

ORDINANCE 25-02

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE SECOND SMALL SCALE PLAN AMENDMENT OF 2025, 24S.16 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), THE FUTURE LAND USE 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 Small Scale Plan Amendment 24S.16; 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
Officially filed with the Secretary of State on February 10, 2025.

Technical Advisory Groups have provided technical expertise for the Amendment 24S.16; 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 January 13, 2025, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 24S.16, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 6, 2025, 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.16; and

WHEREAS, Small Scale Plan Amendment 24S.16 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 24S.16 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.16 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.16, 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 6th day of February, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

By: 
Rob Feltner, Chairman

As approved by the Board on February 6, 2025.

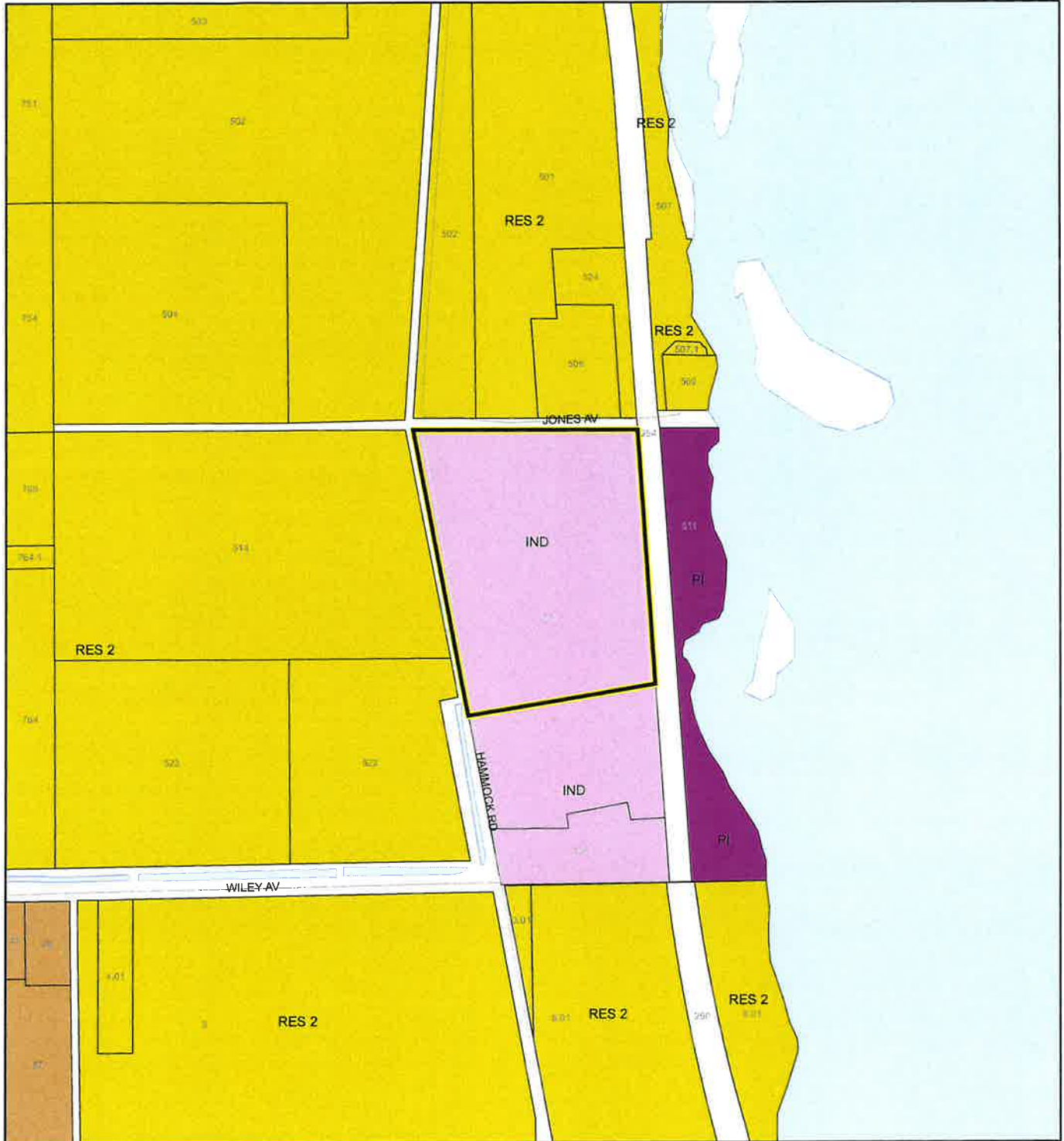
**EXHIBIT A
24S.16 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

Contents

1. Proposed Future Land Use Map

PROPOSED FUTURE LAND USE MAP

PRAXAIR INC
24SS00016



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: 11/18/2024

EXHIBIT B

Contents

1. Legal Description

A PORTION OF THE LANDS DESCRIBED IN PARCEL 1 OF OFFICIAL RECORDS BOOK 2976, PAGE 4447 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, ALSO BEING A PORTION OF GOVERNMENT LOT 4 IN SECTION 9, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 5/8" IRON ROD AND CAP "S&ME INC FL 8165 GA 1252" LOCATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF JONES AVENUE (30.00 FOOT WIDE RIGHT OF WAY) ALSO BEING THE NORTH LINE OF GOVERNMENT LOT 4 AND THE EASTERLY RIGHT OF WAY LINE OF HAMMOCK ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE SOUTH 89°53'15" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF JONES AVENUE, A DISTANCE OF 644.44 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF JONES AVENUE AND THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY (60.00 FOOT RIGHT OF WAY); THENCE SOUTH 04°07'45" EAST, ALONG THE WESTERLY RIGHT OF WAY OF SAID FLORIDA EAST COAST RAILWAY, A DISTANCE OF 708.53 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY, RUN SOUTH 79°16'49" WEST, ALONG A PORTION OF THE SOUTHERLY LINE OF THAT CERTAIN DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 8366, PAGE 622, OF SAID PUBLIC RECORDS, A DISTANCE OF 552.19 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID DRAINAGE EASEMENT AND THE EAST RIGHT OF WAY LINE OF HAMMOCK ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE NORTH 10°40'52" WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 824.96 FEET TO THE POINT OF BEGINNING.

CONTAINING: 10.46 ACRES.