

Meeting Date
3/3/16



denied

ADD ON	
AGENDA	
Section	Public Hearing
Item No.	IV C

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: ADOPTION OF COMPREHENSIVE PLAN PACKAGE 2015 – 2 PLAN AMENDMENTS (DISTRICTS 1 – 5)
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:

It is requested that the Board conduct a public hearing and consider adoption of the 2015 - 2 Comprehensive Plan Amendments including one private application for Imperial South Inc. (2015-2.1).

Summary Explanation & Background:

The Brevard County Zoning Code Chapter 62-502 (b)(3) establishes a twice a year application deadline. The 2015-2 Comprehensive Plan amendment Fall cycle is the year's second amendment package. There is one private application for amendment being considered for adoption in this cycle: 2015 – 2.1 submitted by Imperial South Inc. listed below and more fully described in the attached staff report. The Local Planning Agency held a public hearing on November 9, 2015 and voted to deny the request 7:1.

Plan Amendment 2015-2.1 - a proposal initiated by Imperial South Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park to Residential 15 for approximately 30.70 acres on the east side of Wickham Road south east of the intersection of Jordan Blass Drive.

Staff Contact: Conroy Jacobs, Planner I, Planning & Development Department
 Tel: 633-2070, Ext: 52655 e-mail: conroy.jacobs@brevardcounty.us

Clerk to the Board instruction: Execute two original Ordinances and return one original to Conroy Jacobs, Planning & Development Dept.

Exhibits Attached: 2015 – 2 Adoption Package

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

County Manager Stockton Whitten	Assistant County Manager	Department Director / Extension <i>Robin M. Sobrino</i> Robin M. Sobrino, AICP Director, Planning & Development Department
--	--------------------------	---



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

March 4, 2016

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Conroy Jacobs

RE: Item IV.C., Ordinance Adopting Comprehensive Plan Package 2015-2 Plan Amendments

The Board of County Commissioners, in regular session on March 3, 2016, denied consideration of an ordinance adopting the 2015-2 Comprehensive Plan Amendments, including one private application for Imperial South, Inc. (2015-2.1); and approved Findings of Fact to come back to the Board for its consideration at the April 19, 2016, Board meeting, including performance standards are already in existence.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: Deputy County Attorney Bentley

**Comprehensive Plan Amendment
Fall Adoption 2015-2**

**Comprehensive Plan Amendment
Imperial South Inc. 2015-2.1**

PROPOSED COMPREHENSIVE PLAN AMENDMENT 2015-2.1
FUTURE LAND USE MAP SERIES
FUTURE LAND USE ELEMENT

Request: 2015-2.1
LSCPA FLU Map Amendment

Owner / Applicant: Imperial South, Inc.
NARR Construction Services,

Location: Legal Description On file
Tax Acct Parcels #2606093/2606092/2606089 /2605036/2606105

Acreage: ± 30.7 acres

Existing Zoning Classification: Planned Industrial Park (PIP)

Proposed Zoning Classification: (Rezoning to be filed for review at future Adoption Hearing)
RU-2-15 (Medium Density Multiple Family Residential)

Existing Land Use Designation: Planned Industrial Park (PLNIP)

Proposed Land Use Designation: Residential 15

FUTURE LAND USE MAP AMENDMENT

Description:

The subject property consists of 30.0 acres located on the east side of Wickham Road. The existing Planned Industrial Park (PLNIP) Future Land Use was adopted with the initial Comprehensive Plan in 1988 due to access to rail and U.S. 1. These were general locational criteria used for the designation of Industrial lands at the time. There has been no request to utilize the subject property as Industrial land use since the 1988 adoption. The proposed Future Land Use of Residential 15 will allow the subject property to be rezoned to Medium Density Multiple Family Residential (RU-2-15), and subsequently developed for a multi-family apartment complex.

A companion rezoning application to RU-2-15 will be filed and heard at the future adoption hearing of this amendment request after transmittal and State review. Although not required for comprehensive plan amendment transmittal, the applicant has provided a conceptual site plan. (See attached).

The abutting property to the north is being developed as a Fresh Market grocery store. There are four vacant outparcels to the Fresh Market property along Wickham Road. These are proposed to be restaurant or retail sites. The abutting property is also in the process of a SSCPA and rezoning to Community Commercial and BU-1 for the western outparcels along Wickham Road and a rezoning to BU-2 for the Fresh Market Grocery site.

Surrounding Uses	Current Use	Zoning	Future Land Use
North	Fresh Market Grocery Store	PIP	BU-2
	Four Vacant Future Restaurant or Retail Outparcels	CC	BU-1
East	Industrial (Across FEC RR)	IU1 BU-2	IND
South	U.S. Post Office Mini-Storage Warehouse	IU BU-2	Public CC
West	Petty's Market (Below: Across Wickham Rd)	PIP	PLNIP
	Shopping Plaza Vacant Commercial Property	BU-1 BU-1A	CC NC

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 located within Brevard County's sanitary sewer service area. Brevard County Utilities reports that it has excess capacity available for future residential use.

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 Central Mainland 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 Wickham Road Segment 403 Pineda Causeway to Jordan Blass with a current 2014 traffic count of 25,363 Average Daily Trips (ADT) and a Maximum Allowable Volume (MAV) of 35,700. The roadway has a current operating volume 71.04%. The proposed project if approved would increase

the Average Daily Trip Count to an estimated 27,278 ADT for the proposed residential project which will increase the operating volume to 76.4%. The applicant has provided a traffic analysis which also addresses the removal of the Planned Industrial Future Land Use and the removal of associated commercial truck traffic potential.

The Planning & Development has notified Public Works Traffic Operations Management of the future subdivision submittal for purpose of requiring a Traffic Impact Study to review required roadway improvements.

Public Schools: A Brevard County School Board concurrency determination will be required prior to the adoption hearing of proposed amendment.

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 15 (maximum of 15 units per acre)

Policy 1.4

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and

The subject parcel is east of Interstate 95. It does not abut residential development. Abutting uses are commercial (CC), a U.S. Post Office (Public), and a railroad line. It is buffered from existing residential development.

- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential15 area;

The subject property is 1,400 lf from the Tonm. of Palm Shores municipal limits.

- C. Areas adjacent to an existing Residential 15 land use designation; and

The subject property is not adjacent to existing Residential 15 land use designation. The immediate area west of the FEC railroad line is predominately Community Commercial. The nearest residential project, approximately 1,025' to the south, is designated Neighborhood Commercial with half-acre home sites. Across Wickham Road, to the west, is a subdivision that is designated Residential 6.

- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density jintensity areas.

The subject property has direct access to an arterial roadway.

- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

The applicant will be submitting a companion rezoning to RU-2-15 at the time of adoption. The subject property is not located within the CHHA.

Summary

The proposed amendment is for one of the last undeveloped parcels along Wickham Road between I-95 and the Pineda Causeway. It proposes to remove the existing Industrial Future Land Use and replace it with Residential 15, allowing for a companion rezoning to Planned Unit Development and construction of a multi-family development.

The subject property is served with both potable water and sewer, and is located on an arterial roadway. Located on the east side of Wickham Road, the property abuts Petty's Market, a Fresh Market grocery store, four future restaurants or retail outparcels to the north. All of which will promote internal trip capture of the future residents. Both the public library and the Suntree Elementary School are less than 1,200 feet to the west across Wickham Road, both within walking & bicycling distance.

The applicant has submitted a rezoning application for a change from existing PIP to RU-2-15 for public hearing at the adoption of this proposed amendment.

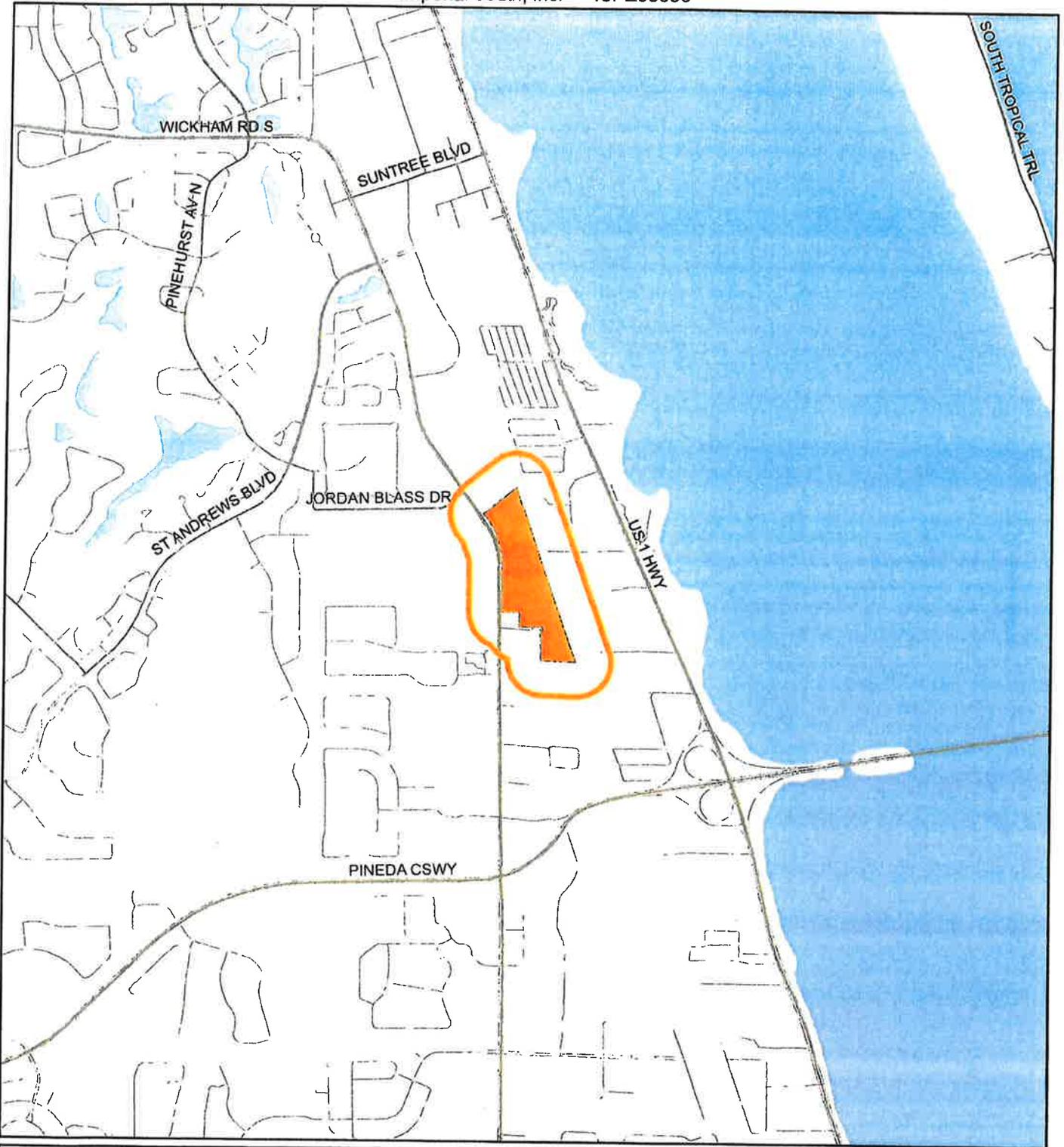
If you have any questions, please contact Conroy Jacobs of the Planning & Development Department at (321) 633-2070 or via email to conroy.jacobs@brevardcounty.us

**Imperial South Inc.
LSCPA Plan Amendment
Fall 2015-2.1
Supporting Maps**

LOCATION MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



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

Buffer Distance: 500 feet

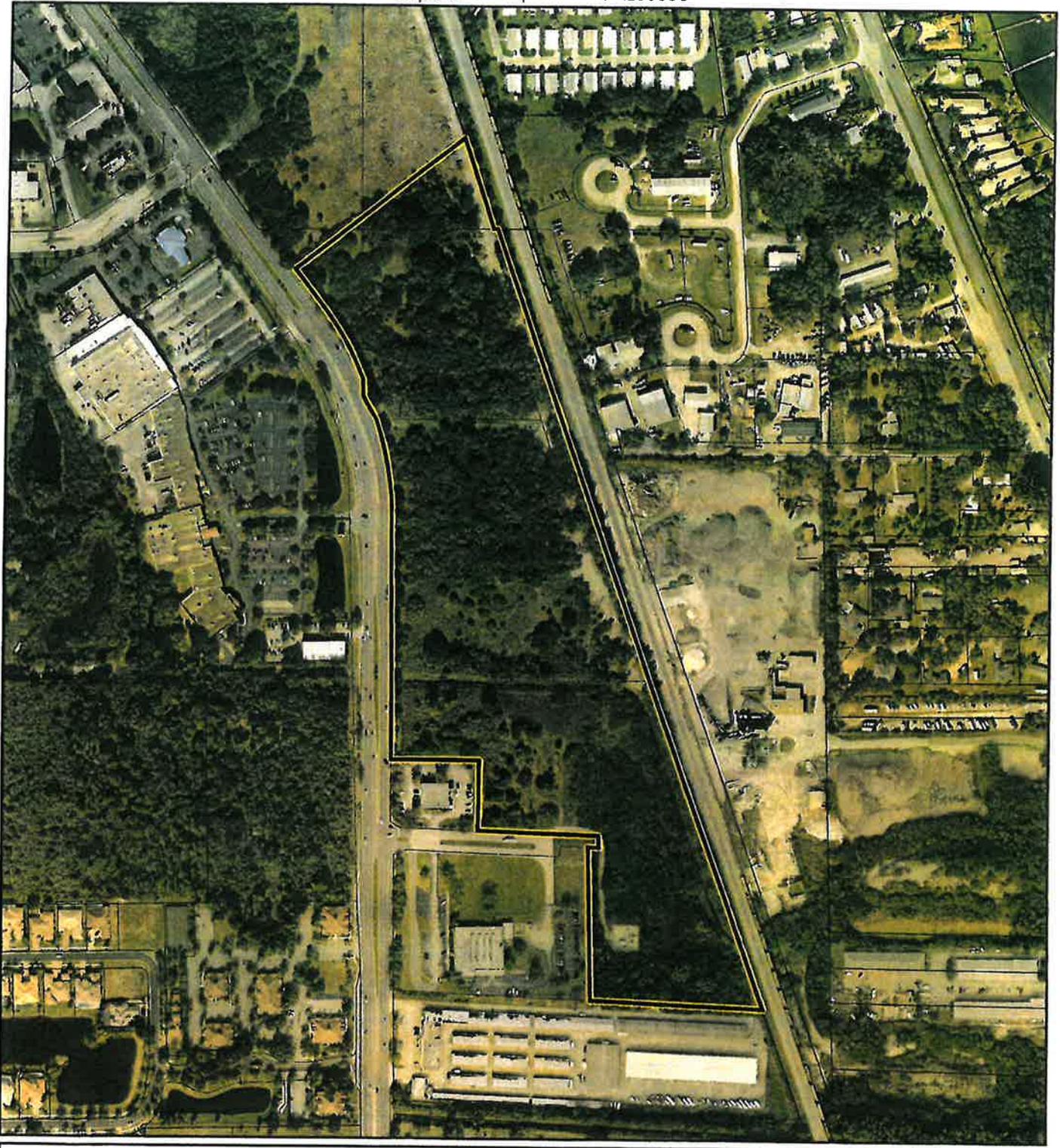
-  Buffer
-  Subject Property

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2015

AERIAL MAP

Comprehensive Plan Amendment 2015-2.1
Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2015

 Subject Property

 Parcels

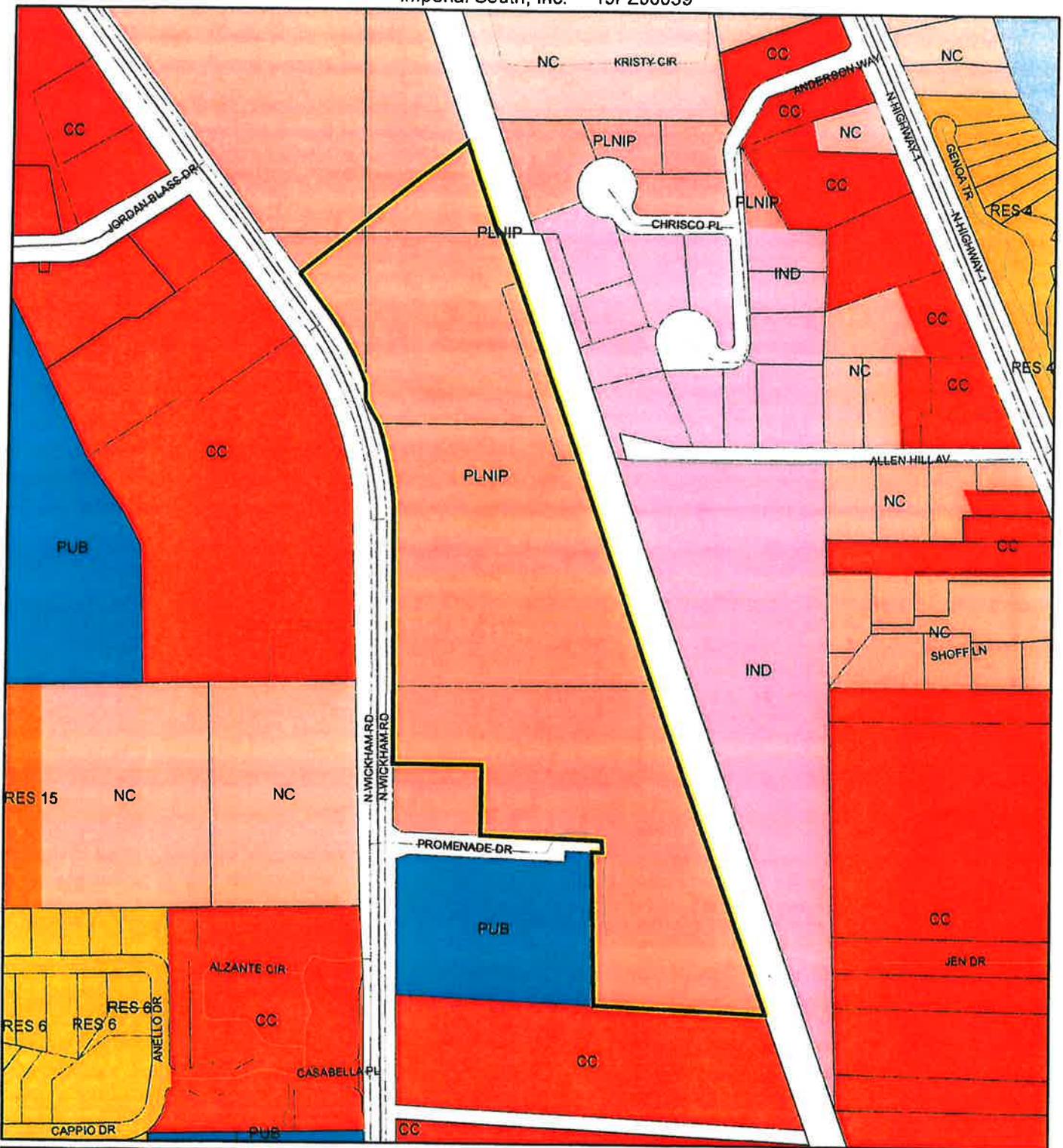
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2015

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

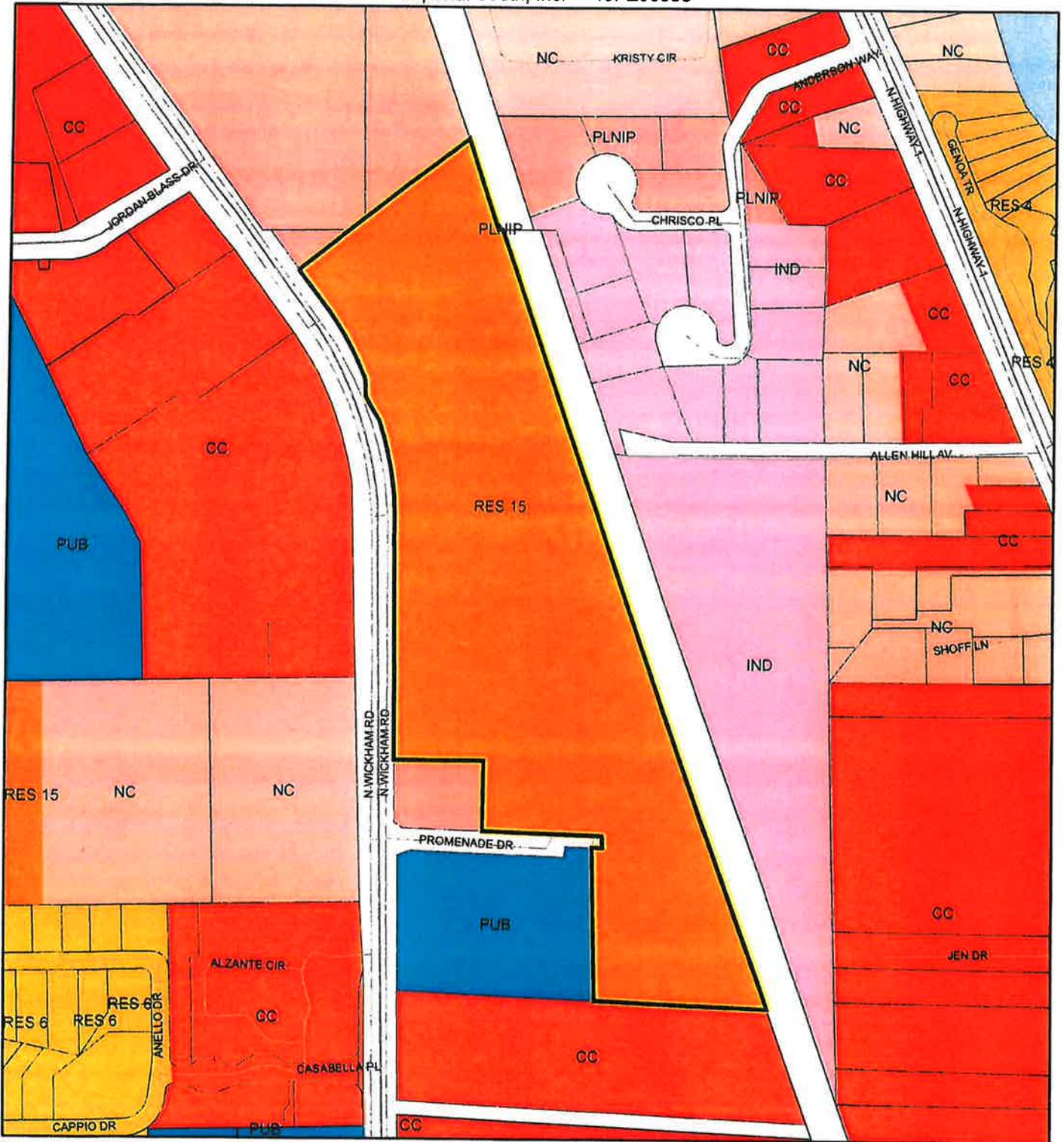
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/22/2015

PROPOSED FUTURE LAND USE MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

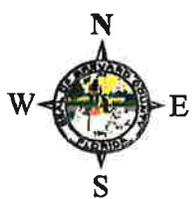
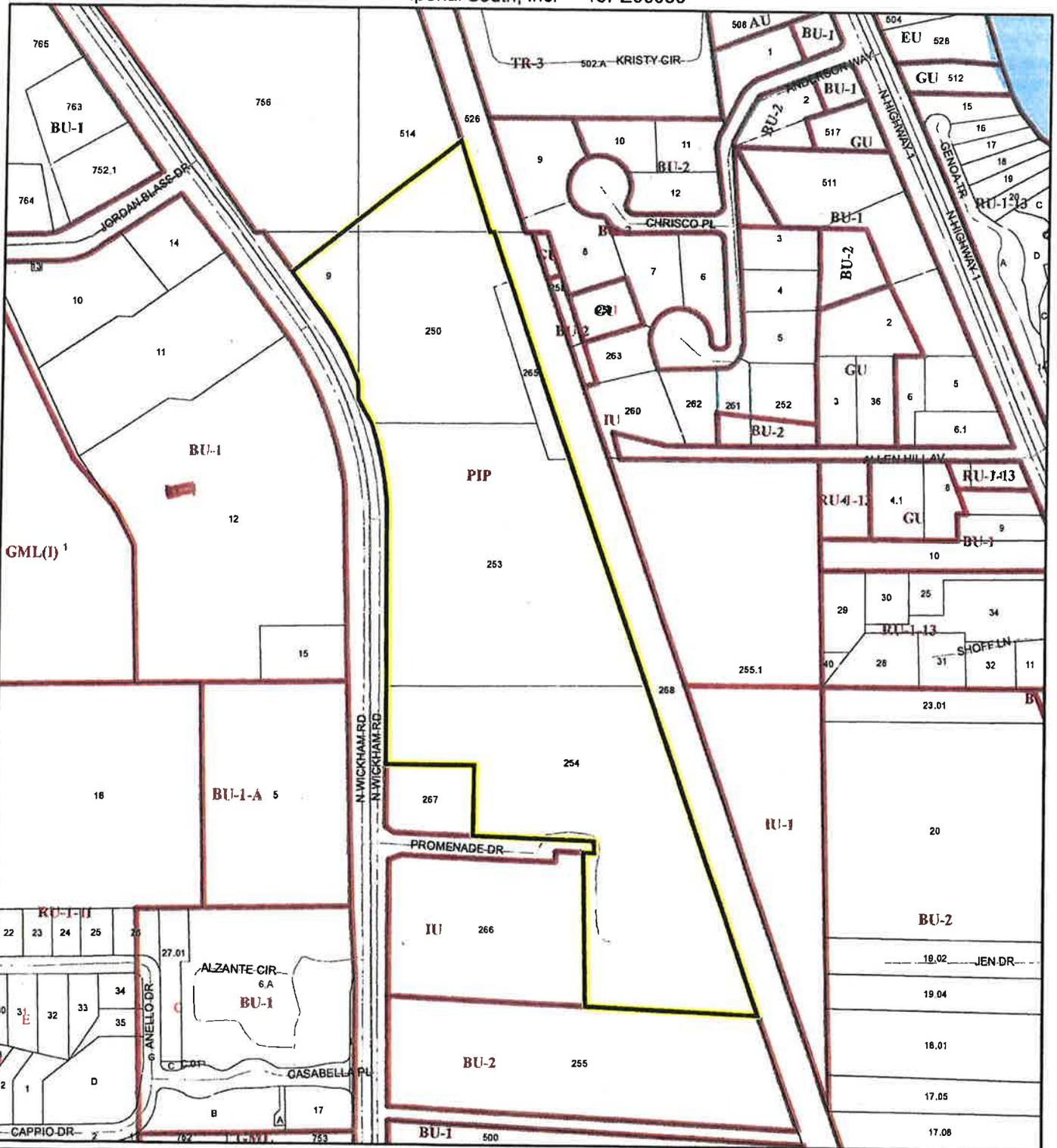
-  Subject Property
-  Parcels

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: 6/22/2015

ZONING MAP

Comprehensive Plan Amendment 2015-2.1
Imperial South, Inc. 15PZ00039



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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: 6/22/2015

**Imperial South Inc.
LSCPA Plan Amendment
Fall 2015-2.1
Applicant Submittals**

Brevard County
Supplement to Comprehensive Plan Amendment Application
Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



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: BOWMAN CONSULTING Staff Planner: STUART BUCHANAN

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: PIP - PLANNED INDUSTRIAL PARK

Requested Future Land Use Designation: RES - 15

Existing Zoning: _____

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 rationale and the appropriate data and analysis necessary to support the proposed change.

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

SEE ATTACHED EXHIBIT "A"

(use additional sheets if necessary)

Exhibit A

Property Description

The site in question is approximately 30 acres and is located on the east side of Wickham Road just south of Jordan Blass Drive. Currently the site has a future land use designation of PIP, Planned Industrial Park. We are seeking to amend the land use of this site to Res-15 to accommodate a 424 unit apartment complex.

The site is bounded to the east by the FEC Railroad, bounded to the south by industrial uses, and bounded to the north by a commercial development that is currently under construction. A commercial development including restaurants and retail uses lies directly across Wickham road to the west.

Due to the nature of the development that has occurred around the subject parcel it now lends itself far better to a residential use than an industrial use. The proposed residential development would complement the adjacent commercial uses that are within walking distance from the proposed development.

Due to the proximity to the commercial development to the north it is anticipated that there will be some internal capture between the residential trips from this project and the mixed-commercial land-use destinations. It is anticipated that the proximity of the two land uses will encourage multi-modal (bicycling, walking) trips between the two land uses further reducing vehicle trips from the project. In addition to this the Suntree Viera Public Library is within safe walking distance ($\frac{1}{2}$ mile) of the proposed development.

In preparation for submitting for the Large Scale Land Use Amendment Bowman Consulting met with Brevard County Schools Facility Planner David G. Lindemann, AICP to discuss the proposed land use change, and the impact of our project on the surrounding public schools. The proposed development that has necessitated the land use change will add approximately 424 residential units to the area. Currently the local public schools have capacity for the proposed development. Below is the likely distribution of students; however, this could change based on other unknown proposed future development within the same area:

- **Elementary School**
 - Suntree Elementary will service the proposed development.
 - Suntree Elementary is within safe walking distance ($\frac{1}{2}$ mile) of the proposed development.
 - The proposed development will generate approximately 114 elementary students (424 units x 0.27 students/unit).
 - Suntree Elementary is currently at 83% of its total capacity with 126 available seats. At this time Suntree Elementary has capacity for the proposed development.

- **Middle School**

- Deluara Middle School will service the proposed development.
- Delaura Middle School is located approximately 8 miles from the proposed development.
- The proposed development will generate approximately 25 Middle School Students (424 units x 0.06 students/unit).
- Delaura Middle School is currently at 76% of its total capacity with 224 available seats. At this time Delaura Middle School has capacity for the proposed development.

- **High School**

- Viera High School will service the proposed development.
- Viera High School is approximately 6 miles from the proposed development.
- The proposed development will generate approximately 42 High School Students (424 units x 0.10 students/unit).
- Viera High School is currently at 89% of its total capacity with 244 available seats. At this time Viera High School has capacity for the proposed development.

In the Brevard County Code of Ordinances it states that the PIP land use classification allows for manufacturing activities that can be carried on in a relatively unobtrusive manner, and certain facilities that are necessary to serve the employees of the district, are permitted. Some examples of what may be allowed are Boat Building facilities, Motels, Restaurants, and Recovered Material Processing Facilities. The PIP land use classification also allows for up to 50% structural coverage of the lot.

The proposed residential land use will provide more greenspace than is required under the existing PIP land use. Also, as can be seen in the attached Trip Generation Memorandum, the proposed residential land use will create less traffic impact than the existing land use. While the existence of the FEC railroad that abuts the east property line of the site in question might discourage the development of single family residences, based on market analysis, it will lend itself well to the development the proposed apartment complex. We feel that the proposed RES-15 Land Use will provide economic stimulus to the surrounding commercial uses, and have less environmental impact than potential uses within the existing PIP land use classification.

If you should have any questions or require additional information, please do not hesitate to contact me at our Melbourne office at (321) 255-5434. Thank you.

Sincerely,

Erik Juliano, P.E.
Branch Manager
Bowman Consulting
ejuliano@bowmanconsulting.com



Via E-Mail: (narrconstructionservices@gmail.com)

Ref: 4077.11

TECHNICAL MEMORANDUM

To: Will Reynolds, NARR Construction Services, Inc.
From: Matthew West, AICP
Subject: Wickham Road 30-acre Parcel Trip Generation Analysis
Date: April 29, 2015

Lassiter Transportation Group, Inc. (LTG) was asked to determine the trip generation associated with the development known as Wickham Road 30-acre Parcel, located at the southeast corner of Wickham Road and Jordan Blass Drive in unincorporated Brevard County. The proposed development is an apartment complex.

Lassiter Transportation Group, Inc. (LTG) has been retained by NARR Construction Services, Inc., to prepare a trip generation analysis in support of an Expedited State Review Comprehensive Plan Amendment which amends the Future Land Use Map (FLUM) designation for 30.7 acres from Planned Industrial Park (PLNIP) to Residential 15 (Res-15).

TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION

The trip generation for the maximum development scenarios for both the existing FLUM designation and the proposed FLUM designation were calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9th Edition*, prepared by the Institute of Transportation Engineers (ITE).

The existing analysis is based on the existing FLUM designation of PLNIP as outlined in the Future Land Use Element (FLUE) of the County's Comprehensive Plan. PLNIP does not have a maximum floor area ratio (FAR) according to the Comprehensive Plan, but assuming a reasonable FAR for single story industrial development of 0.4, the property could yield 534,920 square feet of building area.

Based on this assumption and as indicated in Table 1, the potential development of the property under the existing land use would generate 448 gross p.m. peak-hour trips.

**Table 1
 Gross Trip Generation – Existing FLUM Designation
 Wickham Road 30-acre Parcel – ESRCPA**

Time Period	Land Use	ITE Land Use Code	Acreage	Floor Area Ratio	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Industrial Park	130	30.70	0.40	534.92	KSF	$T = 0.78(X) + 30.48$	448	21%	79%	94	354

Source: ITE Trip Generation Manual, 9th Edition

The proposed analysis is based on the requested FLUM designation of Residential 15 as outlined in the FLUE of the County's Comprehensive Plan. If developed as a PUD, the maximum density of the proposed future land use (Residential 15) would be 18.75 dwelling units per acre. Applying this maximum density would permit 576 apartment units. As indicated in Table 2, maximum development of the property under the proposed land use would generate 334 p.m. peak-hour trips.

Table 2
Gross Trip Generation for Proposed FLUM Designation
Wickham Road 30-acre Parcel – ESRCPA

Time Period	Land Use	ITE Land Use Code	Acres	Density	Quantity	Units	Trip Rate Equation	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
P.M. Peak-hour	Apartment	220	30.7	18.75	576	Dwelling Units	$T=0.55(X)+17.65$	334	65%	35%	217	117

In addition, the change from PLNIP to Res-15 should result in the reduction of potential truck traffic. In a recent vehicle count by a different client for an existing 600,000 square foot distribution, truck traffic comprised more than 40 percent of the total vehicle count. Truck traffic should be significantly less than 40 percent for a multi-family development's vehicle count.

CONCLUSION

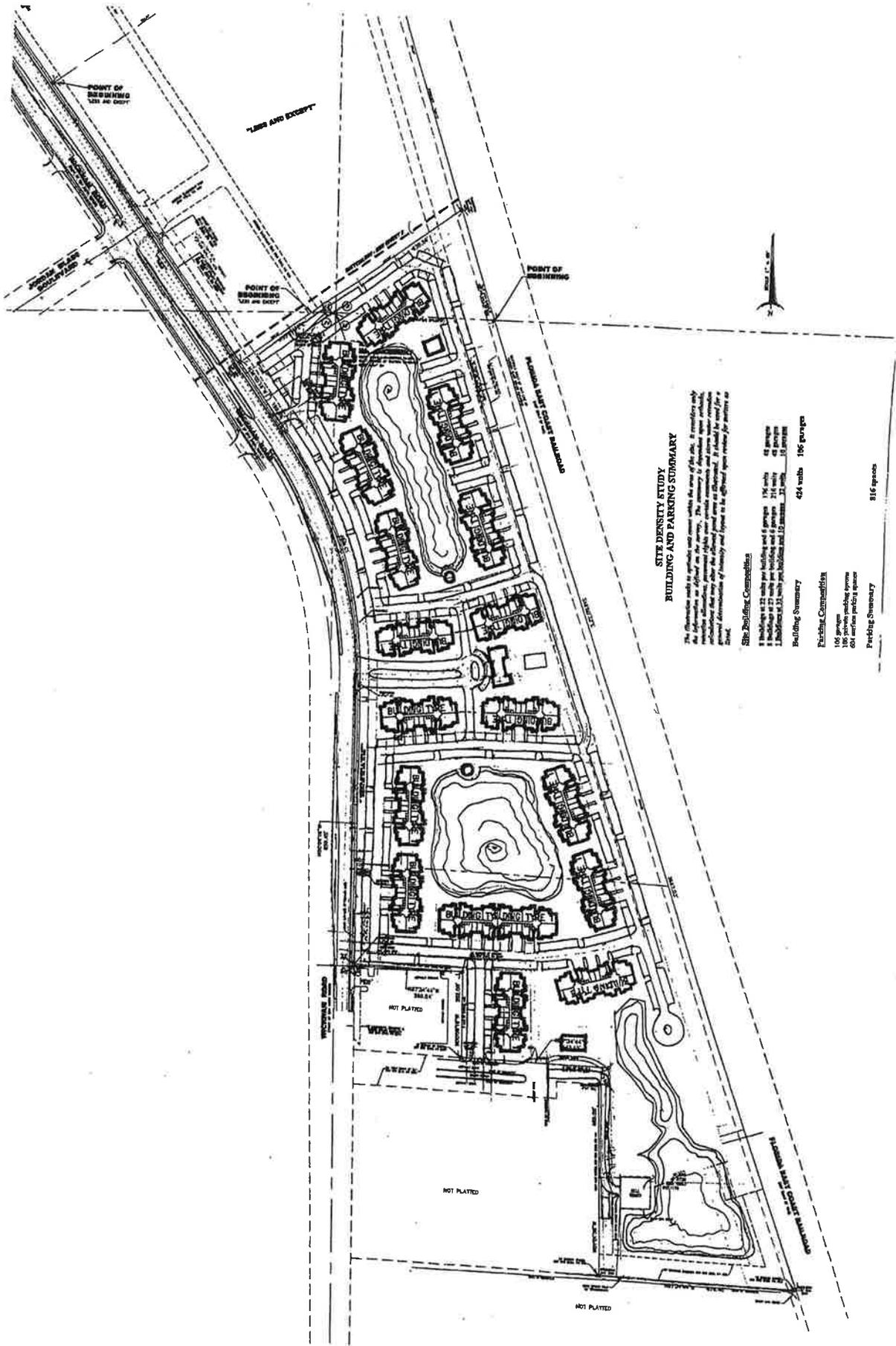
The study was conducted to evaluate the impact the proposed Comprehensive Plan Amendment would have on area roadways based on trip generation of the reasonable development potential of the existing land use designation as compared to the maximum development potential of the proposed land use designation. There will not be an increase in P.M. peak-hour traffic over what is currently allowed. Therefore, this Comprehensive Plan Amendment is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

I affirm by my signature that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West AICP

Signature: 

Date: April 29, 2015



**SITE DENSITY STUDY
BUILDING AND PARKING SUMMARY**

The information used to generate this summary was derived from the site plan. It represents only the information as shown on the drawings. The summary is based on the information shown on the drawings and does not constitute a guarantee of accuracy. It should be used for a general determination of feasibility and should be subject to the different requirements for various uses.

Site Building Composition	
1 building at 15 units per building and 4 garages	154 units, 48 garages
1 building at 22 units per building and 4 garages	22 units, 48 garages
1 building at 25 units per building and 15 garages	25 units, 15 garages
Building Summary	424 units, 106 garages
Parking Composition	
106 garages	
50 surface parking spaces	
600 surface parking spaces	
Parking Summary	816 spaces

Handwritten signature and date: [Signature] 1/15

**Comprehensive Plan Amendment
Imperial South Inc. 2015-2.1
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 2016-1; 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, 2015, for adoption as the Plan Amendment Cycle 2015-2; 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 November 9, 2015, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2015-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 3, 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 2015-2.1; and

WHEREAS, Plan Amendment 2015-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2015-2.1. 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 2016-1 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 2015-2.1, 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.

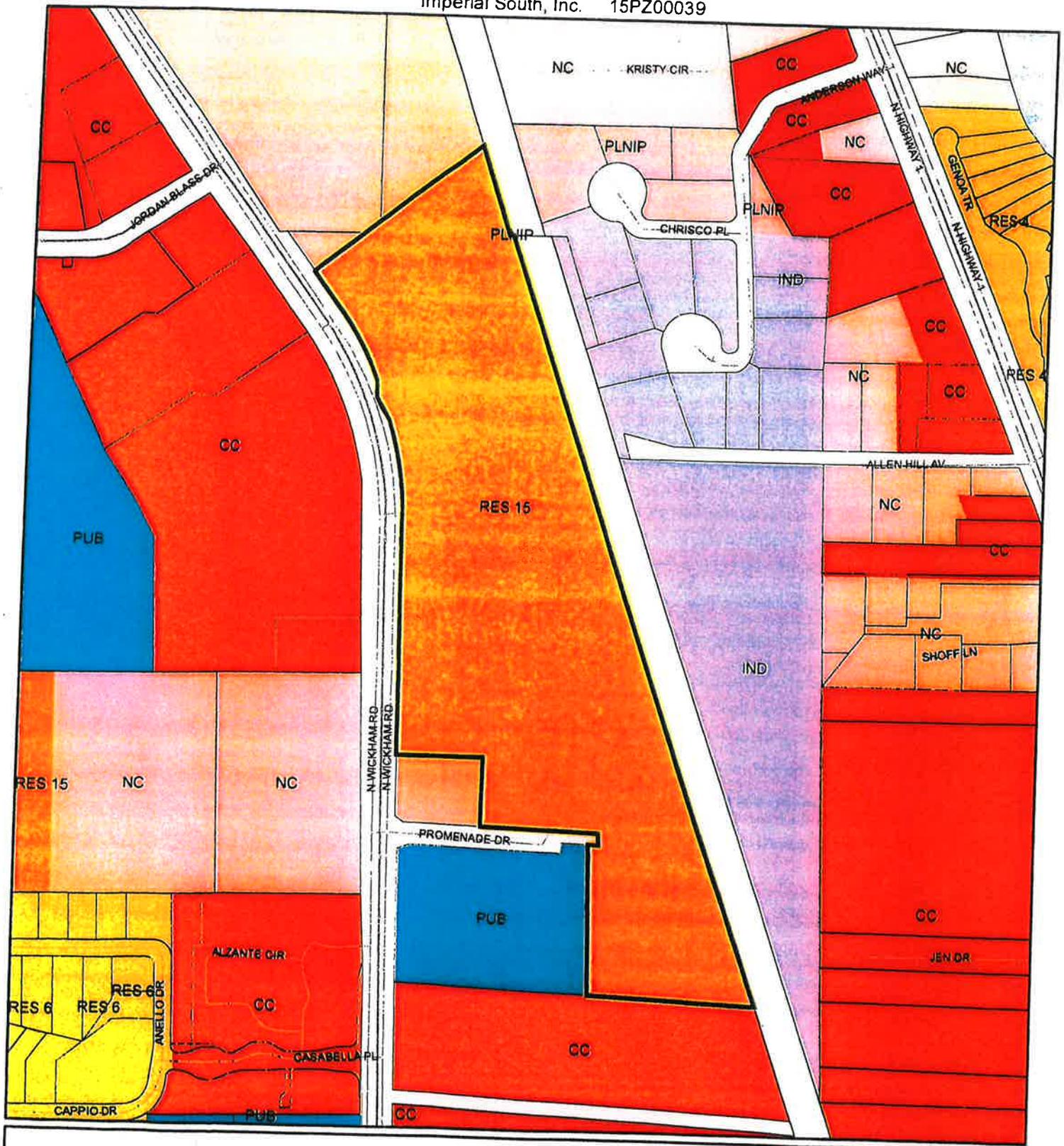
EXHIBIT A

2015-2.1 COMPREHENSIVE PLAN AMENDMENT

FUTURE LAND USE MAP

Comprehensive Plan Amendment 2015-2.1

Imperial South, Inc. 15PZ00039



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: 6/22/2015

State Agency Comment Letters



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida 32720

JIM BOXOLD
SECRETARY

August 27, 2015

Conroy Jacobs
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: BREVARD COUNTY
DCA #: 15-2ESR

Dear Mr. Jacobs:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in your memorandum dated August 4, 2015.

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

If you have any questions, please contact Judy Pizzo at 386-943-5167 or by email at judy.pizzo@dot.state.fl.us.

Sincerely,

Heather S. Garcia
Planning and Corridor Development Manager

Attachment

C: Robin Sobrino, Brevard County
Andrew Landis, ECFRPC
Carmen Monroy, FDOT
Maria Cahill, FDOT
Ray Eubanks, DEO
James Stansbury, DEO

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

GENERAL BACKGROUND INFORMATION

Brevard County has submitted the proposed Brevard County 15-2ESR large scale comprehensive plan amendment for a land use designation change for one property totaling 30.7± acres, located on the east side of Wickham Road south of Jordan Blass Drive. The proposed amendment changes the future land use designation from Brevard County Planned Industrial Park (PLNIP) to Brevard County Residential 15.

The pertinent FLUM designations and descriptions for the future land use amendments include the following:

- **BREVARD COUNTY – PLANNED INDUSTRIAL PARK (PLNIP)**

Intent: This land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, which placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks area also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below.

- a) Planned industrial park project sites shall incorporate at least three (3) acres.
- b) Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, US Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

Maximum allowed density: Industrial – Structural coverage shall not exceed 50 percent of the area of the lot.

FDOT Contact: Judy Pizzo, MS, GISP
FDOT District 5,
Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
Rohan Sadhai, AICP
Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
mbutler@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

BREVARD COUNTY – RESIDENTIAL 15

Intent: This residential land use designation may be considered for lands within the following generalized locations, unless otherwise limited by the Comprehensive Plan:

- a) Areas located east of Interstate 95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- b) Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 areas;
- c) Areas adjacent to an existing Residential 15 land use designation; and
- d) Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- e) Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the Coastal High Hazard Area (CHHA).

Maximum allowed density: Residential – 18.75 dwelling units per one (1) acre

FDOT Contact: Judy Pizzo, MS, GISP
FDOT District 5,
Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
Rohan Sadhai, AICP
Vanasse Hangen Brustlin, Inc.
407-839-4006
407-839-4008
mbutler@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

FLUM AMENDMENT

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

Background:

The proposed amendment consists of 30.7± acres located on the east side of Wickham Road south of Jordan Blass Drive. The map amendment changes the future land use designation from Brevard County Planned Industrial Park to Brevard County Residential 15. The table below shows the trip generation potential for the currently adopted and proposed land uses, and the change in trips as a result of the amendment.

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

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Planned Industrial Park	0.50 FAR ¹	130	30.7	668,646 s.f.	4,567	568
Proposed	Residential 15	18.75 dwelling units/ 1 acre	220	30.7	576 d.u.	3,614	357
Change in Trips						-953	-211

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

1. The land use designation does not define a maximum FAR, but building coverage is limited to 50% of the site. Therefore, assuming a single story industrial development, this equates to an FAR of 0.50.

The analysis shows that the amendment would decrease the trip generation potential of the 30.7± acres of property included in the amendment by approximately 953 daily trips and 211 p.m. peak hour trips.

The State roadway segments within three miles of the site that could be impacted by the amendment are shown in the following table with year 2015 and 2035 projected volumes.

FDOT Contact: Judy Pizzo, MS, GISP
 FDOT District 5,
 Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
 Rohan Sadhai, AICP
 Vanasse Hangen Brustlin, Inc.
 407-839-4006
 407-839-4008
mbutler@vhb.com

COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

Local Government: Brevard County
DEO Amendment #: 15-2ESR
Date Amendment Received FDOT: 08/12/2015
Review Comments Deadline: 09/11/2015
Today's Date: 08/31/2015

Table 2: State Roadway Segments Affected by FLUM Amendment

Roadway(s)	Segment(s)	SHS/SIS?	2015				2035			
			LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?	LOS Standard	Service Volume at LOS Standard	AADT	Acceptable?
SR 9/I-95	SR 518 to CR 509/Wickham Rd	Y	D	111,800	77,800	Y	D	111,800	119,300	N
	CR 509/Wickham Rd to SR 519/Fisk Blvd	Y	D	111,800	56,500	Y	D	111,800	109,900	Y
SR 5/US 1	Post Road to SR 404	Y	D	98,300	36,600	Y	D	98,300	68,400	Y
	SR 404 to Coquina Rd/Barnes Blvd	Y	D	41,790	39,100	Y	D	62,900	76,500	N
SR 404	SR 5/US 1 to CR 3	Y	D	65,600	42,400	Y	D	65,600	55,200	Y
	CR 3 to SR 513	Y	D	65,600	39,300	Y	D	65,600	47,000	Y

Source: FDOT District Five 2014 LOS_ALL Report

Review Comments:

All of the State roadway facilities within three miles of the amendment site currently operate within the service capacity standard. The Department does have some concern for the segments of SR 9/I-95 and SR 5/US 1 that are projected to exceed the LOS standards through year 2035. Although these segments are projected to exceed the LOS standards by year 2035, it is not anticipated that the future land use designation change will significantly impact the daily and peak hour traffic. The proposed land use amendment results in a decrease of approximately 953 daily trips and 211 p.m. peak hour trips based on the maximum development potential. Therefore, it is anticipated that no State and SIS facilities located within three miles of the parcel will be significantly impacted as a result of the proposed land use amendment.

Recommendations:

The FDOT has no recommendations at this time for this proposed amendment and respectfully requests a copy of the adopted plan. Please provide the adopted plan within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

FDOT Contact: Judy Pizzo, MS, GISP
 FDOT District 5,
 Planning Project Manager
Telephone: 386-943-5167
Fax: 386-943-5713
E-mail: judy.pizzo@dot.state.fl.us

Reviewed by: Melody Butler, P.E.
 Rohan Sadhai, AICP
 Vanasse Hangen Brustlin, Inc.
 407-839-4006
 407-839-4008
mbutler@vhb.com

Jacobs, Conroy

From: Hight, Jason [Jason.Hight@MyFWC.com]
Sent: Wednesday, September 02, 2015 3:01 PM
To: DCPexternalagencycomments; Jacobs, Conroy
Cc: Wallace, Traci; Chabre, Jane; DiGruttolo, Laura
Subject: Brevard County 15-2ESR (2015 - 2.1)

Dear Mr. Jacobs:

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

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Laura DiGruttolo at (386) 758-0525 or by email at laura.digruttolo@MyFWC.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
office: 850-413-6966
cell: 850-228-2055



St. Johns River Water Management District

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

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

August 31, 2015

Mr. Conroy Jacobs
Planner I
Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, FL 32940

Re: Brevard County Proposed Comprehensive Plan Amendment #15-2ESR

Dear Mr. Jacobs:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment. District staff review, as outlined in *Florida Statutes*, focused on flood protection and floodplain management, wetlands and other surface waters, and regional water supply as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff have no comments on the proposed amendment because no adverse impacts to important state resources and facilities were identified.

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

Sincerely,

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

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

cc: Ray Eubanks, Florida Department of Economic Opportunity

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Douglas C. Bournlaue

Fred N. Roberts Jr., VICE CHAIRMAN
OCALA

Douglas Burnett

Chuck Drake, SECRETARY
ORLANDO

Carla Yetter, TREASURER
FERNANDINA BEACH



State Board of Education

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
John A. Colón
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

August 20, 2015

Mr. Conroy Jacobs, Planner I
Brevard County Planning and Development Department
2705 Judge Fran Jamieson Way, Building A
Viera, Florida 32940
Via Email: Conroy.Jacobs@brevardcounty.us

Re: Brevard County 15-2 ESR

Dear Mr. Jacobs:

Thank you for the opportunity to review Brevard County's proposed 15-2 ESR amendment package, which the Florida Department of Education received on August 14, 2015. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The package proposes amendment of the future land use map to apply the county's Residential 15 land use designation to a 30.7-acre parcel, which would permit up to 425 multifamily dwelling units. Although the amendment package did not include analysis of the potential effects on public school facilities, upon request David Lindemann of Brevard Public Schools provided a preliminary capacity determination, which I received today. The determination projects sufficient available capacity at all affected schools to serve the potential increased demand. Because the proposal does not appear to have the potential to adversely affect public school facilities, I offer no comment.

Again, thank you for the opportunity to review the proposed amendment. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy W. Suber
Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. David Lindemann, ACIP; Brevard County Public Schools
Mr. James Stansbury, DEO/State Land Planning Agency

Thomas H. Inserra
Director, Office of Educational Facilities

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

September 11, 2015

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

Dear Chair Fisher:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment 15-2ESR), which we received on August 12, 2015. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that would be adversely impacted by the amendment if adopted.

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

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

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

Sincerely,

Ana Richmond, Chief
Bureau of Community Planning

AR/bl

Enclosure(s): Procedures for Adoption

cc: Conroy Jacobs, Planner I, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax

www.floridajobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

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 2016-1; 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, 2015, for adoption as the Plan Amendment Cycle 2015-2; 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 November 9, 2015, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2015-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 3, 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 2015-2.1; and

WHEREAS, Plan Amendment 2015-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2015-2.1 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 2016-1 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 2015-2.1, 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.

V.C.
2/2.

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 3 day of MARCH, 2016.

ATTEST

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

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

Approved by the Board on MARCH 3, 2016.