

ORDINANCE NO. 24- 14

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE THIRD SMALL SCALE PLAN AMENDMENT OF 2024, 24S.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 163.34 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 2024 as Plan Amendment 24S.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 24S.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 June 10, 2024, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.07, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on July 11, 2024, 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 24S.07; and

WHEREAS, Plan Amendment 24S.07 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.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 24S.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.

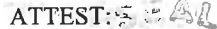
Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 24S.07, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive 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 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 11 day of July, 2024.

ATTEST: 

  
Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
By: \_\_\_\_\_  
Jason Steele, Chair

As approved by the Board on July 11, 2024.

## **EXHIBIT A.I**

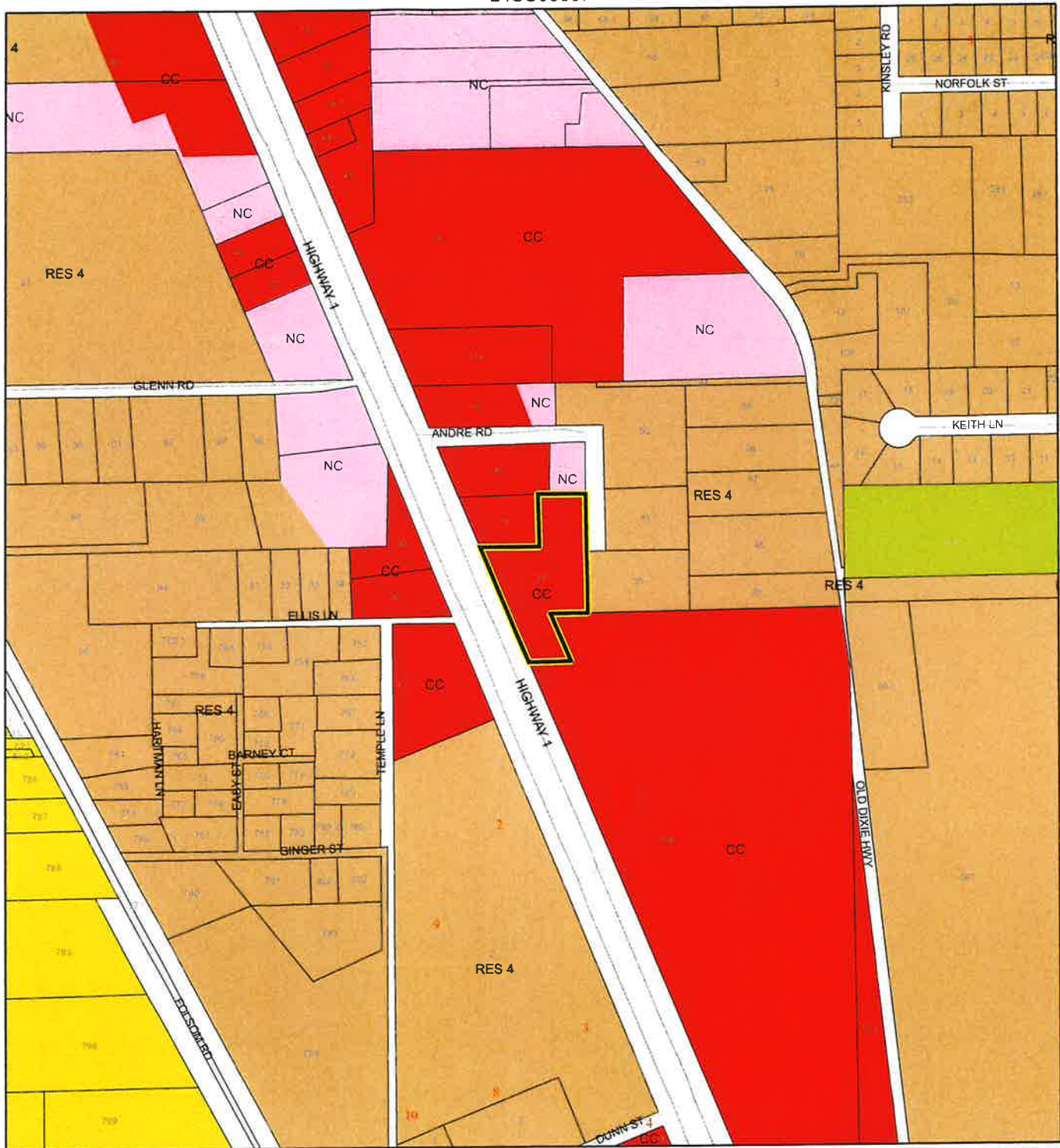
### **Contents**

#### **1. Proposed Future Land Use Map**

# PROPOSED FUTURE LAND USE MAP

DeJesus, Alexis & Rosemary & Brandon

24SS00007



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: 4/16/2024

## **EXHIBIT B**

### **Contents**

#### **1. Legal Description**

Tax Parcel 37, as recorded in ORB 9850, Pages 2271 – 2273, of the Public Records of Brevard County, Florida. **Section 07, Township 21, Range 35.** (2.02 acres) Located on the east side of Hwy US 1, approx. 400 ft. south of Andre Rd. (3003 Hwy. 1, Mims)

## **EXHIBIT B.I**

### **Contents**

#### **1. Other Maps**

# AERIAL MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

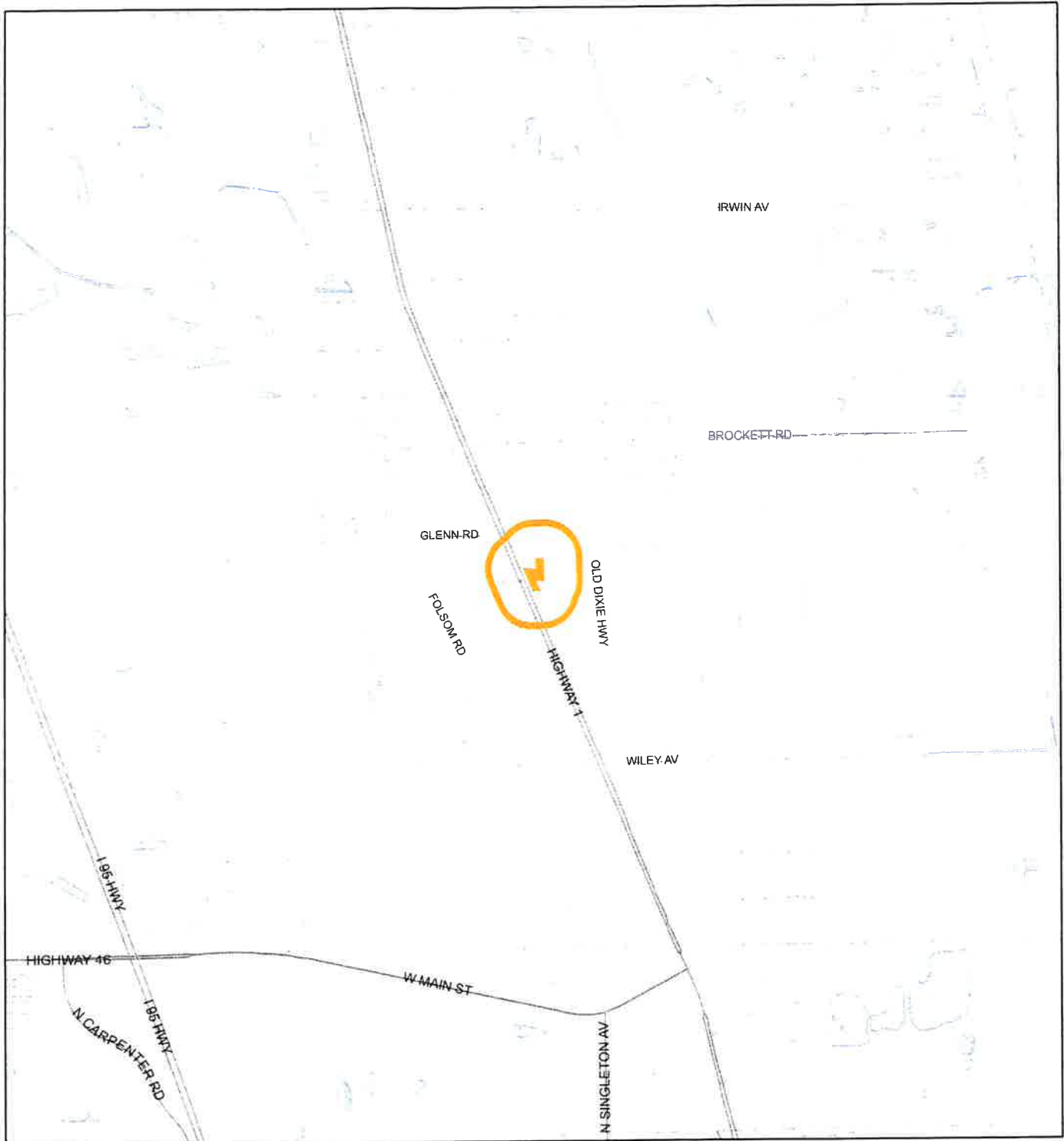
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Produced by BoCC - GIS Date: 5/17/2024

— Subject Property  
□ Parcels

# LOCATION MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



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

Buffer Distance: 500 feet

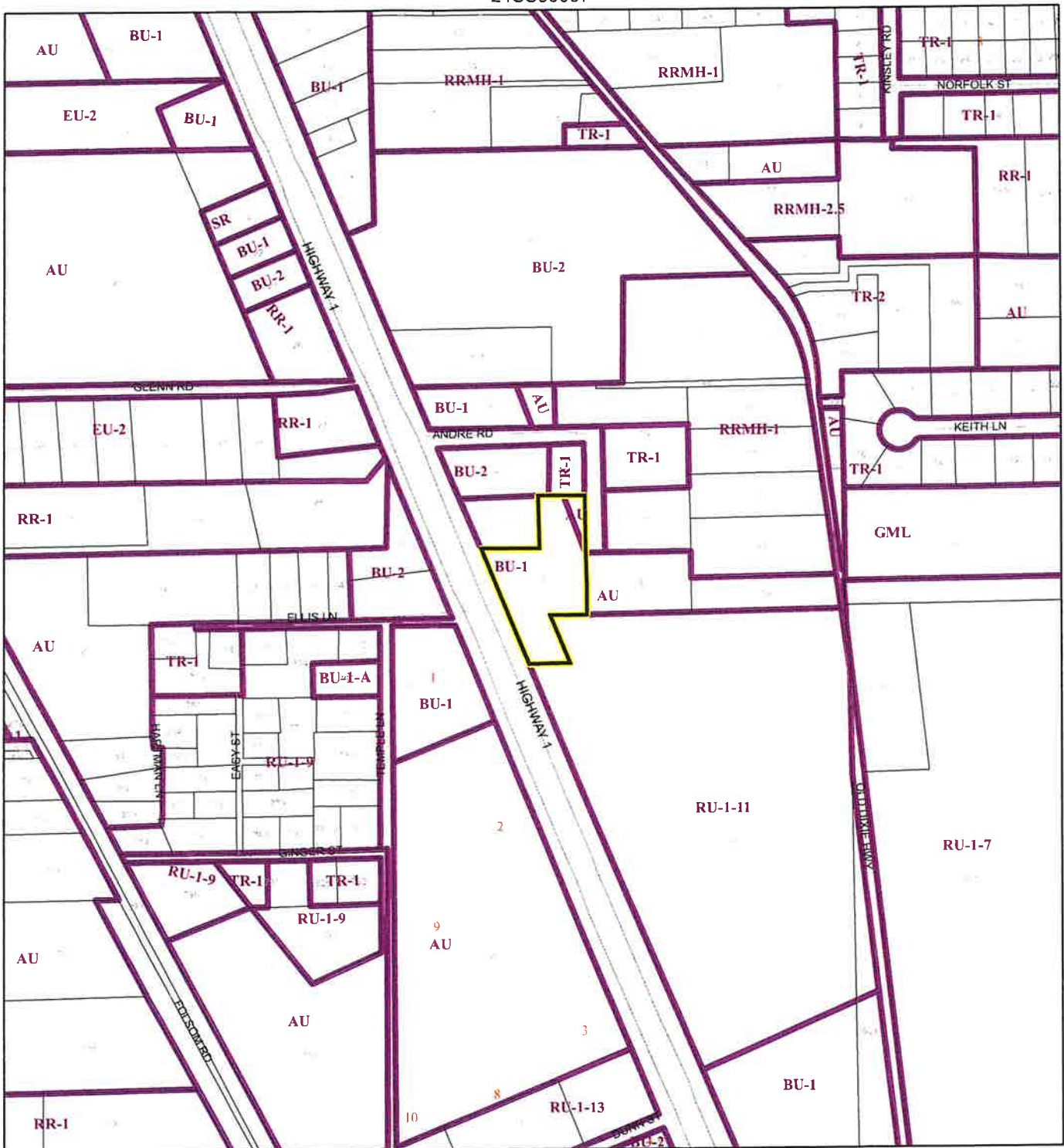
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Produced by BoCC - GIS Date: 4/16/2024

— Buffer  
— Subject Property

# ZONING MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:4,800 or 1 inch = 400 feet

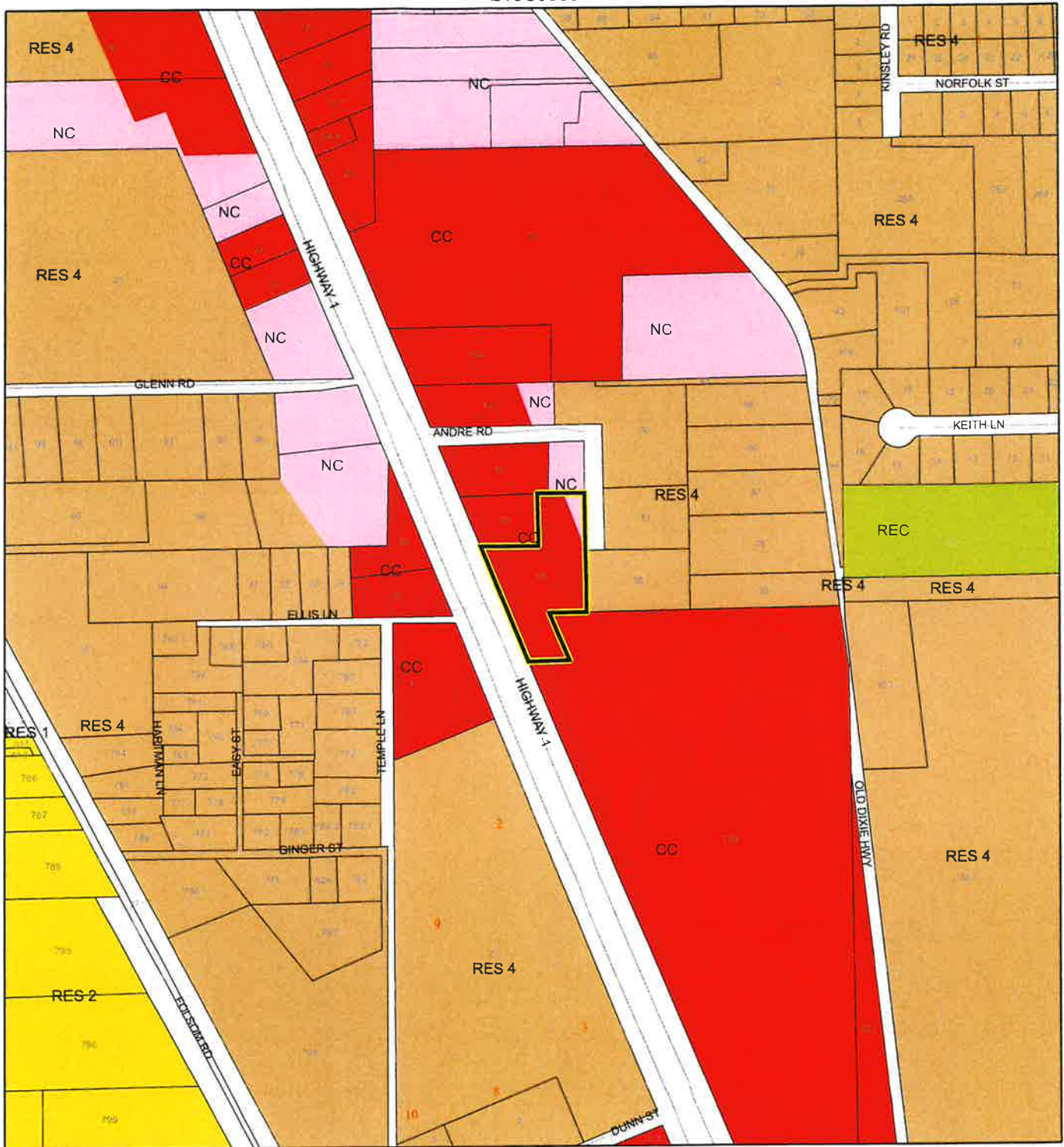
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Produced by BoCC - GIS Date: 4/16/2024

- Subject Property
- Parcels
- Zoning

# FUTURE LAND USE MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:4,800 or 1 inch = 400 feet

— Subject Property  
□ Parcels

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# NWI WETLANDS MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:4,800 or 1 inch = 400 feet

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## 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

DeJesus, Alexis & Rosemary & Brandon

24SS00007



1:4,800 or 1 inch = 400 feet

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## SJRWMD FLUCCS WETLANDS

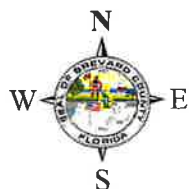
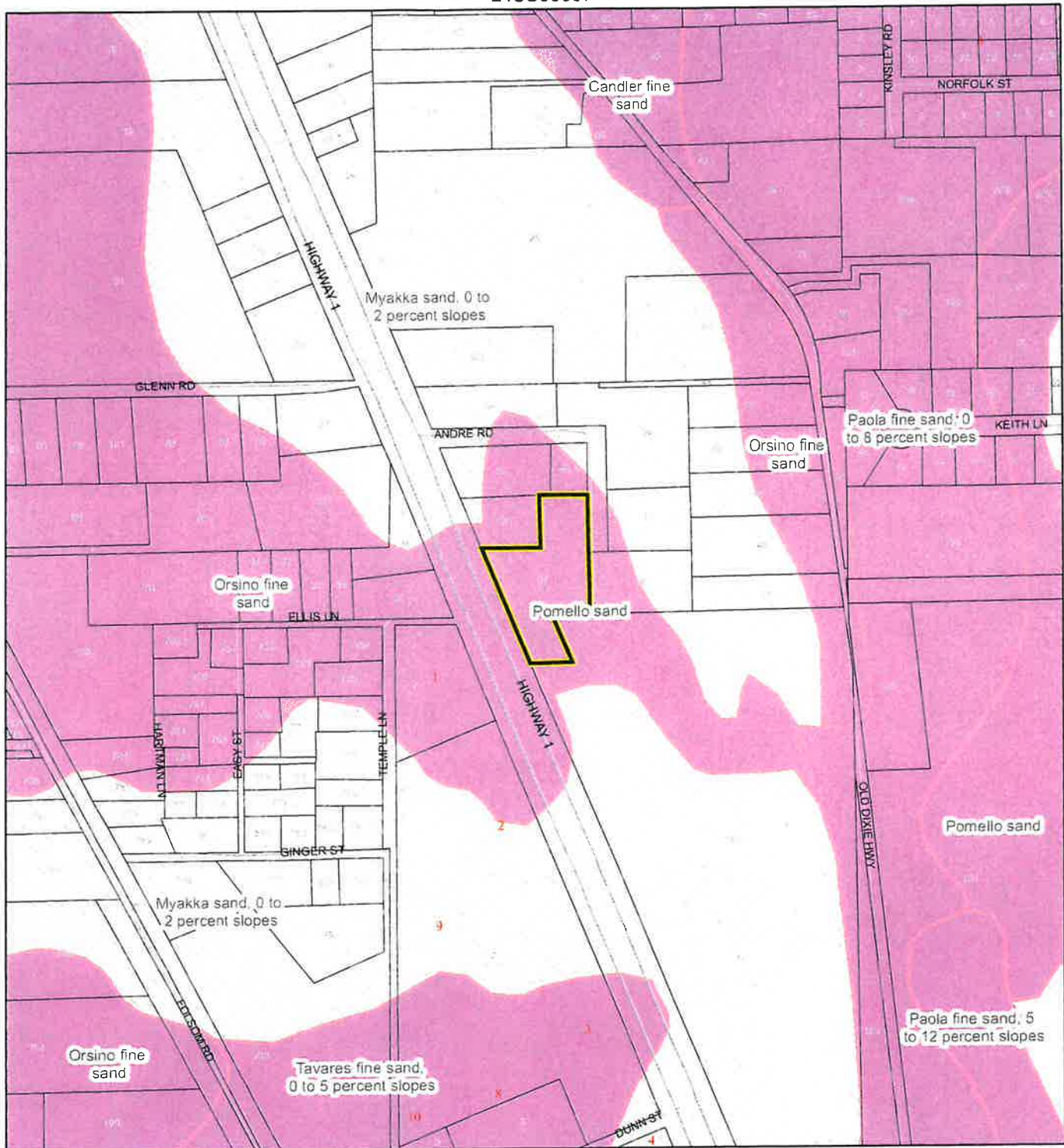
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

# USDA SCSSS SOILS MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



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Produced by BoCC - GIS Date: 4/16/2024

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



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## FEMA Flood Zones

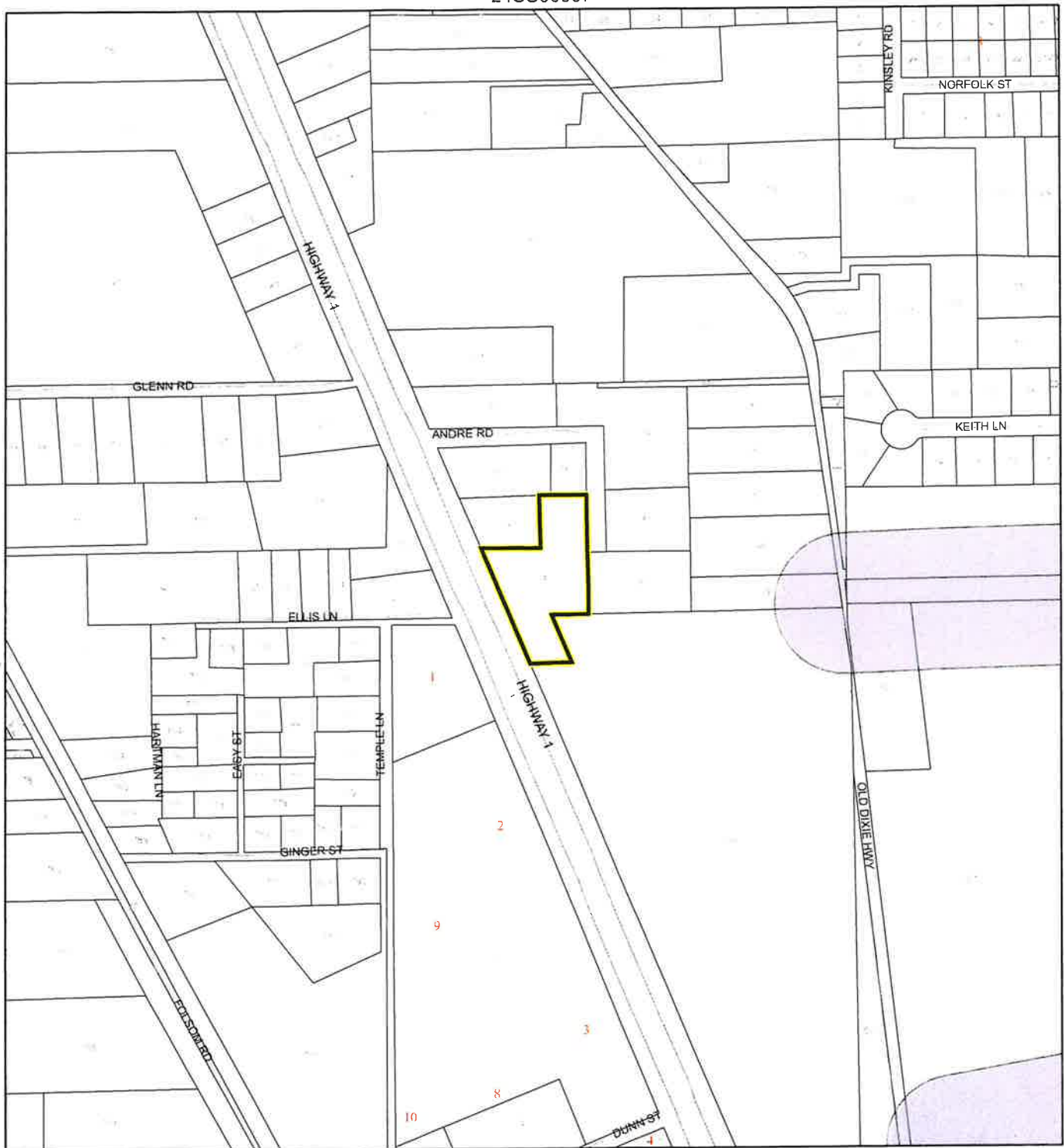
|                  |            |   |
|------------------|------------|---|
| A                | AO         | X |
| AE               | Open Water |   |
| AH               | VE         |   |
| Subject Property | Parcels    |   |



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DeJesus, Alexis & Rosemary & Brandon

24SS00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 4/16/2024

— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

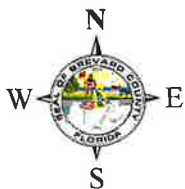
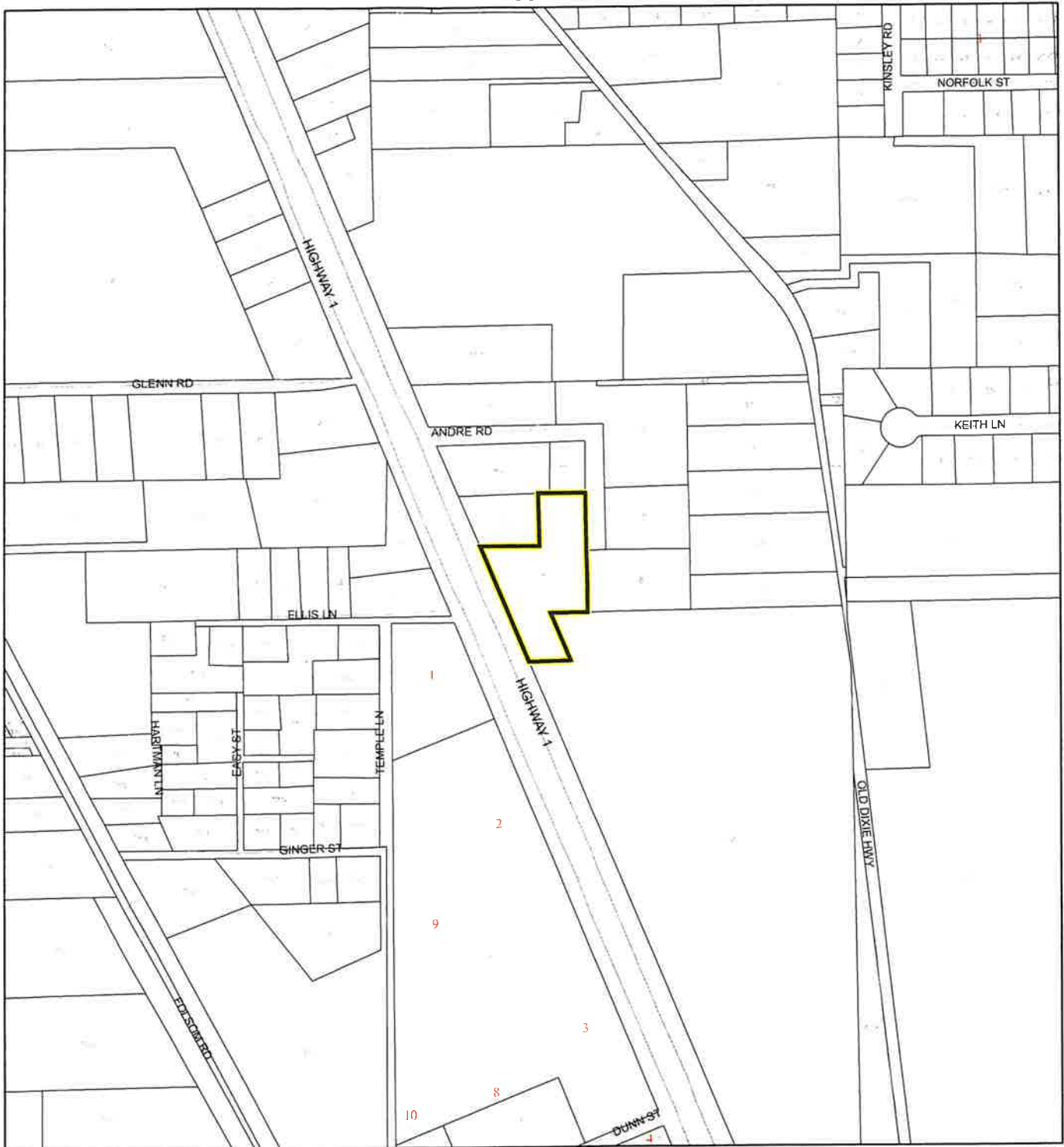
■ 60 Meters

■ All Distances

# EAGLE NESTS MAP

DeJesus, Alexis & Rosemary & Brandon

24SS00007



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— Subject Property

□ Parcels

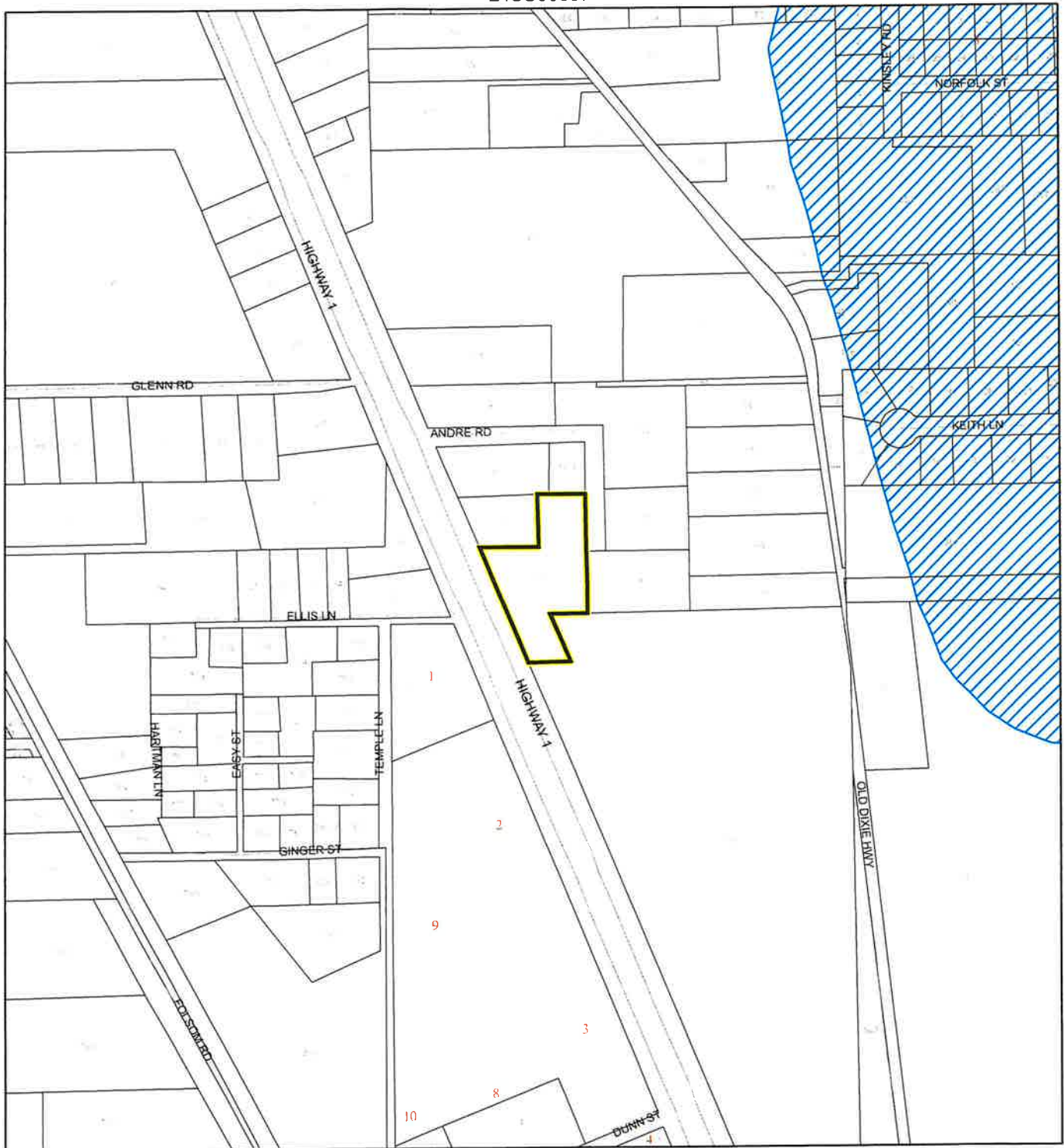


Eagle Nests  
FWS

# SCRUB JAY OCCUPANCY MAP

DeJesus, Alexis & Rosemary & Brandon

24SS00007




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Produced by BoCC - GIS Date: 4/16/2024

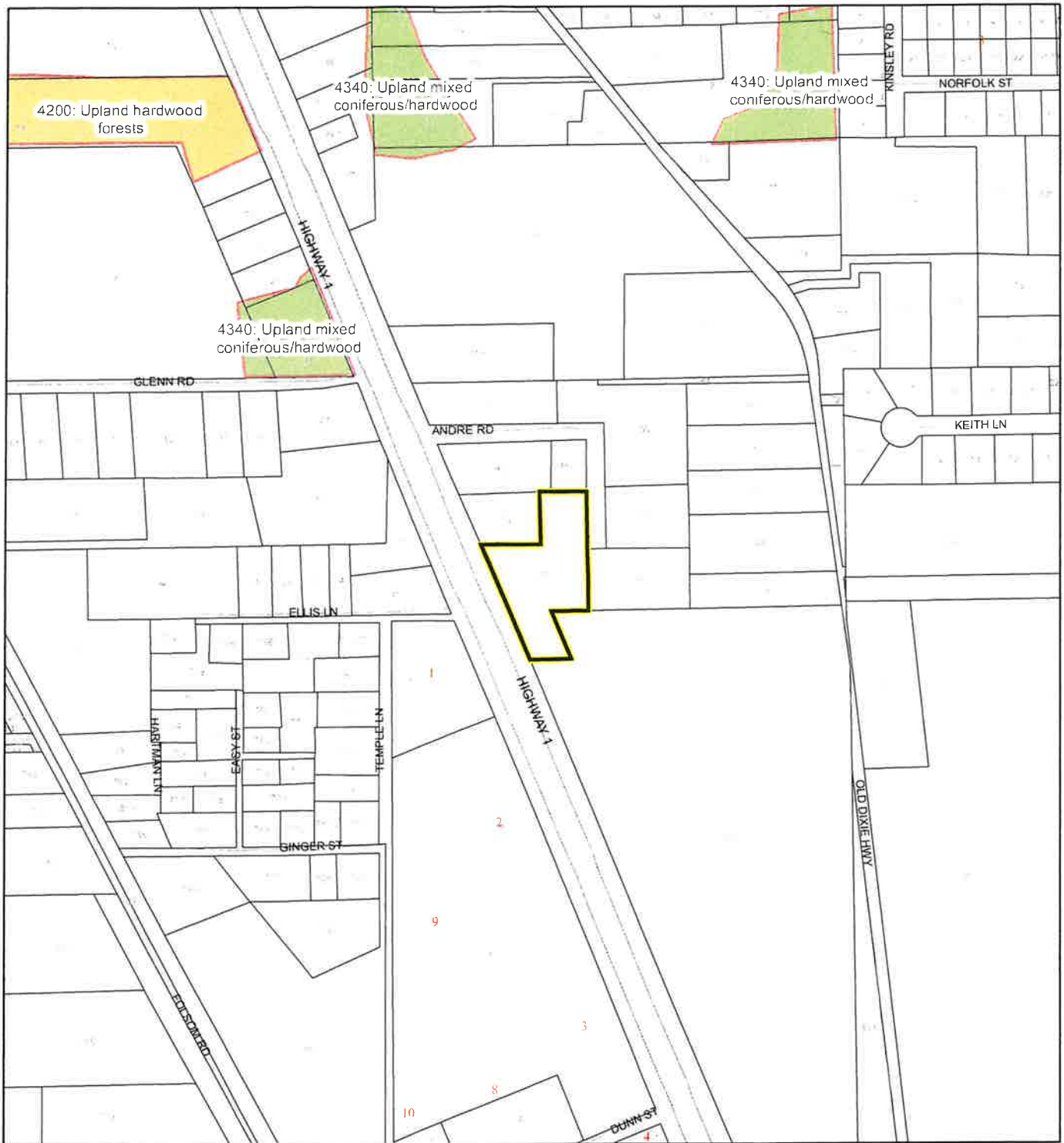
 Subject Property

 Parcels

 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:4,800 or 1 inch = 400 feet

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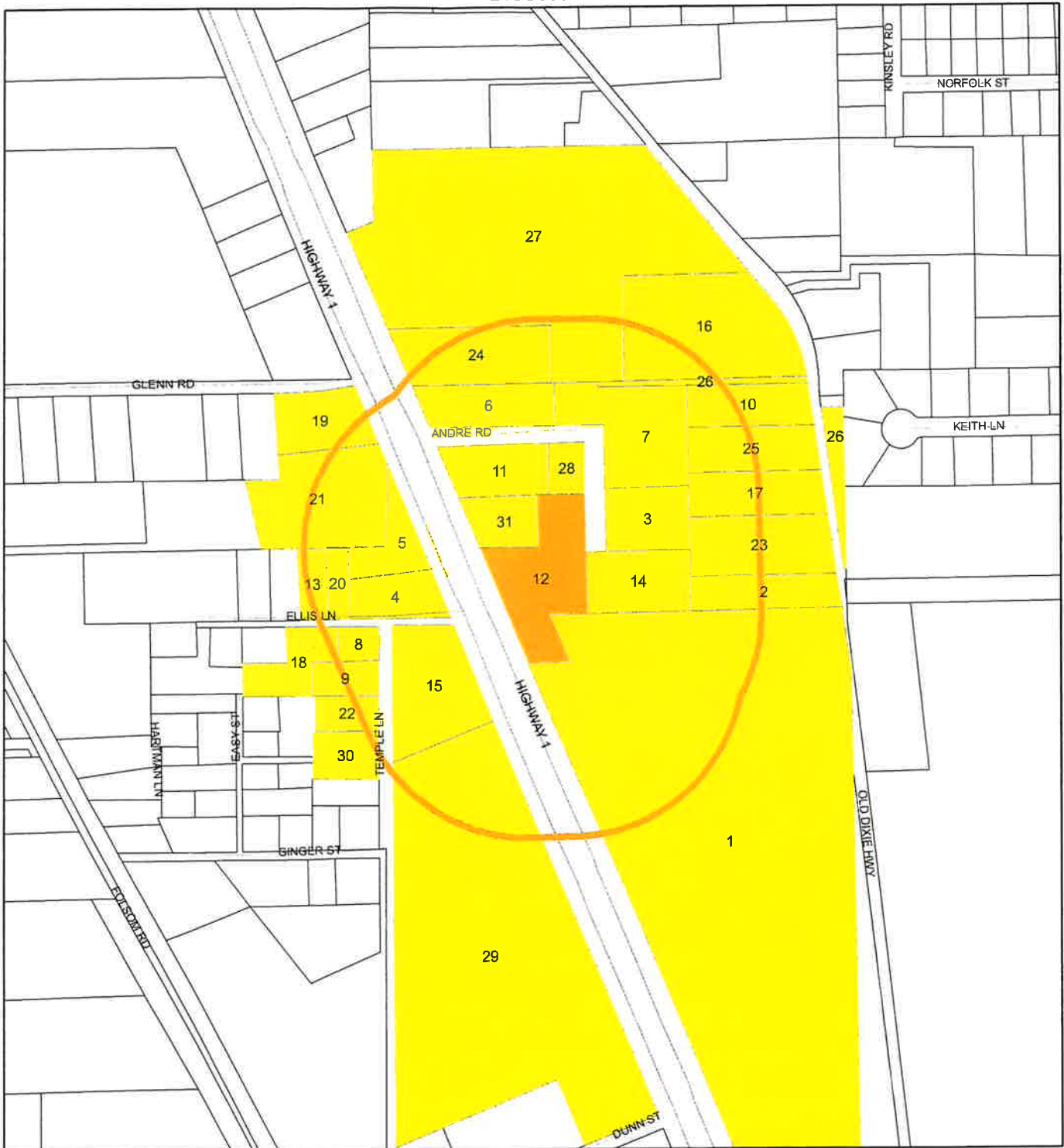
## SJRWMD FLUCCS Upland Forests

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

Subject Property  Parcels

# RADIUS MAP

DeJesus, Alexis & Rosemary & Brandon  
24SS00007



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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Produced by BoCC - GIS Date: 4/16/2024

- Buffer
- Subject Property
- Notify Property
- Parcels