



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

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Tammy.Rowe@brevardclerk.us

March 3, 2017

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

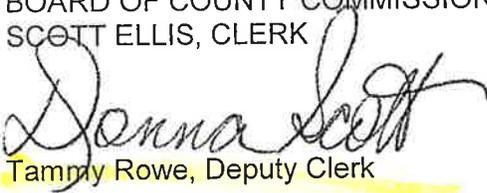
RE: Item IV.B.2., Ordinance Approving Small Scale Plan Amendment (16S.12)

The Board of County Commissioners, in regular session on March 2, 2017, adopted Ordinance No. 17-03, Small Scale Plan Amendment (16S.12), to change the Future Land Use designation from CC to PLNIP. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for 
Tammy Rowe, Deputy Clerk

Encl. (1)

Deborah Thomas

From: Ords Admin <ords@municode.com>
Sent: Monday, March 06, 2017 1:32 PM
To: Deborah Thomas
Cc: Merrill.Vincent@brevardcounty.us; george.ritchie@brevardcounty.us;
debbie.sheffield@brevardcounty.us; Tammy Rowe
Subject: RE: Brevard County, FL Code of Ordinances - 1993(10473)

Follow Up Flag: Follow up
Flag Status: Flagged

We have received your file.

Thank you and have a nice day,

Ords Administrator
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. 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: Friday, March 3, 2017 3:10 PM
To: Ords Admin <ords@municode.com>
Cc: Tammy Rowe <Tammy.Rowe@brevardclerk.us>
Subject: ORDINANCE 2017-03

Good afternoon:

Attached, please find Ordinance 2017-03 for recording.

Please confirm receipt.

Thank you.

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



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 3, 2017

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. 17-03, which was filed in this office on March 3, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 17- 03

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FOURTH SMALL SCALE PLAN AMENDMENT OF 2017, 16S.12, 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 2017 as Plan Amendment 16S.12; 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.12; 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 Secretary of State March 3, 2017

WHEREAS, on February 6, 2017, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 16S.12, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on March 2, 2017, 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.12; and

WHEREAS, Plan Amendment 16S.12 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 16S.12 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.12 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.12, 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 2 day of March, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:



Curt Smith, Chairman

As approved by the Board on March 2, 2017.

EXHIBIT A
16S.12 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

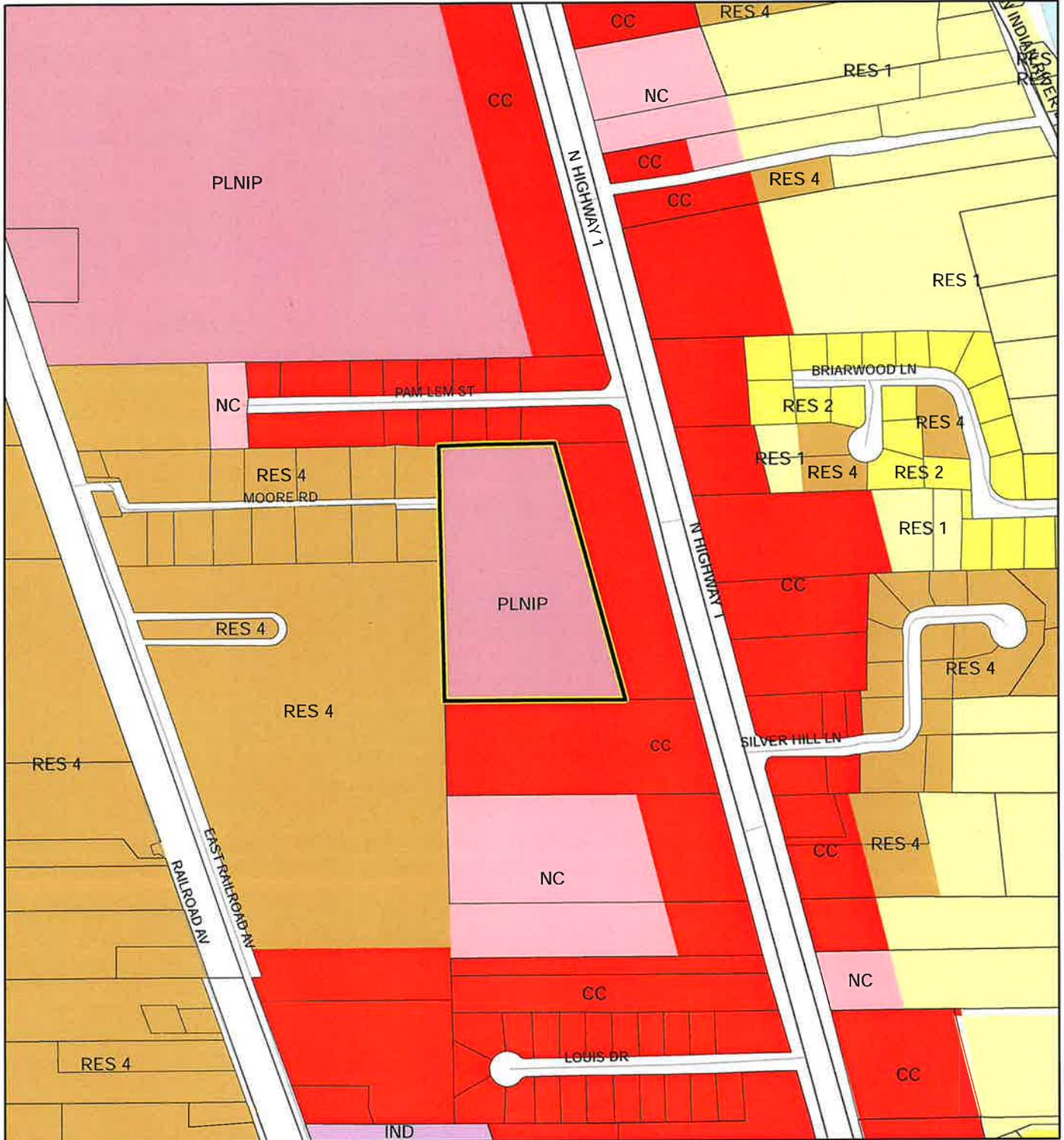
Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

COCOA COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC.

16PZ00114 and Small Scale Amendment 16S.12



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 11/30/2016

EXHIBIT B
FINDINGS OF FACT

Contents

1. Legal Description

PUBLIC HEARING NOTICE

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 and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on **MONDAY, FEBRUARY 6, 2017, and THURSDAY, MARCH 2, 2017.**

DISTRICT 4 IV.B.1. (16PZ00116) SRK VIERA VILLAGE ASSOCIATES, L.P. – (Richard Harlin) – requests a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant in a PUD (Planned Unit Development) zoning classification, on property described as Units 101 & 102 of Lots 1, 3, 4, & 5, of Viera East Market Center, according to the plat thereof, recorded in Plat Book 45, Page 15, of the Public Records of Brevard County, Florida, Section 34, Township 25, Range 36, (0.02 acres) Located on the west side of Murrell Rd., approx. 440 ft. north of Viera Blvd (5410 Murrell Rd., #101, Viera) **DISTRICT 1 IV.B.2. (16PZ00114) COCOA COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC.** – (Ron Howse) requests a Small scale Plan Amendment (165.12) to change the Future Land Use designation from CC (Community Commercial) to PLNIP (Planned Industrial Park) and a change of classification from BU-1 (General Retail Commercial) & BU-2 (Retail, Warehousing, and Wholesale Commercial) to PIP (Planned Industrial Park) on property described as A parcel of land lying in **Section 06, Township 24S, Range 36E, Brevard County, Florida,** being more particularly described as follows: Parcel 1: Commence at the SW corner of the SE ¼ of the SE ¼ of said Section 6, and run N00deg12'44"W, along the west line of the east ½ of the SE ¼, a distance of 792.02 ft. to the point of beginning; thence run N00deg12'44"W, along said west line, a distance of 737.93 ft. to a point on the south line of Pam-Lem Industrial Park, as recorded in Plat Book 19, Page 30 of the Public Records of Brevard County, Florida; thence N89deg49'00"E, along said south line, a distance of 527.48 ft. to a point on the westerly right-of-way line of U.S. Hwy 1; thence S14deg02'10"E, along said westerly right-of-way line, a distance of 431.44 ft.; thence N89deg50'48"W, parallel to and 1,114.74 ft. distance from the south line of said Section 06, a distance of 350.58 ft.; thence S00deg12'44"E, parallel to and 280 ft. distant from said west line of the east ½ of the SE ¼, a distance of 322.75 ft.; thence N89deg50'48"W, parallel to and 792 ft. distant from said south line of Section 06, and distance of 280.01 ft. to the point of beginning. Parcel 2: A parcel of land lying in **Section 06, Township 24S, Range 36E, Brevard County, Florida,** being more particularly described as follows: Commence at the SW corner of the SE ¼ of the SE ¼ of said Section 06, and run N00deg12'44"W, along the west line of said SE ¼ of the SE ¼, a distance of 792.02 ft.; thence S89deg50'48"E, parallel with and 792 ft. distant from the south line of said Section 06, a distance of 280.01 ft. to the point of beginning; thence continue S89deg50'48"E, parallel with and 792 ft. distant from said south line, a distance of 432.60 ft. to a point on the westerly right-of-way line of U.S. Hwy 1 (a 143-ft. wide right-of-way); thence N14deg12'10"W, along said westerly right-of-way line, a distance of 332.90 ft.; thence N89deg50'48"W, parallel to said south line, a distance of 353.06 ft.; thence S00deg12'44"E, parallel to and 280 ft. distant from the aforesaid west line of the SE ¼ of the SE ¼, a distance of 322.75 ft. to the point of beginning. Less the easterly 200 ft. thereof. (7 acres) Located on the west side of U.S. Hwy 1, approx. 110 ft. south of Pam Lem St. (3815 U.S. Hwy 1, Cocoa). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 165.12: 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. 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, FEBRUARY 6, 2017, 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, MARCH 2, 2017, 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. Final report of the above referenced agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 633-2069 for assistance. Brevard County Planning & Development Department. Per: Cynthia Fox, Zoning Manager. By: Jennifer Jones, Special Projects Coordinator II.