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ORDINANCE NO. 17-\_\_

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE ELEVENTH SMALL SCALE PLAN AMENDMENT OF 2017, 17S.07, 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 17S.07; 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 17S.07; 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 October 9, 2017, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 17S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 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 17S.07; and

WHEREAS, Plan Amendment 17S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 17S.07 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 17S.07 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 17S.07, 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 \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

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

By: \_\_\_\_\_  
Curt Smith, Chairman

As approved by the Board on \_\_\_\_\_, 2017.

**EXHIBIT A**  
**17S.07 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

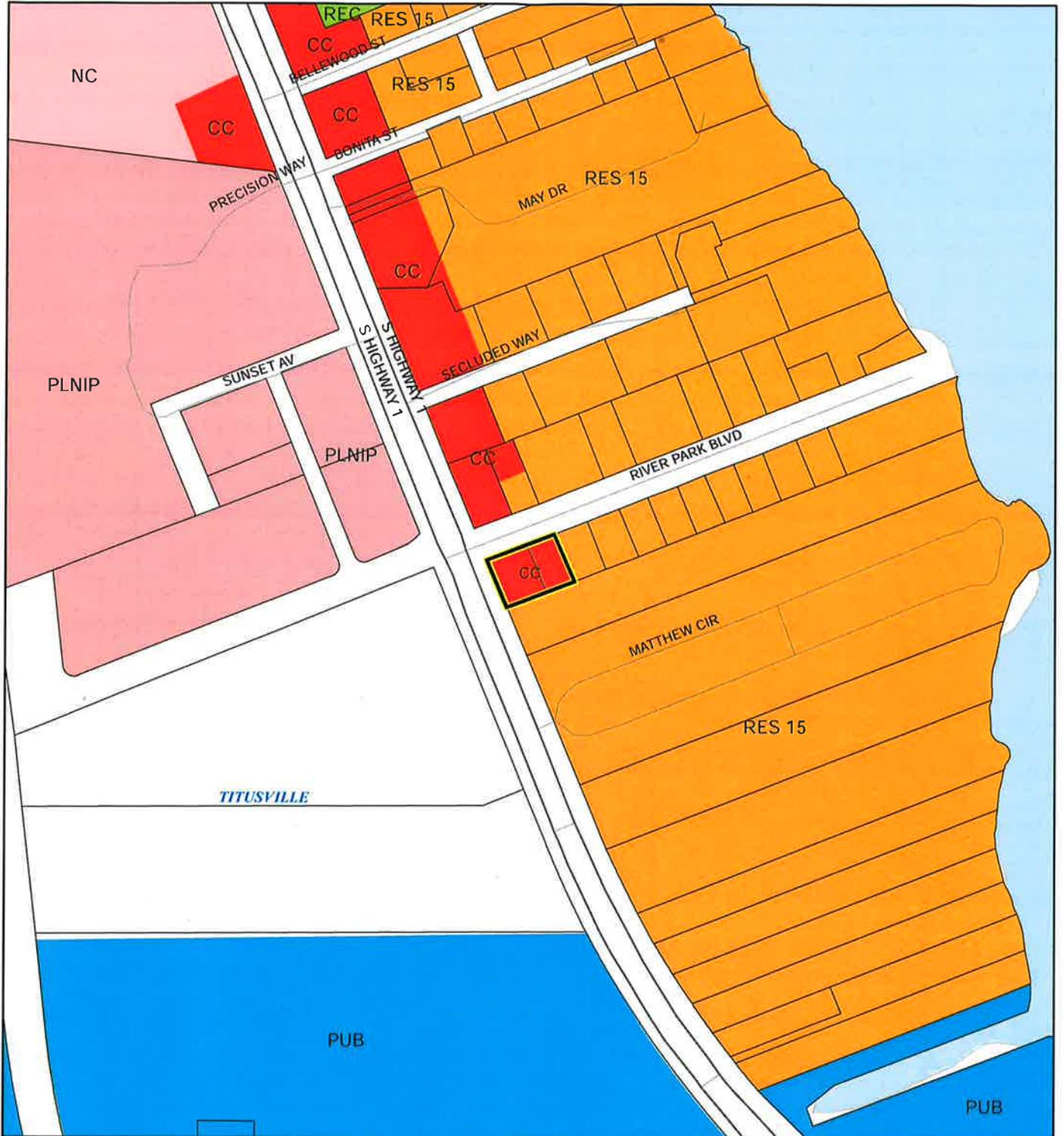
**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

FLICKINGER, MARK AND SKIDMORE TRAILER PARK & SALES, INC.

17PZ00096 and Small Scale Amendment 17S.07



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: 8/11/2017

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

**Contents**

**1. Legal Description**

Ad #2411045

09/21/2017

NOTICE is hereby given pursuant to Chapters 125 & 165, 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, OCTOBER 9, 2017, and THURSDAY, NOVEMBER 2, 2017.

**DISTRICT 1 IV.B. (17PZ00096) - MARK J. FLICKINGER, AND SKIDMORE TRAILER PARK AND SALES, INC.** - (Jane Panasis) - requests a Small Scale Comprehensive Plan Amendment (175.07) to change the Future Land Use designation from Residential 15 to CC (Community Commercial) on properties described as 1.) Lot 1.11, Block 2, Town of Bellwood, as recorded in ORB 7193, Pages 905 - 906, of the Public Records of Brevard County; 2.) Lot 1.12, Block 2, Town of Bellwood, as recorded in ORB 7882, Pages 2354 - 2357, of the Public Records of Brevard County, Florida. Section 12, Township 23, Range 35. (0.71 acres total). Located on the southwest corner of River Park Blvd., and U.S. Hwy 1. (Lot 1.11 - No assigned address. Lot 1.12 = 7635 U.S. Hwy 1, Titusville). The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 175.07: 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.

**DISTRICT 1 IV.C. (17PZ00096) - MARK J. FLICKINGER, AND SKIDMORE TRAILER PARK AND SALES, INC.** - (Jane Panasis) - request a change of classification from BU-1 (General Retail Commercial), BU-2 (Retail, Warehousing, and Wholesale Commercial), and RU-1-11 (Single-Family Residential) to all BU-2, on properties described as 1.) Lot 1.11, Block 2, Town of Bellwood, as recorded in ORB 7193, Pages 905 - 906, of the Public Records of Brevard County; 2.) Lot 1.12, Block 2, Town of Bellwood, as recorded in ORB 7882, Pages 2354 - 2357, of the Public Records of Brevard County, Florida. Section 12, Township 23, Range 35. (0.71 acres total). Located on the southwest corner of River Park Blvd., and U.S. Hwy 1. (Lot 1.11 - No assigned address. Lot 1.12 = 7635 U.S. Hwy 1, Titusville).

**DISTRICT 4 IV.D. (17PZ00104) - RIVERVIEW TOWER, LLC** - (Tuan Le) - request a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-1 (General Retail Commercial) zoning classification, on property described as Unit 107 and half of Unit 108, Lot 3.01, Block DE, Pineda Subdivision, as recorded in ORB 7226, Pages 1878 - 1879, of the Public Records of Brevard County, Florida. Section 13, Township 26, Range 36. (1,812 sq. ft.) Located on the southwest corner of U.S. Hwy 1 and Suntree Blvd. (6525 3rd. St., Rockledge #409).

**IV.E. (17PZ00106) - MICHAEL K. AND MARIA P. GRANATOSKY** - request a CUP (Conditional Use Permit) for a Bed and Breakfast, in an EU (Estate Use Residential) zoning classification, on property described as Lot 12, Rosehaven, according to the plat thereof, as recorded in Plat Book 29, Page 85, of the Public Records of Brevard County, Florida. Section 06, Township 22, Range 35. (1.02 acres) Located on the south side of Rosehaven Pl., approx. 550 ft. east of S. Carpenter Rd. (3645 Rosehaven Pl., Titusville).

**DISTRICT 2 IV.F. (17PZ00107) - TAC MERRITT ISLAND, LLC** - (John Campbell) - requests a CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant, in a BU-1 (General Retail Commercial) zoning classification, on property described as Tax Parcel 1.1, Unit A-108, as recorded in ORB 7479, Pages 2626 - 2631, of the Public Records of Brevard County, Florida. Section 35, Township 24, Range 36 (2,457 sq. ft.) Located in Unit A-108, approx. 470 ft. south of E. Merritt Ave., and approx. 555 ft. east of N. Courtenay Pkwy. 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, OCTOBER 9, 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, NOVEMBER 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: Tad Calkins, Director. By: Jennifer Jones, Special Projects Coordinator II.