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March 4, 2016

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director Attn: Cynthia Fox

RE: Item IV.A.4., Small Scale Plan Amendment 15S.09

The Board of County Commissioners, in regular session on March 3, 2016, adopted Ordinance No. 16-02, adopting Small Scale Plan Amendment 15S.09. Enclosed is a fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

ORDINANCE NO. 16- 02

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE NINTH SMALL SCALE PLAN AMENDMENT OF 2015, 15S.09, 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 2015 as Plan Amendment 15S.09; 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 15S.09; and

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

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

Officially filed with the Secretary of State 3/7/2016

WHEREAS, on January 4, 2016, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment, 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 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 15S.09; and

WHEREAS, Plan Amendment 15S.09 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 15S.09 adopted by this Ordinance is based upon findings of fact as included in Exhibit A and Exhibit B.

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 15S.09 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 15S.09, 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 3rd day of March 2016.

ATTEST:



Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:  _____
Jim Barfield, Chairman

As approved by the Board on March 3, 2016.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 8, 2016

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

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 16-02, which was filed in this office on March 7, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

STRUCTURE
OUT USES
FOR
BDP

FYI
IV.A.4.
Southgate

Brevard County BU-1

(1) Permitted uses.

- a. All business uses and all material and products shall be confined within substantial buildings completely enclosed with walls and a roof; however, retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the buildings. Such retail items include but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, and boats.
- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:

Administrative, executive and editorial offices.

Antique shops.

~~Aquariums.~~

Art goods and bric-a-brac shops.

Artists' studios.

~~Auditoriums.~~

Automobile hire.

Automobile parts, if confined within a structure.

~~Automobile repairs, minor (as defined in Section 62-1102).~~

~~Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.~~

~~Automobile tires and mufflers (new), sales and service.~~

~~Automobile washing.~~

~~Bait and tackle shop.~~

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

~~Billiard rooms and electronic game arcades (soundproofed).~~

Bookstores.

~~Bowling alleys (soundproofed).~~

- Hardware stores.
- ~~Hat cleaning and blocking.~~
- Hobby shops.
- ~~Hospitals.~~
- Interior decorating, costuming and draperies.
- Jewelry stores.
- ~~Laboratories.~~
- ~~Laundries.~~
- ~~Lawn mower sales.~~
- Leather good stores.
- Luggage shops.
- Mail order offices.
- ~~Meat, fish and seafood markets.~~
- Medical buildings and clinics, and dental clinics.
- Messenger offices.
- Millinery stores.
- ~~Motorcycle sales and services.~~
- Music, radio and television shops and repairs.
- Newsstands.
- ~~Nursing homes.~~
- Optical stores.
- Paint and wallpaper stores.
- ~~Parking lots (commercial).~~
- Parks and public recreational facilities.
- ~~Pawnshops.~~
- ~~Pet shops, with property enclosed to prevent any noxious odors.~~
- Photograph studios and galleries.
- ~~Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).~~
- Post offices.
- Printing services.

Gasoline service stations.

~~Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products.~~

Outdoor restaurant seating.

~~Outside sale of mobile homes.~~

Preexisting use.

~~Substations and transmission facilities.~~

~~Security mobile home.~~

Self storage mini-warehouses.

Tourist efficiencies and hotels and motels.

~~Treatment and recovery facility.~~

- (2) Accessory buildings or uses. Accessory buildings and uses customary to commercial and residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5). Additional accessory uses are as follows:

~~a. Completely enclosed lumber sales are permitted as an accessory use to hardware and supply stores.~~

~~b. A roadside stand used as provided in chapter 86, article IV, is permitted as an accessory use.~~

- (3) Conditional uses. Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

~~Change of nonconforming agricultural use.~~

~~Commercial entertainment and amusement enterprises (small scale and large scale).~~

~~Commercial/recreational and commercial/industrial marinas.~~

Land alteration (over five acres and up to ten acres).

Performance Overlay Districts.

~~Plant nurseries (with outside bulk storage of mulch, topsoil, etc.).~~

~~Security mobile home.~~

~~Substantial expansion of a preexisting use.~~

~~Trailer and truck rental.~~

~~Wireless telecommunication facilities and broadcast towers.~~