



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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

October 19, 2016

**M E M O R A N D U M**

**TO:** Robin DiFabio, Planning and Development Director

**Re:** Item IV.C.2., Ordinance for Small Scale Plan Amendment 16S.08

The Board of County Commissioners, in regular session on October 13, 2016, adopted Ordinance No. 16-23, setting forth the seventh Small Scale Plan Amendment 16S.08. Enclosed is a certified copy of the Ordinance.

Your willingness to serve the citizens of Brevard County in this capacity is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 18, 2016

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

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-23, which was filed in this office on October 18, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/ib

ORDINANCE NO. 16- 23

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SEVENTH SMALL SCALE PLAN AMENDMENT OF 2016, 16S.08, TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI (E), ENTITLED THE FUTURE LAND USE MAP APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 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 small scale amendments to the Comprehensive Plan for adoption in calendar year 2016 as Plan Amendment 16S.08; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these Technical Advisory Groups have provided technical expertise for the Amendment 16S.08; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON 10/18/16

WHEREAS, on September 12, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 16S.08, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on October 13, 2016, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 16S.08; and

WHEREAS, Plan Amendment 16S.08 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 16S.08 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

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

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 16S.08 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 16S.08, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 13 day of October, 2016.

ATTEST:

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

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:  \_\_\_\_\_  
Jim Barfield, Chairman

As approved by the Board on October 13 2016.

**EXHIBIT A**  
**16S.08 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

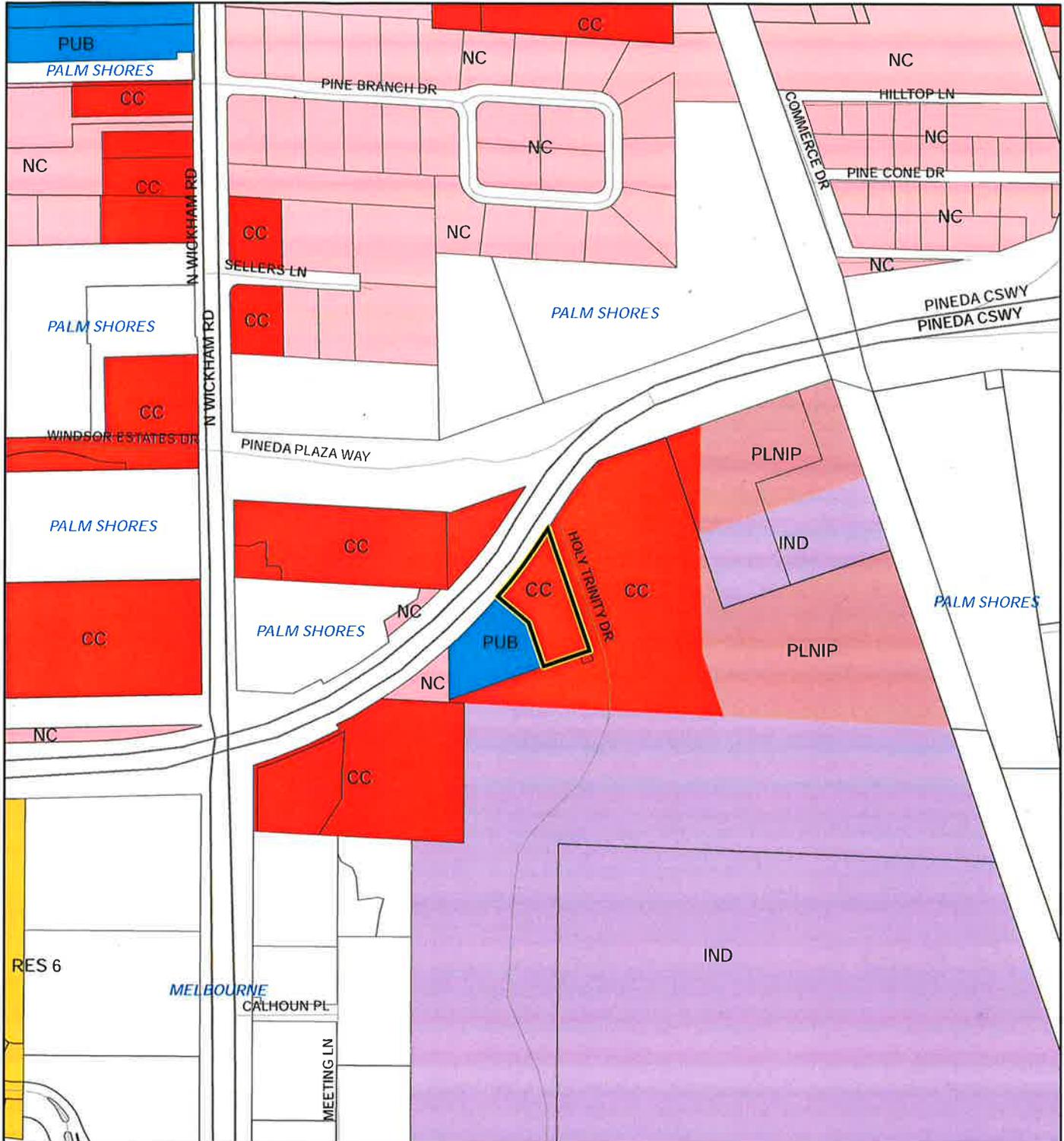
**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

## ADMINISTRATIVE REZONING

16PZ00071 and Small Scale Amendment 16S.08



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: 7/20/2016

**EXHIBIT B**  
**FINDINGS OF FACT**

**Contents**

**1. Legal Description**

AD#1538849 8/29/16  
NOTICE is hereby given, pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI, of the Brevard County Code, that the Brevard County Planning & Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests: The Brevard County BOARD OF COUNTY COMMISSIONERS, on its own motion and pursuant to Chapter 62, Article VI, Brevard County Code, Section 62-1152, authorized administrative rezoning on property as shown below. These items will be heard in a public hearing by the Planning and Zoning Board on September 12, 2016, and by the Board of County Commissioners on October 6, 2016. Those properties and proposed changes are as follows: The Board of County Commissioners may approve or deny the proposed classification, or may approve a classification of lesser intensity than that proposed. DISTRICT 2 IV.C.1 (16PZ00067), Section 31, Township 23, Range 36, Tax Parcel 260, and Section 31, Township 23, Range 36, Tax Parcel 2, both as recorded in ORB 1065, Page 0449, of the Public Records of Brevard County, Florida, (28.19 acres) Located on the southwest corner of Camp Rd. and the F.E.C. Railroad. (Tax Parcel = No assigned address. in the Cocoa area; Tax Parcel 2 = 555 Camp Rd., Cocoa) CURRENT ZONING: GU (General Use) and RU-1.7 (Single-Family Residential) PROPOSED ZONING: GML(I) (Government Managed Lands - Institutional) OWNER: State of Florida, ITTF DISTRICT 4 IV.C.2. (16PZ00071) A parcel of land being a portion of those lands described in ORB 5060, Page 2654 of the Public Records of Brevard County, Florida, and lying within the SW 1/4 of the SW 1/4 of Section 19, Township 26 South, Range 37 East, Brevard County, Florida, and being more particularly described as follows: Commence at the SW corner of said Section 19, thence S86deg46'24"E along the

south line of said Section 19 for a distance of 655.88 ft.; thence N00deg53'41"W along the east line of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 19 for a distance of 8 ft. to the SW corner of those lands described in ORB 5768, Page 7712; thence N70deg33'22"E along the south line of said lands for a distance of 288.34 ft. to the SE corner of said described lands, said point also being the point of beginning of the herein described parcel; thence N18deg49'24"W along the east line of said described lands for a distance of 132.51 ft.; thence N49deg31'59"W along said east line for a distance of 115.92 ft. to a point of curvature of a non-tangential curve concave to the NW having a radius of 1,588 ft., an included angle of 08deg00'05", and whose long chord bears N36deg41'45"E; thence along said south ROW and along the arc of said curve for a distance of 221.76 ft.; thence N32deg41'43"E along said south ROW line for a distance of 19.60 ft. to a point on the west line of those lands described in ORB 3946, Page 1762; thence south 18deg49'24"E along said west line for a distance of 368.32 ft. to a point on the north line of said described lands; thence S70deg33'22"W along said north line for a distance of 138.80 ft. to the point of beginning, containing 1.10 acres, more or less (1.10 acres) located on the southwest corner of Holy Trinity Dr. and Pineda Cswy (No assigned address, in the Melbourne area). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 16S.08: an ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The Comprehensive Plan", amending Section 62-501, entitled Contents of the Plan, specifically amending Section 62-501, Part XI, entitled Future Land Use Element and Future Land Use Map Series; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date. CURRENT FUTURE LAND USE AND ZONING: PUBLIC AND GML(H) (Government Managed Lands - High Intensity) PROPOSED FUTURE LAND USE AND ZONING: CC (Community Commercial), and BU-1 (General Retail Commercial) OWNER: Brevard County. A Public Hearing before the Planning and Zoning Board (Local Planning Agency) will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. "C", Viera, Florida on MONDAY, SEPTEMBER 12, 2016, at 3:00 P.M. A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. "C", Viera, Florida on THURSDAY, OCTO-

BER 6, 2016, at 5:00 P.M. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board with respect to any matter considered at this meeting or hearing, such a person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the County Manager's Office no later than 48 hours prior to the meeting at 633-2010 for assistance. Brevard County Planning and Development Department - PER. Robin DiFabio, AICP, Director - By Jennifer Jones, Special Projects Coordinator II.

## Deborah Thomas

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**From:** Ords Admin <[ords@municode.com](mailto:ords@municode.com)>  
**Sent:** Wednesday, October 19, 2016 12:56 PM  
**To:** Deborah Thomas  
**Subject:** RE: Brevard County, FL Code of Ordinances - 1993(10473)

We have received your file. Thank you for your submission.

Thank you and have a nice day,

Ords Administrator  
[ords@municode.com](mailto:ords@municode.com)  
1-800-262-2633  
P.O. Box 2235  
Tallahassee, FL 32316

When available, please send all documents in WORD format to [Ords@municode.com](mailto:Ords@municode.com). However, if WORD format is not available, we welcome any document format including PDF.

*ems*

**municode**  
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**From:** Deborah Thomas [<mailto:deborah.thomas@brevardclerk.us>]  
**Sent:** Tuesday, October 18, 2016 4:11 PM  
**To:** Ords Admin <[ords@municode.com](mailto:ords@municode.com)>  
**Cc:** Tammy Rowe <[Tammy.Rowe@brevardclerk.us](mailto:Tammy.Rowe@brevardclerk.us)>; Donna Scott <[donna.scott@brevardclerk.us](mailto:donna.scott@brevardclerk.us)>  
**Subject:** ORDINANCE 2016-23

Good afternoon:

Attached, please find a copy of Ordinance 2016-23 for filing.

Thank you.

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



**Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.**