



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.14.

9/7/2023

Subject:

Chelsea Lee James requests a Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC to RES 1. (23SS00013)) (Tax Account 2002343) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency consider a Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from (AGRIC) to RES 1 on 1.18 acres to develop one single-family residence. Currently, the 1.18-acre subject parcel does not meet the requirements for the AGRIC FLUM designation as residential densities in agricultural land use designations cannot exceed one dwelling unit per five acres. The requested RES 1 FLUM designation establishes low-density residential development with a maximum density of up to one unit per acre. The subject parcel cannot be considered a non-conforming lot of record because it was recorded into the current configuration on February 20, 1976, after the minimum lot size regulation changed. Property Appraiser records indicate applicant purchased the property in January 2023.

The character of the surrounding area is agricultural and single-family residential on large lots approximately one acre or greater in size. The subject parcel is not adjacent to existing RES 1. The closest RES 1 is approximately one-half mile southeast of the subject site on Harrison Road.

The Board may wish to consider if the request is consistent and compatible recognizing the introduction of RES 1 to the surrounding area.

On August 14, 2023, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please provide two copies of the executed Ordinance to the Planning and Development Department.



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

Telephone: (321) 837-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 8, 2023

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item G.14., Small Scale Comprehensive Plan Amendment (23S.13)

The Board of County Commissioners, in regular session on September 7, 2023, conducted the public hearing and adopted Ordinance No. 23-23, setting forth the eighth Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC to RES 1. (23SS00013). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 23-23

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE EIGHTH SMALL SCALE PLAN AMENDMENT OF 2023, 23S.13, 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 163.34 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 2023 as Plan Amendment 23S.13; 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 23S.13; 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 the State on September 15, 2023.

WHEREAS, on August 14, 2023, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 23S.13, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 7, 2023, 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 23S.13; and

WHEREAS, Plan Amendment 23S.13 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 23S.13 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 23S.13 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 23S.13, 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 Economic Opportunity, 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 7th day of September, 2023.

ATTEST:



Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



By: Rita Pritchett, Chair

As approved by the Board on SEP 07 2023, 2023.



EXHIBIT A
23S.13 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT

Contents

1. Proposed Future Land Use Map

EXHIBIT B

Contents

1. Legal Description

(23SS00013) Chelsea Lee James requests a Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1), on property described as Lot 4.01, Block 2, Indian River Park Subdivision, as recorded in ORB 9696, Pages 499 - 500, of the Public Records of Brevard County, Florida.

Section 23, Township 20G, Range 34 . (1.18 acres) Located on the southeast corner of D Johnson Ave. and Merritt St. (4585 D Johnson Ave., Mims) The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 23S.13: 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.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 19, 2023

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

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of corrected Brevard County Ordinance No. 23-23, which was filed in this office on September 15, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

Donna Scott

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Wednesday, September 20, 2023 11:56 AM
To: Donna Scott
Subject: RE: Brevard County, FL Code of Ordinances - 1993(10473)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

SVj (she/her/hers)

Production Support Specialist Supplement Department • **CivicPlus**
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Powering and Empowering Local Governments

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Tuesday, September 19, 2023 11:16 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: Ordinances to file with Municode
Importance: Low

You don't often get email from donna.scott@brevardclerk.us. [Learn why this is important](#)

Hello,

Attached is Ordinance Nos. 23-19, 23-20, 23-21, 23-22, and 22-23 to be filed with Municode.

Thank you,
Donna Scott
Assistant Clerk to the Board
321-637-2001



Brevard County, Florida

Clerk of the Court

Rachel M. Sadoff

This email was scanned by Bitdefender

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This email was scanned by Bitdefender

Helen Seaman

From: Helen Seaman
Sent: Friday, September 15, 2023 11:37 AM
To: 'CountyOrdinances@dos.myflorida.com'
Cc: Clerk to the Board
Subject: BRE20230905_ORDINANCE2023_23
Attachments: 0915_001.pdf

Good Morning:

Due to a scrivener error, attached is the corrected Ordinance No. 2023-23 to be filed with the State.

Please accept apologies for the inconvenience.

Helen Seaman

Administrative Assistant

Clerk to the Board

(321) 637-2001

Helen.Seaman@brevardclerk.us

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Small Scale Plan Amendment 23S.13 (23SS00013)
Township 20G, Range 34, Section 23*

Property Information

Owner / Applicant: **Chelsea Lee James**

Adopted Future Land Use Map Designation: Agricultural (AGRIC)

Requested Future Land Use Map Designation: Residential 1 (RES 1)

Acreage: 1.18 acres

Tax Account #: 2002343

Site Location: Southeast corner of Merritt Street and D. Johnson Avenue

Commission District: 1

Current Zoning: General Use (GU)

Requested Zoning: Rural Residential Mobile Home (RRMH-1)

Background & Purpose

The applicant is requesting to amend the Future Land Use Map (FLUM) designation from Agricultural (AGRIC) to Residential 1 (RES 1) on 1.18 acres to develop one single-family residence. The subject parcel is currently undeveloped and is located on D. Johnson Avenue, a county-maintained roadway in District 1.

Currently, the 1.18-acre subject parcel does not meet the requirements for the AGRIC FLUM designation as residential densities in agricultural land use designations cannot exceed one dwelling unit per five (5) acres. The requested RES 1 FLUM designation establishes low density residential development with a maximum density of up to one (1) unit per 1 acre.

While the general area has retained Agricultural land use designation since the adoption of the Future Land Use Map in 1988, there is a pattern of residential land use in portions of this area as many single-family platted parcels were created prior to 1988.

Underlying this area is a 1914 plat (Indian River Park subdivision – plat book 2, page 338) initially recording 10-acre tracts that have been further divided to mostly 1.25-acre

lots prior to 1988. A number of these non-conforming lots of record in the area have been developed as residential.

Conversely, the subject parcel can **not** be considered a non-conforming lot of record because it was recorded into the current configuration per Official Records Book 1609, Page 1023 on February 20, 1976, after the minimum lot size regulation changed. GU required 1 acre prior to May 20, 1975, afterwards GU required 5 acres. In 1988, the Comprehensive Plan was adopted establishing an Agricultural FLUM designation also requiring a minimum 5 acres.

Property Appraiser records indicate the subject parcel was purchased by the applicant on January 11, 2023.

The 1.18-acre subject parcel does not meet the 5-acre minimum lot size requirement for the GU zoning classification. A companion application, **23Z00052**, if approved, would change the zoning classification from General Use (GU) to Rural Residential Mobile Home (RRMH-1).

While the existing GU zoning classification can be considered consistent with the existing AGRIC FLU designation, the proposed RRMH-1 zoning classification cannot be considered consistent with the existing AGRIC FLU designation.

The subject parcel's proposed RRMH-1 zoning can be considered consistent with the proposed RES 1 FLU designation.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; 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 to 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.

Residential 1 (maximum of 1 dwelling unit per acre)

Policy 1.9

The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

Criteria:

- A. Areas adjacent to existing RES 1 land use designation; or

The subject parcel is not adjacent to existing RES 1. The closest RES 1 is approximately one-half mile southeast of the subject site on Harrison Road.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

The subject parcel does not serve as a transition between greater or lesser densities.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

The subject parcel is not adjacent to an incorporated area.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

While the general area has retained the Agricultural land use designation since the 1988 adoption of the Future Land Use Map, there is a pattern of residential land use in portions of this area as many single-family platted parcels were created prior to 1988 Comprehensive Plan.

This area was initially platted in 1914 as 10-acre tracts that have been further divided to mostly 1.25-acre lots prior to 1988. A number of these non-conforming lots of record in the area have been developed as residential.

This request represents a two-step increase in density and would introduce RES 1 into the immediate area, setting a precedent for future development.

As the FLU designation in this area is AGRIC, this request could be considered out of character with the adopted FLUM. The closest RES 1 is approximately one-half mile southeast of the subject site on Harrison Road.

2. actual development over the immediately preceding three years;
and

No development was constructed adjacent to the subject site in the preceding three (3) years.

3. development approved within the past three (3) years but not yet constructed.

There have not been any development approvals that are pending construction within the past 3 years.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The character of the surrounding area is agricultural and single-family residential on large lots approximately one acre or greater in size. There is existing RRMH-1 zoning to the west of the subject parcel (across D. Johnson Ave.). That undeveloped 4.7-acre parcel was split out of a 10-acre parcel that received the RRMH-1 zoning under Z-5429 in 1980, prior to the adoption of the Comprehensive Plan.

A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding neighborhood.

This request can be considered an introduction of RES 1 into the immediate area. The closest RES 1 is approximately one-half mile southeast of the subject site on Harrison Road.

Surrounding Land Use Analysis

	Existing Use	Zoning	Future Land Use
North	Vacant	GU	AGRIC
South	Vacant	AGR	AGRIC
East	Vacant	GU	AGRIC
West	Vacant	RRMH-1	AGRIC

To the north is an undeveloped 2.21-acre parcel with AGRIC FLU designation.

To the south is an undeveloped 20.69-acre parcel with AGRIC FLU designation.

To the east an undeveloped 1.19-acre parcel with AGRIC FLU designation.

To the west, across D. Johnson Avenue, is an undeveloped 4.7-acre parcel with AGRIC FLU designation.

The subject property is located within the Mims Small Area Study, which was adopted by the Board in 2007 and largely implemented via Comprehensive Plan Future Land Use Map (FLUM) amendments in 2008. The SAS recommended that the Agricultural Future Land Use designation (one unit per 5 acres) be retained for the approximately 25 square mile area west of Meadow Green Road, which includes the subject property.

Future Land Use (FLU) designations, adopted with the County's Comprehensive Plan, indicate the intended use and development density for a particular area, while zoning classifications specifically define allowable uses and contain the design and development guidelines for those intended uses. The County's Comprehensive Plan shall be the guidance for consideration when considering the appropriate zoning district to rezone a property to, moving towards consistency with the Future Land Use Map (FLUM).

The surrounding Land Use in this area is designated as Agricultural (AGRIC) on the FLUM. The Agricultural Land Use designation is intended to protect agricultural lands, and provide for the continuing viability of the agricultural industry in the County's economy. Activities include but are not limited to, row, vegetable and fruit crop production; dairy, poultry and livestock production; aquaculture, silviculture, horticulture, and apiariculture. Large lot residential development which does not impede the use of lands for agricultural purposes shall be permitted in this land use designation. Residential densities

shall not exceed one dwelling unit per five (5) acres. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development.

The Future Land Use Element allows for various zoning districts within a given Future Land Use Map designation. General Use (GU) zoning classification, which requires a minimum of 5 acres, is one of the classifications that is consistent with AGRIC land use. However, many of the parcels in the surrounding area have been split into smaller 1+ acre lots prior to the 1988 adoption of the Comprehensive Plan, creating inconsistent FLU and zoning designations.

Concurrency

The closest concurrency management segment to the subject property is Deering Parkway, from I-95 to US 1, which has a Maximum Acceptable Volume (MAV) of 14,200 trips per day, a Level of Service (LOS) of D, and currently operates at 19.58% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 19.65% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

The parcel is not serviced by public water or sewer. The closest potable water connection is approximately 2.3 miles to the south of the subject site on Fawn Lake Boulevard and serves the Fawn Lake subdivision. The closest sanitary sewer line is approximately 4.4 miles southeast of the subject site on SR 46.

No school concurrency information has been provided as the development potential is considered below the minimum number of new residential lots that would require a formal review.

Environmental Resources

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible recognizing the introduction of RES 1 to the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item # 23SS00013

Applicant: Chelsea James

Zoning Request: Agricultural to Res1

Note: Temporarily live in an RV while a single-family home is being built on the property

LPA Hearing Date:8/14/2023; **BCC Hearing Date:** 9/7/2023

Tax ID No: 2002343

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Wetlands and Hydric Soils

The subject parcel contains mapped hydric soils (Pineda Sand, 0 to 2 percent slopes; Malabar, Holopaw, and Pineda soils; and EauGallie sand), as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps, respectively. These are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities. The wetland delineation shall be verified at time of site plan submittal.

Per Section 62 3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be

applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Section 65-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.

Protected and Specimen Trees

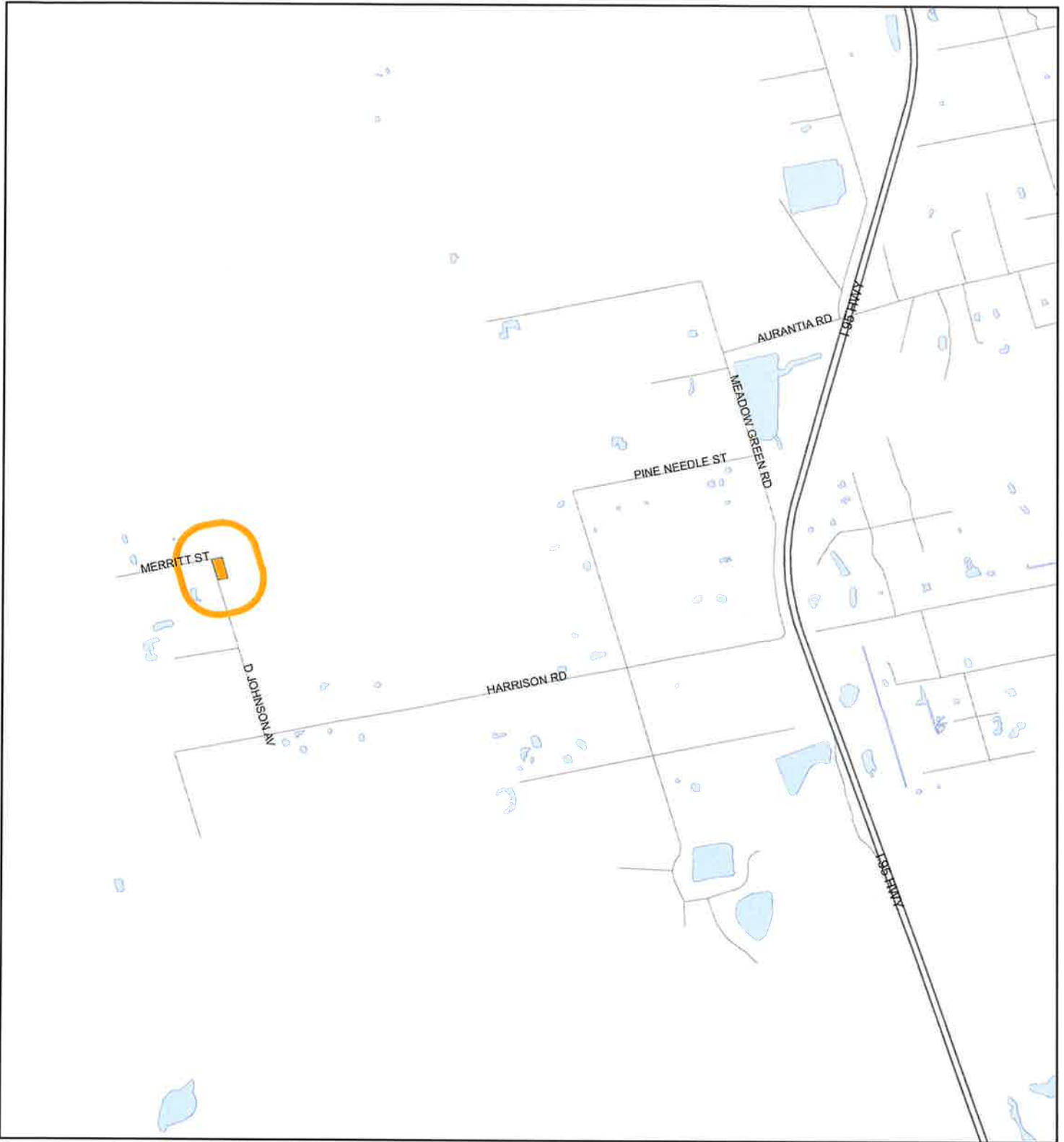
Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) trees may exist on the parcel. The applicant is encouraged to perform a tree survey prior to any site plan design to incorporate valuable vegetative communities or robust trees into the design. Land clearing is not permitted without prior authorization by NRM. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

LOCATION MAP

JAMES, CHELSEA LEE
23SS00013





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

Buffer Distance: 500 feet

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 BoCC - GIS Date: 6/26/2023

-  Buffer
-  Subject Property

ZONING MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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 BoCC - GIS Date: 6/26/2023

 Subject Property

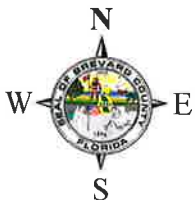
 Parcels

 Zoning



PROPOSED FUTURE LAND USE MAP

JAMES, CHELSEA LEE

23SS00013



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 BoCC - GIS Date: 6/20/2023

AERIAL MAP

JAMES, CHELSEA LEE

23SS00013



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 6/20/2023

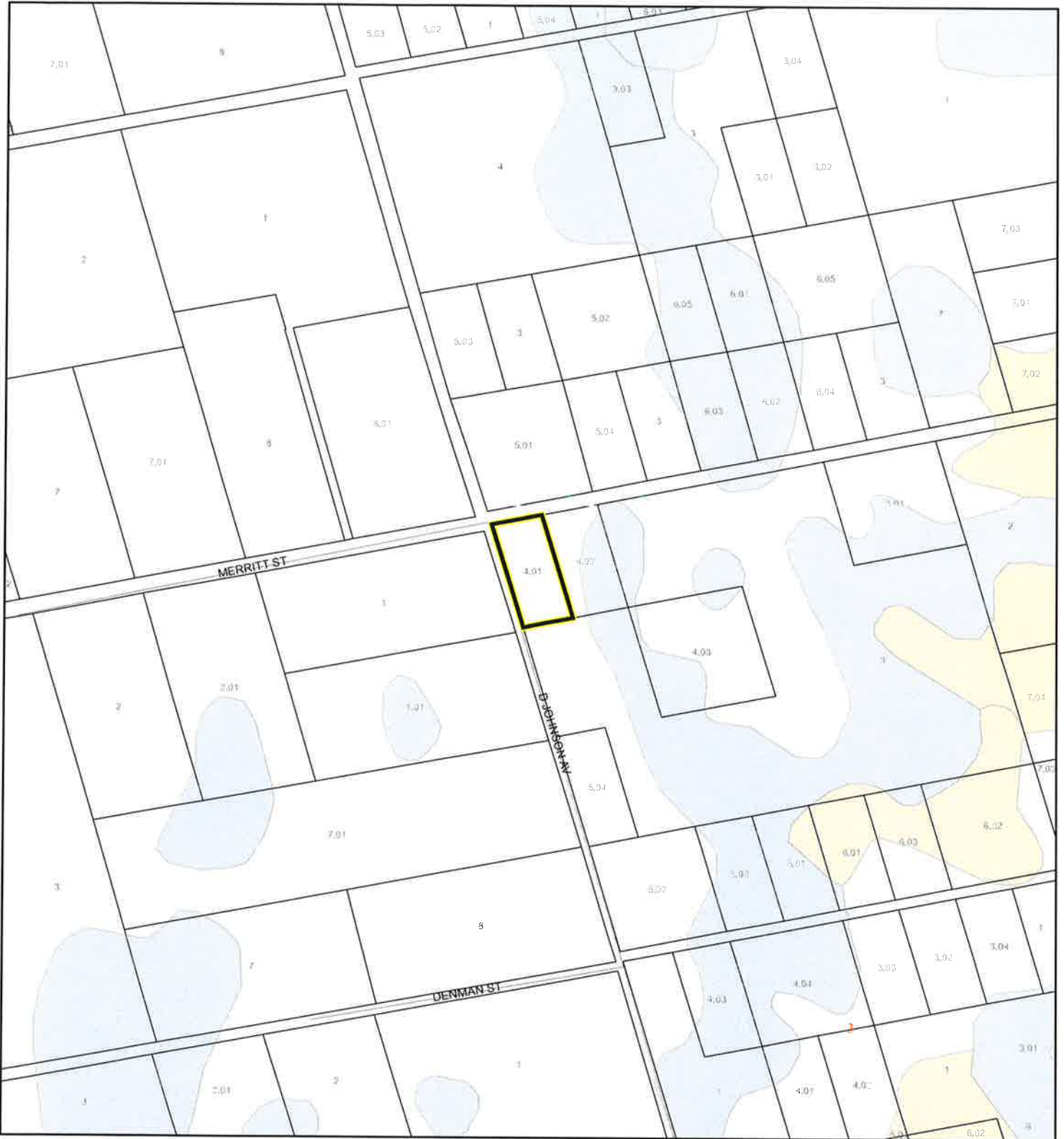
 Subject Property

 Parcels

NWI WETLANDS MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/20/2023

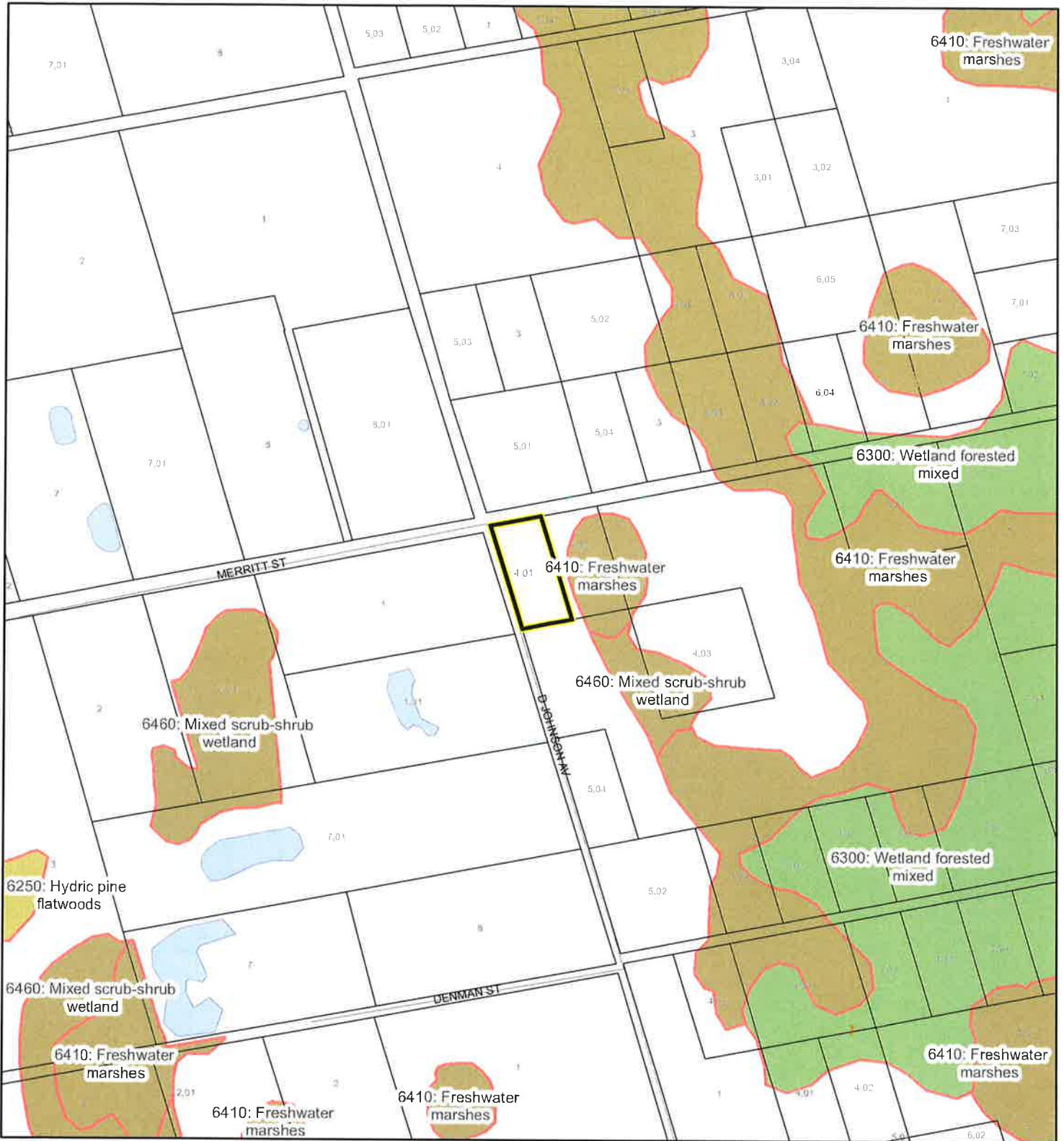
National Wetlands Inventory (NWI)

- | | |
|--|---|
|  Estuarine and Marine Deepwater |  Freshwater Pond |
|  Estuarine and Marine Wetland |  Lake |
|  Freshwater Emergent Wetland |  Other |
|  Freshwater Forested/Shrub Wetland |  Riverine |
|  Subject Property | |
|  Parcels | |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/20/2023

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

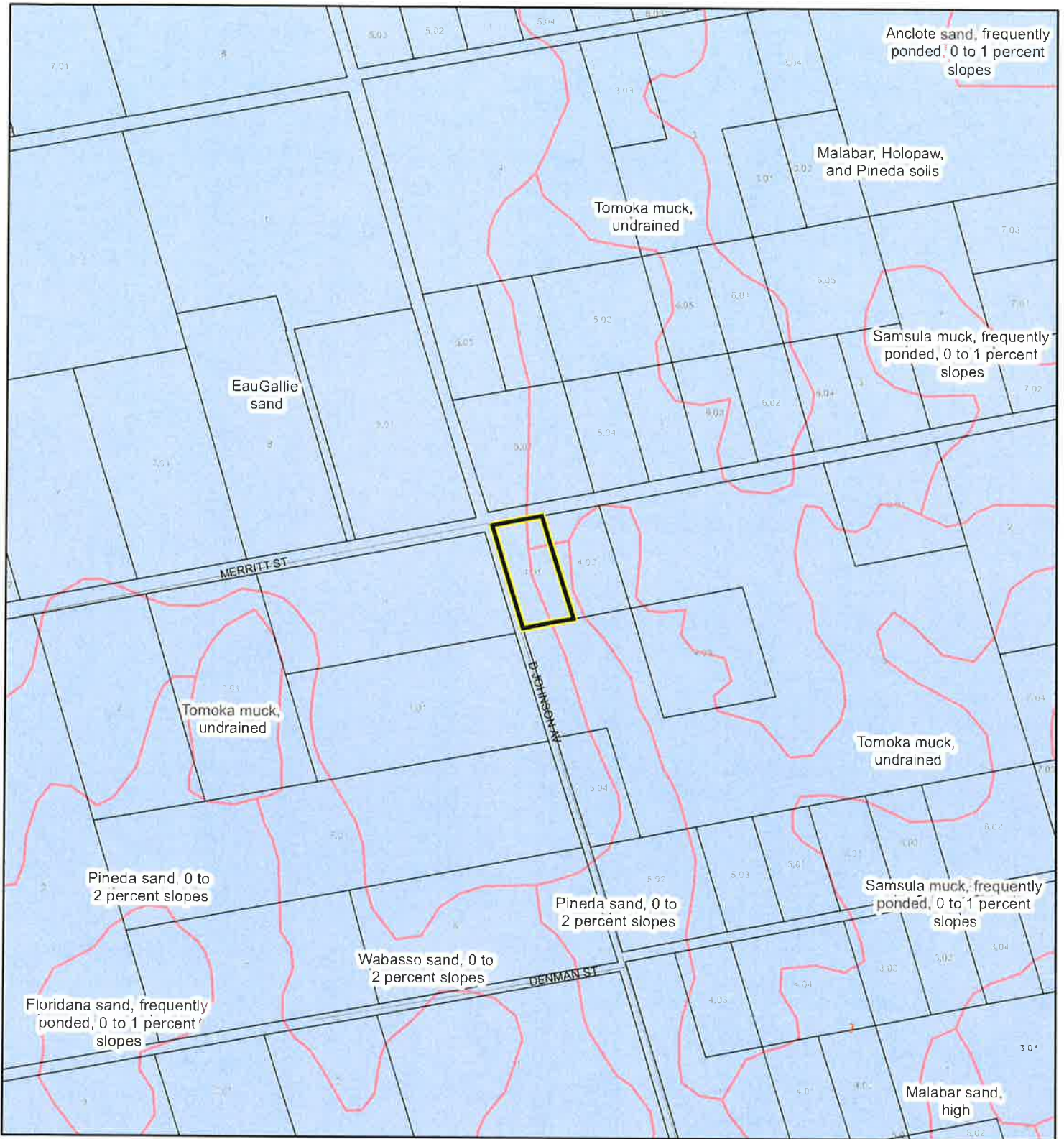
Subject Property

Parcels

USDA SCSSS SOILS MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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 BoCC - GIS Date: 6/20/2023

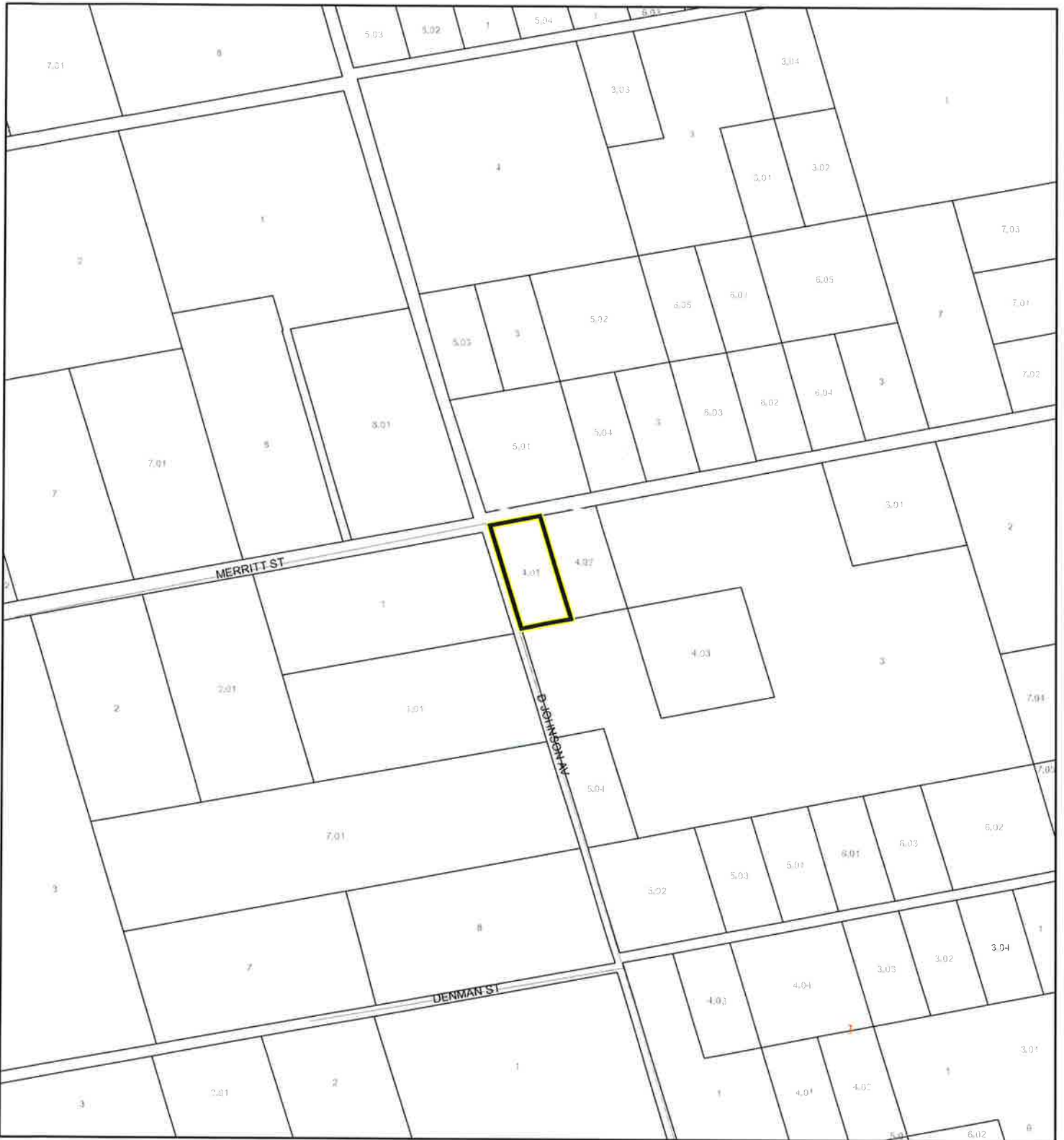
USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

JAMES, CHELSEA LEE



23SS00013



1:4,800 or 1 inch = 400 feet

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.

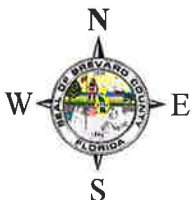
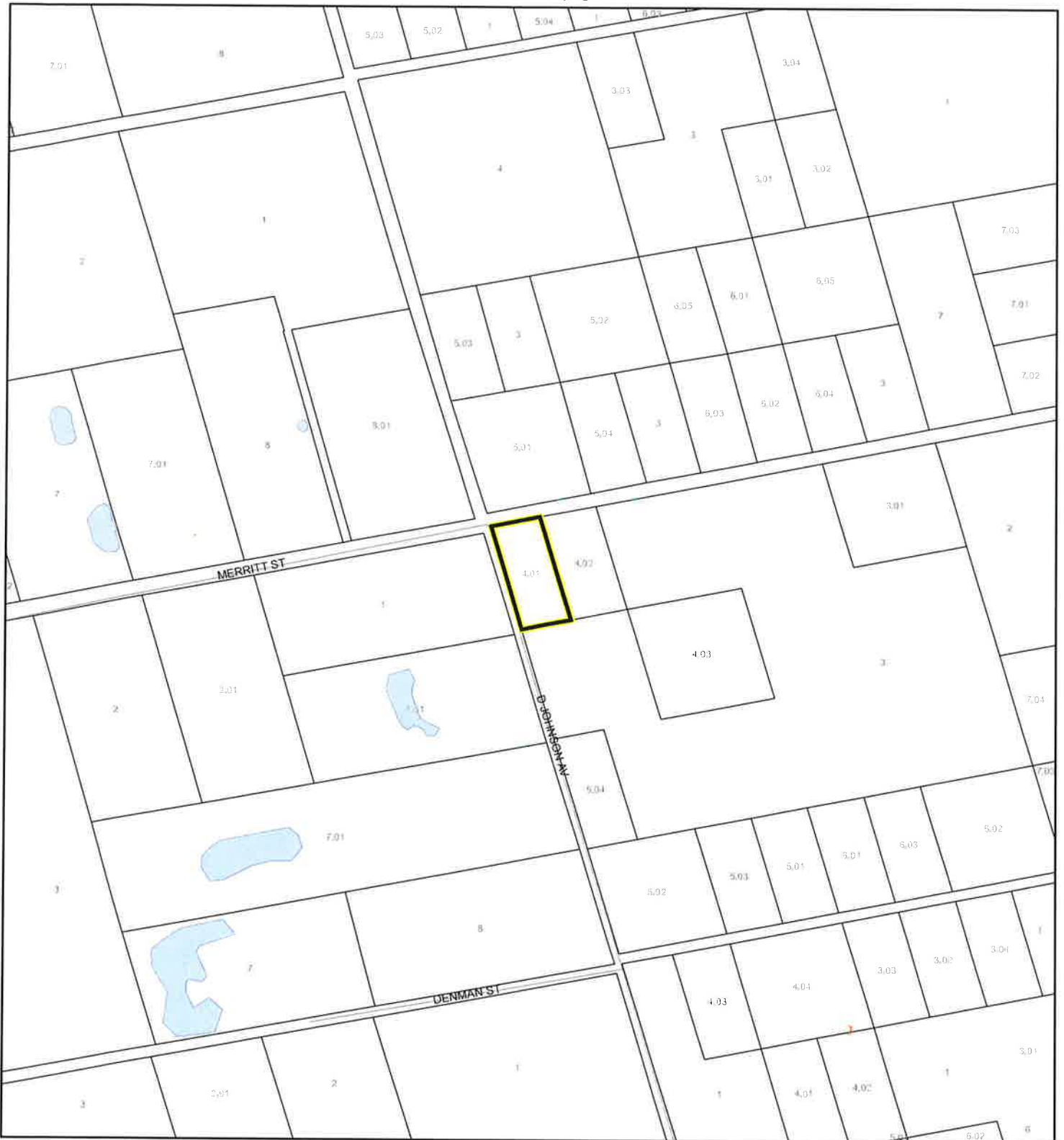
Produced by BoCC - GIS Date: 6/20/2023

FEMA Flood Zones			
	A		X
	AE		AO
	AH		Open Water
	VE		Subject Property
			Parcels

COASTAL HIGH HAZARD AREA MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 6/20/2023

 Subject Property

 Parcels

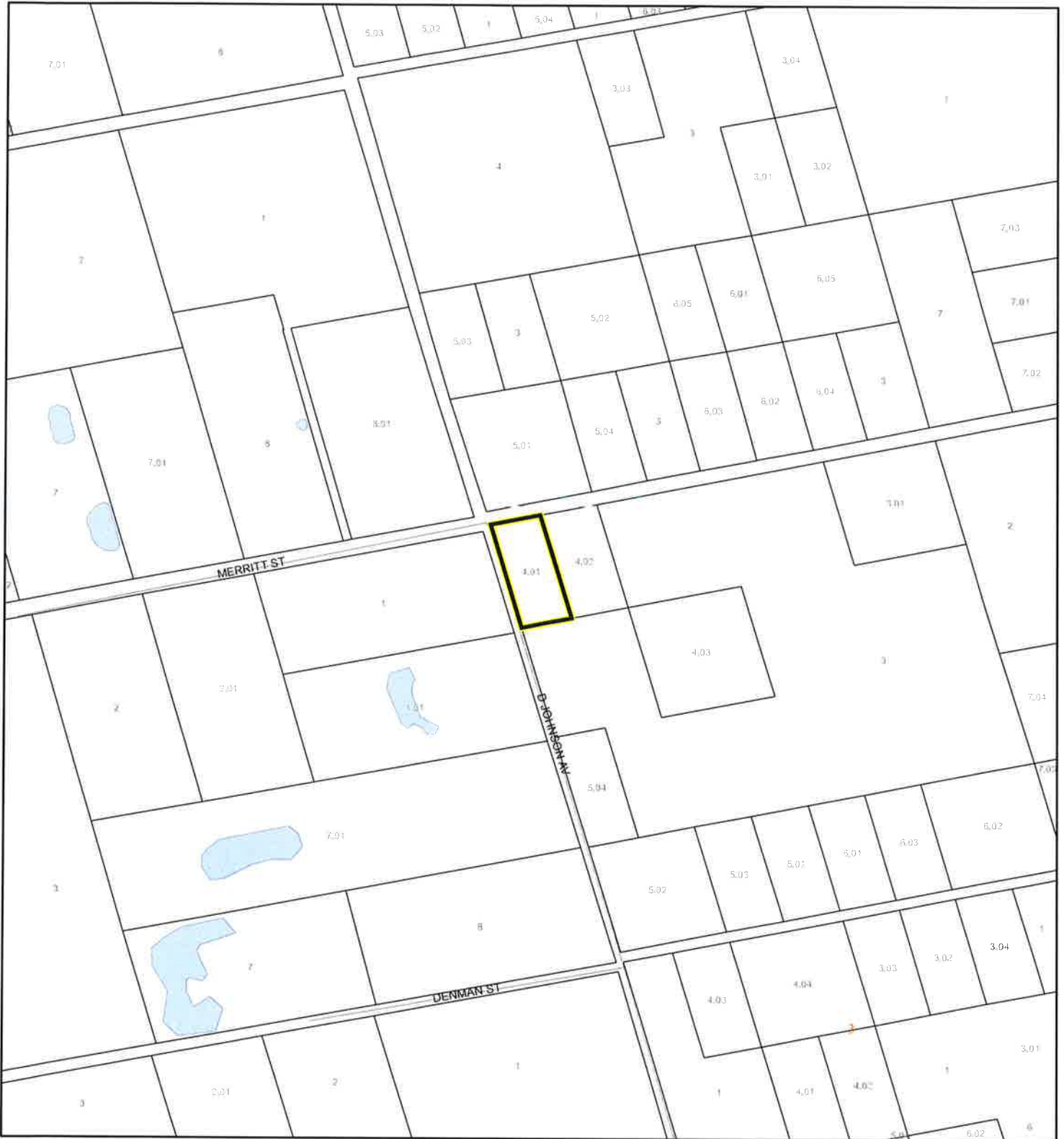
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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 BoCC - GIS Date: 6/20/2023

 Subject Property

 Parcels

Septic Overlay

 40 Meters

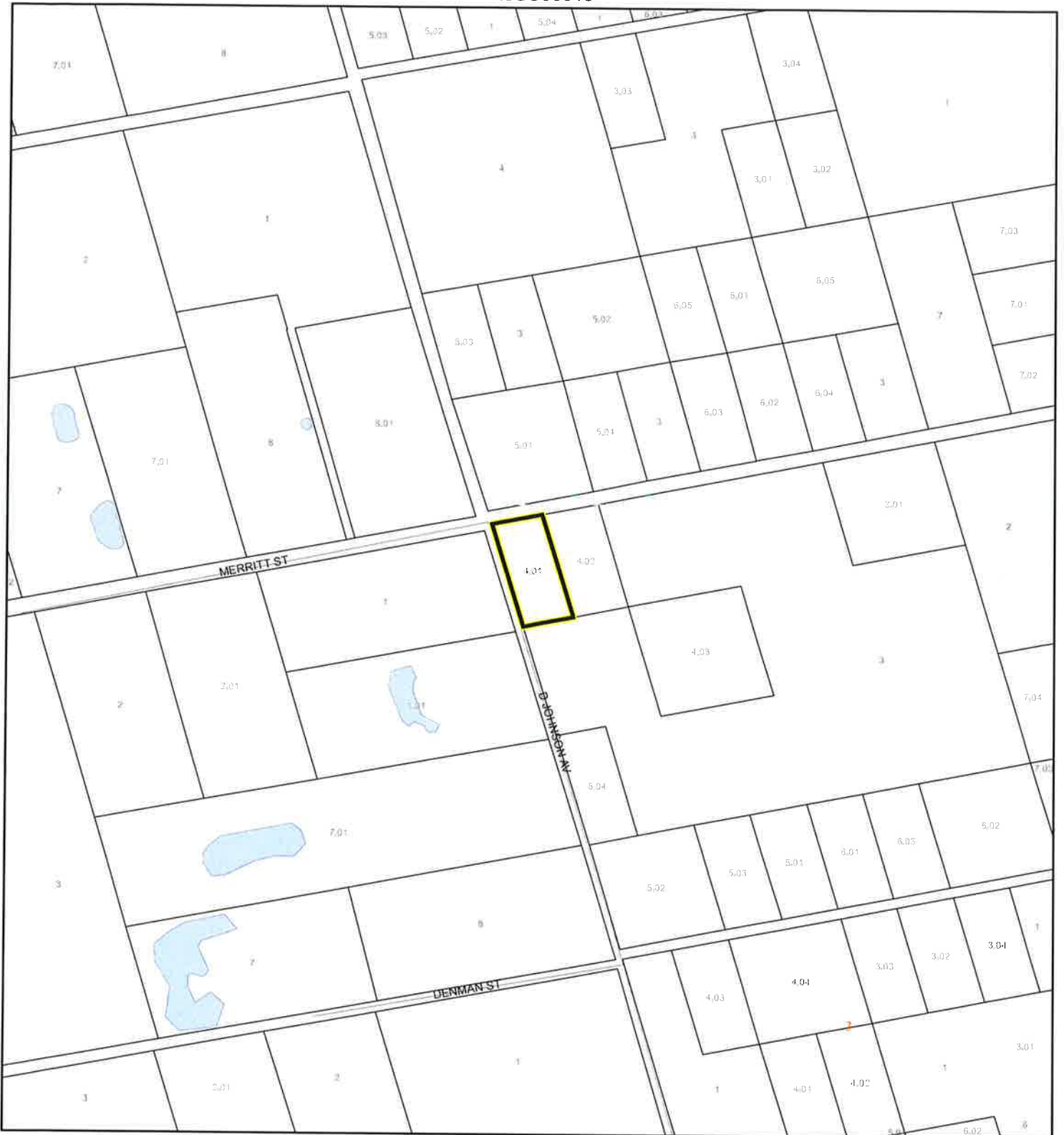
 60 Meters

 All Distances

EAGLE NESTS MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/20/2023

 Subject Property

 Parcels

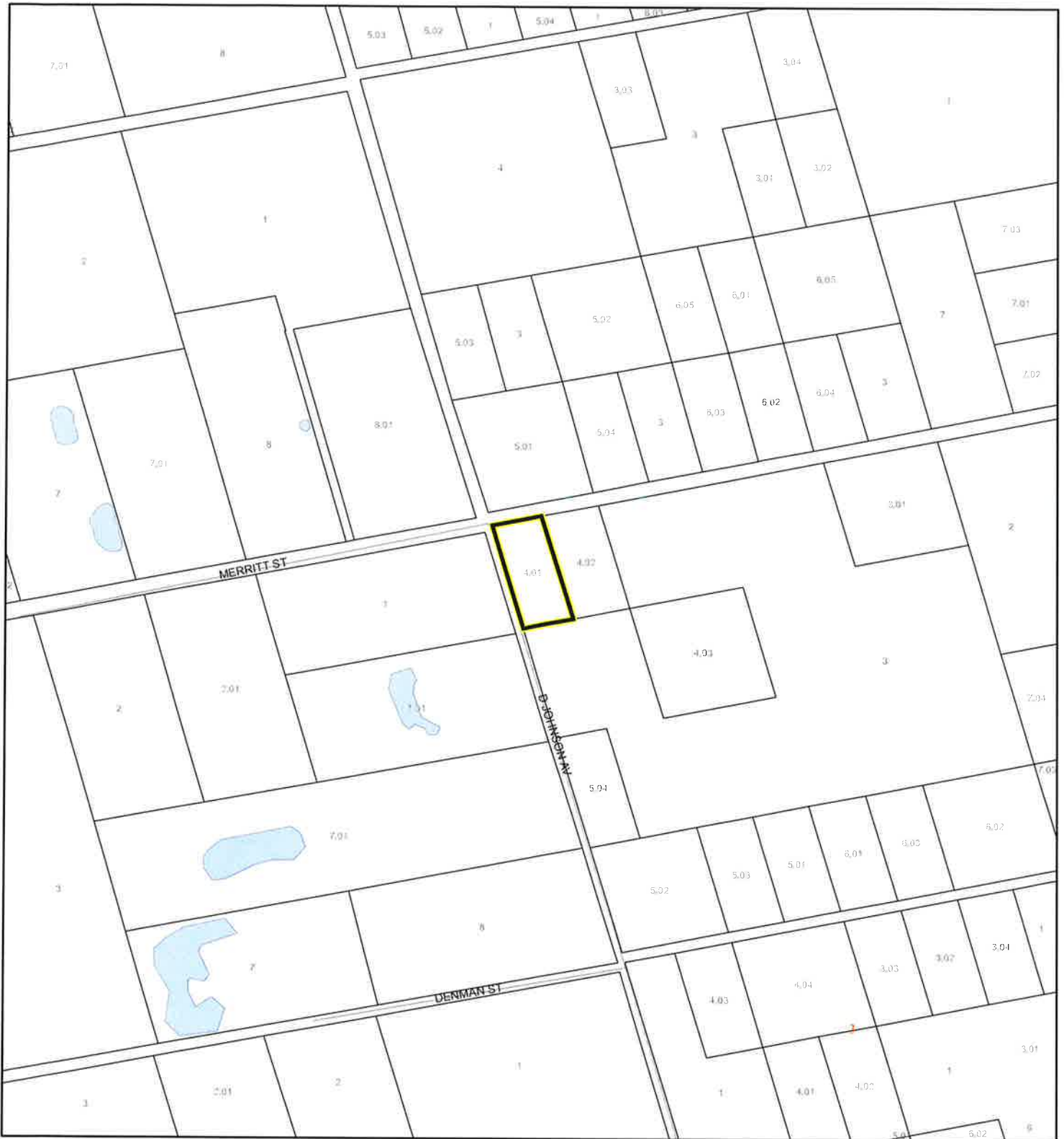


Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 6/20/2023

 Subject Property

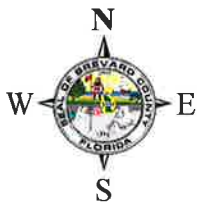
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

JAMES, CHELSEA LEE

23SS00013



1:4,800 or 1 inch = 400 feet

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 BoCC - GIS Date: 6/20/2023

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 14, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were: Board members present were: Henry Minneboo, (D1); Ron Bartcher (D1); Brian Hodgers (D2); Lorriane Koss (D2 Alt); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Morris Richardson, County Attorney; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Chelsea Lee James

A Small Scale Comprehensive Plan Amendment (23S.13) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1 (Residential 1). The property is 1.18 acres, located on the southeast corner of D Johnson Ave. and Merritt St. (4585 D Johnson Ave., Mims) (23SS00013) (Tax Account 2002343) (District 1)

Chelsea Lee James

A change of zoning classification from GU (General Use) to RRMH-1 (Rural Residential Mobile Home). The property is 1.18 acres, located on the southeast corner of D Johnson Ave. and Merritt St. (4585 D Johnson Ave., Mims) (23Z00052) (Tax Account 2002343) (District 1)

Chelsea James, 5205 Citrus Boulevard, Cocoa, stated the property does not meet the 5-acre minimum lot size of the current GU zoning, and she would like to rezone in order to build a small home, or tiny home.

No public comment.

John Hopengarten asked if she is going to put a mobile home on the property or a tiny home. Ms. James replied, it would be a mobile home while she's in the process of building a home.

Motion by Brian Hodgers, seconded by Ron Bartcher, to recommend approval of a Small Scale Comprehensive Plan Amendment, to change the Future Land Use designation from AGRIC to RES 1. The motion passed unanimously.

Motion by Brian Hodgers, seconded by Ron Bartcher, to recommend approval of a change of zoning classification from GU to RRMH-1. The motion passed unanimously.

Old

Helen Seaman

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Wednesday, September 13, 2023 10:19 AM
To: Helen Seaman; County Ordinances
Cc: Clerk to the Board
Subject: RE: BRE20230905_ORDINANCE2023_23
Attachments: Brevard20230913_Ordinance23_23_Ack.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good morning,

Please find the attached acknowledgment letter for Brevard County Ordinance No. 23-23, which was filed in this office on September 13, 2023.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Helen Seaman <Helen.Seaman@brevardclerk.us>
Sent: Wednesday, September 13, 2023 9:20 AM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Clerk to the Board <ClerktotheBoard@brevardclerk.us>
Subject: BRE20230905_ORDINANCE2023_23

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good Morning:

Attached please find Ordinance No. 2023-23 to be filed with the State.

Thank you.

Helen Seaman

Administrative Assistant
Clerk to the Board
(321) 637-2001
Helen.Seaman@brevardclerk.us



old

FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 13, 2023

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

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 23-23, which was filed in this office on September 13, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh