



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

11/3/2022

Subject:

Ordinance Amending Chapter 62, Article VI, Section 62-1255, Re: Establishment of Zoning Classification Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider an Ordinance Amending Chapter 62, Article VI, Section 62-1255, establishing Zoning Classification Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use.

Summary Explanation and Background:

The Board of County Commissioners, in regular session on September 1, 2022, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations, and directed staff to revise the Code and update Sections 62-1255, 62-1573, and 62-2106. These proposed code amendments realign the Zoning regulations references with Comprehensive Plan Policies that were changed when Board of County Commissioners adopted the 2017 Evaluation and Appraisal Report (EAR) Comprehensive Plan amendments on February 3, 2022.

The proposed changes are as follows:

This paragraph is for informational purposes only to provide background for changes (not part of the ordinance).

#62-1255 Explanation of Symbols

- Y*-Yes, classification may be considered, if permitted by Policy ~~2.13~~ 2.10 of the Future Land Use Element.
- Y**.-Yes, classification may be considered if use is transitional, per Policy ~~2.14~~ 2.11 or if permitted by Policy ~~2.17~~ 2.14 of the Future Land Use Element, as applicable.

#62-1573 Institutional Use

- Location standards for low intensity and high intensity uses are established pursuant to Policy ~~2.17~~ 2.14 of the Future Land Use Element of the Comprehensive Plan, and are regulated pursuant to paragraph (8) below.

#62-2106 Mixed Use

- The density of the residential component shall be governed by the Future Land Use Element of the Comprehensive Plan, as described in Policy ~~2.13~~ 2.10.

On October 17, 2022, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the ordinance to Planning and Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 7, 2022

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the revised Brevard County Ordinance No. 2022-32, which was filed in this office on November 7, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 4, 2022

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2022-32, which was filed in this office on November 4, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

November 4, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

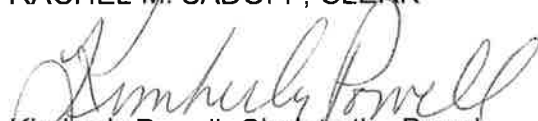
RE: Item H.7., Ordinance Amending Chapter 62, Article VI, Section 62-1255, for Establishment of Zoning Classification Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use

The Board of County Commissioners, in regular session on November 3, 2022, adopted Ordinance No. 22-32, amending Chapter 62, Article VI, Section 62-1255, establishing Zoning Classification Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use. Enclosed is the fully-executed Ordinance that has been filed with the State of Florida.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**


Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 2022- 32

AN ORDINANCE AMENDING CHAPTER 62 ARTICLE VI, DIVISION 3, SECTION 62-1255, "ESTABLISHMENT OF ZONING CLASSIFICATIONS AND CONSISTENCY WITH COMPREHENSIVE PLAN" BY AMENDING COMPREHENSIVE PLAN POLICY REFERENCES; AMENDING CHAPTER 62 ARTICLE VI, DIVISION 4, SECTION 62-1573, "INSTITUTIONAL USE, IN(L) AND IN(H)" BY AMENDING COMPREHENSIVE PLAN POLICY REFERENCES; AMENDING CHAPTER 62 ARTICLE VI, DIVISION 6, SECTION 62-2106 "MIXED USE COMMERCIAL AND RESIDENTIAL USE" BY AMENDING COMPREHENSIVE PLAN POLICY REFERENCES; AMENDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Brevard County Planning and Development Department desires certain code modifications to provide consistency with the newly adopted Comprehensive Plan whereby some policies have amended numbers; and

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

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

SECTION 1. Chapter 62 Article VI, Division 3, Section 62-1255, establishment of Zoning classifications and consistency with comprehensive plan. Code of Ordinances (table) of Brevard County, Florida, is hereby amended to change the policy numbers to maintain consistency with the newly adopted Comprehensive Plan, as follows:

<i>Explanation of Symbols</i>
Y-Yes, classification may be considered.
Y*-Yes, classification may be considered, if permitted by Policy 2.10 of the Future Land Use Element.
Y**-Yes, classification may be considered if use is transitional, per Policy 2.11 or if permitted by Policy 2.14 of the Future Land Use Element, as applicable.
N-No, classification may not be considered.

SECTION 2. Chapter 62, Article VI, Division 4, Subdivision IX, Section 62-1573, Institutional Use, IN(L) and IN(H). Code of Ordinances of Brevard County, Florida, is hereby amended to change the policy numbers to maintain consistency with the newly adopted Comprehensive Plan, as follows:

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON NOVEMBER 7, 2022

The classification is divided into two types, low intensity and high intensity. Low intensity uses are those that are of such limited scale and impact that they are compatible with residential uses in residential land use designations, or neighborhood commercial uses in neighborhood commercial land use designations. High intensity uses are more suited to community commercial or industrial areas. Location standards for low intensity and high intensity uses are established pursuant to Policy 2.14 of the Future Land Use Element of the Comprehensive Plan, and are regulated pursuant to paragraph (8) below. Low intensity use is designated on the official zoning maps as IN(L) and high intensity is designated as IN(H).

SECTION 3. Chapter 62, Article VI, Division 6, Subdivision I, Section 62-2106 Mixed use commercial and residential use. Code of Ordinances of Brevard County, Florida, is hereby amended to change the policy numbers to maintain consistency with the newly adopted Comprehensive Plan, as follows:

(a) A portion of a commercial building or site located in a general retail commercial zoning classification (BU-1), a restricted neighborhood retail commercial zoning classification (BU-1-A), or a retail warehousing and wholesale business zoning classification (BU-2), as applicable, may be used for residential purposes. The total residential floor area of each residence shall adhere to the minimum floor area requirements of the RU-2-10 zoning classification. The density of the residential component shall be governed by the Future Land Use Element of the Comprehensive Plan, as described in Policy 2.10.

SECTION 4. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 8. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this

ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 3rd day of November, 2022.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

(S E A L)



Kristine Zonka, Chair

(as approved by the Board on November 3rd, 2022)

Reviewed for legal form and content by: _____



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

9/1/2022

Subject:

Legislative Intent and Permission to Advertise, Re: Ordinance Amending Chapter 62, Article VI, Section 62-1255, regarding the establishment of zoning classification, Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use

Fiscal Impact:

NA

Dept/Office:

Planning and Development

Requested Action:

Requested that the Board of County Commissioners approve legislative intent and permission to advertise an Ordinance Amending Chapter 62, Article VI, Section 62-1255, regarding the establishment of zoning classification, Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use.

Summary Explanation and Background:

On February 3, 2022, the Board of County Commissioners adopted the 2017 Evaluation and Appraisal Report (EAR) Comprehensive Plan amendments. The EAR amendments rearranged some of the references associated with the Comprehensive Plan Policies. This proposed code amendment will realign the Comprehensive Plan Policies references within the aforementioned code sections.

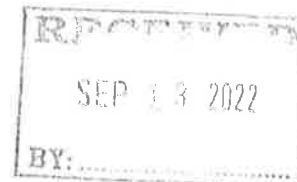
Clerk to the Board Instructions:



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Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 2, 2022



MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Tim Craven

RE: Item F.2., Legislative Intent and Permission to Advertise for Ordinance Amending Chapter 62, Article VI, Section 62-1255, Regarding the Establishment of Zoning Classification, Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use

The Board of County Commissioners, in regular session on September 1, 2022, granted legislative intent and permission to advertise an ordinance amending Chapter 62, Article VI, Section 62-1255, regarding the establishment of zoning classification, Section 62-1573, Institutional Use, and Section 62-2106, Mixed Use.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 17, 2022**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Liz Alward (D4); Mark Wadsworth, Chair (D4); Logan Luse (Alt. D4); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Melissa Wilbrandt, Associate Planner; Paul Body, Planner III; Alex Esseeesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Ordinance Amending Chapter 62, Article VI, Section 62-1255, Re: Establishment of Zoning Classification Section 62-1573, Institutional Use; and Section 62-2106, Mixed Use.

Jeffrey Ball stated the changes are in response to the EAR (Evaluation and Appraisal Report) that was recently approved, and only changes the policy numbers referenced in the ordinances, so it is just a clean-up for that.

Motion by Liz Alward, seconded by Ben Glover, to recommend approval the proposed amendments to Chapter 62, Article VI, Section 62-1255, Re: Establishment of Zoning Classification Section 62-1573, Institutional Use; and Section 62-2106, Mixed Use. The motion passed unanimously.