



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 6, 2017

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director    Attn: George Ritchie

**RE:** Item IV.B., Small Scale Plan Amendment 17S.05

The Board of County Commissioners, in regular session on October 5, 2017, adopted Ordinance 17-23, setting forth Small Scale Plan Amendment 17S.05. Enclosed is a fully-executed copy of the Ordinance for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 6, 2017

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

Attention: Ms. Deborah Thomas

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. 17-23, which was filed in this office on October 6, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 17-23

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 2017, 17S.05, 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.05; 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.05; 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 August 21, 2017, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 17S.05, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on September 7, 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.05; and

WHEREAS, Plan Amendment 17S.05 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 17S.05 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.05 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.05, 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.

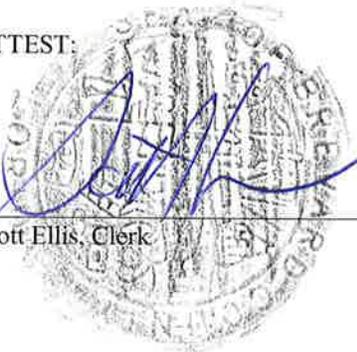
Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair,

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 5 day of October, 2017.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
RITA PRITCHETT, VICE-CHAIRWOMAN

As approved by the Board on October 5, 2017.

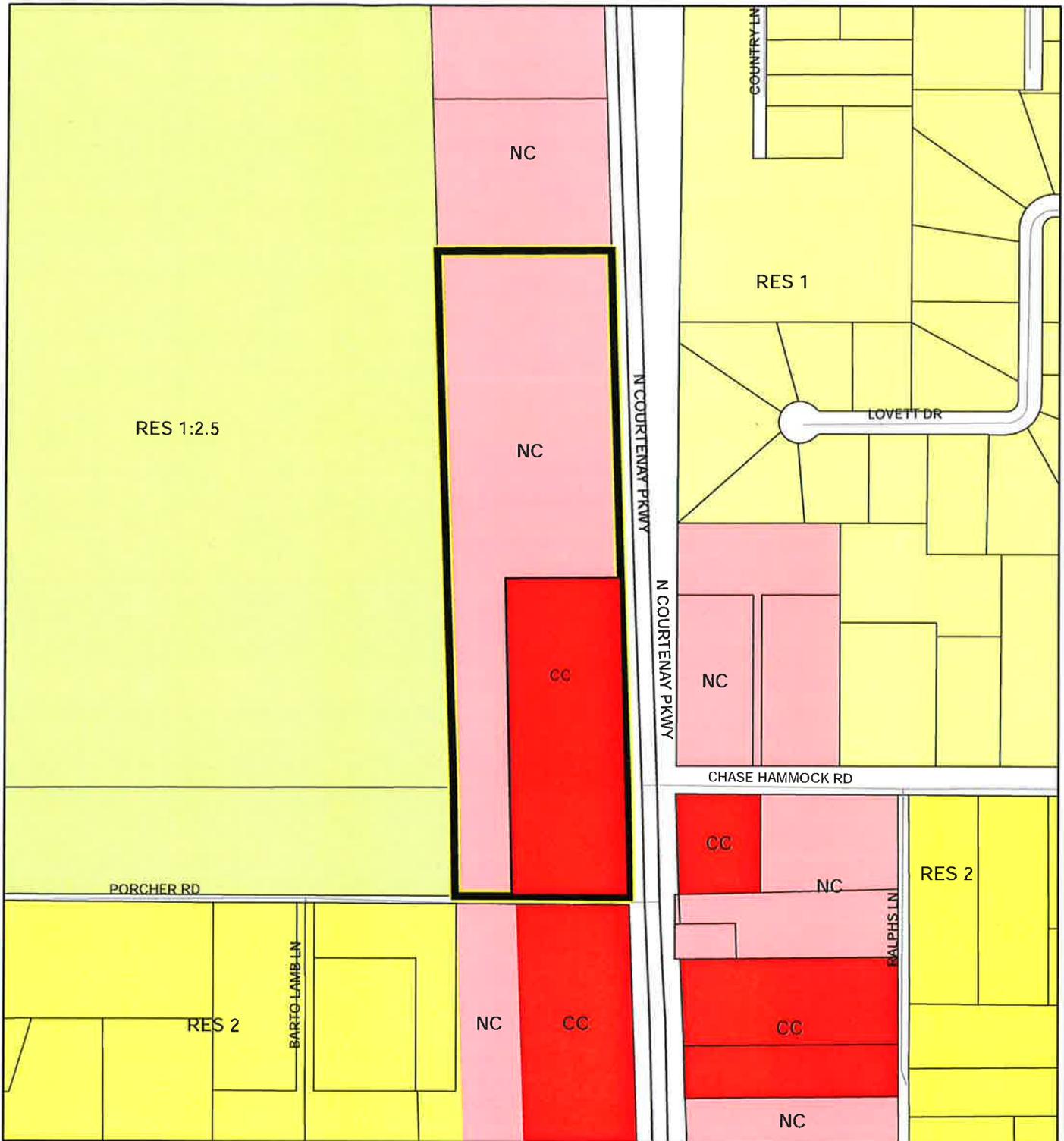
**EXHIBIT A**  
**17S.05 SMALL SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

- 1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

GAICH/MAUN GROVE PARTNERSHIP  
17PZ00070 and Small Scale Amendment 17S.05



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: 5/19/2017

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

**Contents**

**1. Legal Description**

AD# 2291940

7/27/2017

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the North Merritt Island Dependent Special District Board, Local Planning Agency, and the Board of County Commissioners will consider the following requests on THURSDAY, AUGUST 10, 2017; MONDAY, AUGUST 21, 2017, and THURSDAY, SEPTEMBER 7, 2017. DISTRICT 2 IV.B. (17P200070) - GAICH/MAUN GROVE PARTNERSHIP - requests the following: 1.) a Small Scale Plan Amendment (175.05), to change the Future Land Use Designation from NC (Neighborhood Commercial) to CC (Community Commercial), and a change of classification from AU (Agricultural Residential) to BU-1 (General Retail Commercial), on 6.72 acres, on property described as a parcel of land being a portion of lands described in ORB 7163, Page 2136, of the Public Records of Brevard County, Florida, lying in the SE ¼ of Section 27 and the NE ¼ of Section 34, Township 23S, Range 36E, Brevard County, Florida and being more particularly described as follows: Commence at the E ¼ corner of said Section 27, thence N89deg58'31"W, along the north line of said SE ¼, a distance of 249.14 ft. to a point on the west right-of-way line of N. Courtenay Pkwy., (aka S.R. 3); thence S01deg50'56"E along said west right-of-way line, a distance of 2,108.60 ft. to the point of beginning of this description; thence continue S01deg50'56"E along said westerly right-of-way line, a distance of 899.93 ft. to a point on the centerline of Porcher Rd.; thence S89deg39'05"W, a distance of 325.11 ft. to a point lying 325 ft. west of, by right angle measure, the westerly right-of-way line of aforesaid N. Courtenay Pkwy; thence N01deg50'56"W parallel with and 325 ft. west of said right-of-way line, a distance of 902.05 ft.; thence S89deg58'31"E, a distance of 325.17 ft. to the point of beginning. Containing 6.72 acres +/- and being subject to any easements and/or rights-of-way of record. 2.) a change of classification from AU (Agricultural Residential) to BU-1-A (Restricted Neighborhood Commercial) on 14.82 acres, on property described as a parcel of land being a portion of lands described in ORB 7163, Page 2136, of the Public Records of Brevard County, Florida, lying in the SE ¼ of Section 27 and the NE ¼ of Section 34, Township 23S, Range 36E, Brevard County, Florida, and being more particularly described as follows: commence at the E ¼ of said Section 27, thence N89deg58'31"W, a distance of 249.14 ft. to a point on the west right-of-way line of N. Courtenay Pkwy. (aka S.R. 3); thence S01deg50'56"E along said west right-of-way line, a distance of 1,132.60 ft. to the SE corner of lands as described in ORB 7176, Page 1768 of the Public Records of Brevard County, Florida, and the point of beginning of this description; thence continue S01deg50'56"E along said westerly right-of-way line, a distance of 976 ft.; thence N89deg58'31"W, distance of 325.17 ft. to a point lying 325 ft. west of said westerly right-of-way line of N. Courtenay Pkwy.; thence S0150deg56"E, parallel with and 325 ft. west of said right-of-way line, a distance of 902.05 ft. to a point on the centerline of Porcher Rd. (a variable width right-of-way); thence S89deg39'05"W, a distance of 2.87 ft. to the point of curvature of a 1,677.69-ft. radius circular curve concave northerly; thence westerly along the arc of said curve and said centerline through a central angle of 02deg45'35" a distance of 80.81 ft. to a point-of-compound curvature of a 2,732.14-ft. radius circular curve concave northerly; thence westerly along the arc of said curve and said centerline, through a central angle of 01deg55'32", a distance of 91.82 ft. to a point which is 500 ft. west, by right angle measure, of the west right-of-way line of N. Courtenay Pkwy.; thence N01deg50'56"W parallel with and 500 ft. west of said westerly right-of-way line, a distance of 1,871.28 ft. to the SW corner of said lands as described in ORB 7176, Page 1768; thence S89deg58'31"E along the south line of said lands, a distance of 500.27 ft. to the point of beginning. Contains 14.82 acres +/- and being subject to any easements and/or rights-of-way of record. Located on the west side of N. Courtenay Pkwy., across from Chase Hammock Road. The following ordinance will also be considered in conjunction with the Small Scale Plan Amendment, 175.05: 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 North Merritt Island Dependent Special District Board will be held at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2nd Floor, Merritt Island, Florida, on THURSDAY, AUGUST 10, 2017 at 6:00 P.M. A Public Hearing before the Local Planning Agency/Planning and Zoning Board will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C Viera, Florida, on MONDAY, AUGUST 21, 2017 at 3:00 P.M. The final 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, SEPTEMBER 7, 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 633-2669 for assistance. Brevard County Planning & Development Department. Per: Cynthia Fox, Zoning Manager. By: Jennifer Jones, Special Projects Coordinator II.