZONING CODE</p>
<p>Sec. 62-1331. - General use, GU. The GU general use zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends.</p>	<p>185.030 GU — GENERAL USE HOLDING DISTRICT. The provisions of this district are intended to apply to large undeveloped or sparsely developed areas which are capable of supporting single-family dwellings at very low densities without extensive infrastructure improvements. This district is also intended to place land in a hold pattern until such time as a specific request is presented which is consistent with the future land use plan and which provides for infrastructure improvements necessary to support a more intensive land development classification.</p>
<p>Sec. 62-1332. - Productive agricultural, PA. The purpose of the PA productive agricultural zoning classification is to recognize those areas in the county that are agriculturally productive. Their function is of great physical and economic value to the county, and therefore such areas should be afforded a high level of protection. This classification will have its principal application in the citrus grove and cattle ranch areas of the county; however, any area in the county meeting the requirements of this section can be considered for this zone. Emphasis will be placed on areas that are agriculturally intensive, and development in these areas will be kept to a minimum.</p>	
<p>Sec. 62-1333. - Agricultural, AGR. The AGR agricultural zoning classification encompasses lands devoted primarily to productive agricultural pursuits and rural single-family residential development. This zoning classification also implements the county's future land use policies which require low-intensity uses and low-density development in the rural area to prevent urban sprawl.</p>	<p>185.031 RR — RURAL RESIDENTIAL DISTRICT. The provisions of this district are intended to apply to areas uniquely suited for the development and maintenance of rural single-family residential living combined with limited agricultural activities. Large lot sizes are required to maintain the low density rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity.</p>
<p>Sec. 62-1334. - Agricultural residential, AU and AU(L). The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character. The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.</p>	
<p>Sec. 62-1334.5. - Agricultural rural residential, ARR. The ARR agricultural rural residential zoning classification encompasses lands which may be devoted to a mixture of agricultural pursuits and large lot residential development with a rural character. This zoning classification may be utilized within areas that meet six or more of the following criteria:</p>	
<p>Sec. 62-1335. - Rural estate use, REU. The REU rural estate use zoning classification is devoted to lands which are predominantly low-density residential areas that provide a transition from rural agricultural uses and suburban residential areas.</p>	
<p>Sec. 62-1336. - Rural residential, RR-1. The RR-1 rural residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permits uses which are conducted in such a way as to minimize possible incompatibility with residential development.</p>	<p>185.032 RE — ESTATE RESIDENTIAL DISTRICT. The provisions of this district are intended to apply to an area of low density single-family residential development of an estate character. Lot sizes and other restrictions are intended to protect and promote the highest quality residential development.</p>
<p>Sec. 62-1337. - Suburban estate residential use, SEU. The SEU suburban estate residential use zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings</p>	

Deborah Thomas

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Friday, August 05, 2016 2:54 PM
To: Deborah Thomas
Subject: RE: ITEM IV.D (8/4/16 ZONING)

Deborah,

I touched base with Jennifer, Robin, and Bessie, who haven't heard anything about the letter and signature. Could you confirm who might have been contacted on our end? Might it have been Cindy Fox? I can't ask her, as she's gone for the day already...

Just want to know where it might be en route – via mail? Did someone pick it up?

Thanks for following up,
Erin

From: Deborah Thomas [mailto:deborah.thomas@brevardclerk.us]
Sent: Wednesday, August 03, 2016 2:44 PM
To: Sterk, Erin; Jones, Jennifer
Cc: Fox, Cynthia C
Subject: RE: ITEM IV.D (8/4/16 ZONING)

Good afternoon:

Thank you for the letter that the Chairman needs to sign for this Item.

Erin can have the original immediately after.

For filing purposes, please forward a copy to my email address.

If you have any questions, feel free to contact us at number below.

Deborah Thomas
Administrative Assistant
Clerk to the Board
(321)637-2001 ext. 49433
Deborah.thomas@brevardclerk.us



From: Sterk, Erin [mailto:Erin.Sterk@brevardfl.gov]
Sent: Wednesday, August 03, 2016 1:54 PM
To: Jones, Jennifer
Cc: Fox, Cynthia C; Deborah Thomas
Subject: RE: ITEM IV.D (8/4/16 ZONING)