



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.13.

7/17/2025

### Subject:

Adoption of the Evaluation and Appraisal Review (EAR) based amendments to the Comprehensive Plan (24LS00002/24-03ER) under the State Coordinated Review Process established by Section 163.3184, Florida Statutes.

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County adopt the Evaluation Appraisal Report (EAR) based amendments to the Comprehensive Plan, including those changes made necessary by Florida Commerce’s Objections, Recommendations and Comments Report pursuant to the State Coordinated Review Process (24-03ER).

### Summary Explanation and Background:

On September 8, 1988, the Board of County Commissioners of Brevard County, Florida approved Ordinance 88-27, adopting the 1988 Comprehensive Plan, which has been amended from time to time.

Section 163.3191, Florida Statutes, requires each local government to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least ten years or reflect statutory changes to the Community Planning Act adopted since the last update. This process is known as the Evaluation and Appraisal Review (EAR).

Brevard County reviewed the requirements of Section 163.3191, Florida Statutes, and determined that amendments to the comprehensive plan would be necessary to comply with the statutory requirements. The County notified Florida Commerce of its determination on November 28, 2023.

On November 7, 2024, the Board transmitted the EAR Based Large-Scale Comprehensive Plan Amendment to Florida Commerce for review under the State Coordinated Review Process. Florida Commerce completed its review and issued the Objections, Recommendation, and Comments Report on January 21, 2025.

The attached document, “EAR Adoption Package with Tracked Changes,” indicates all changes to the currently adopted comprehensive plan with additions in underline, and deletions in strikethrough. Those changes that have been made since transmittal are shown in red and blue. Such changes are based on

either the Objections, Recommendations, and Comment report or are non-substantial changes to correct errors.

Once the Element is adopted, staff, in coordination with Florida Commerce, will draft land development regulations that will implement changes to County Code consistent with this update to the Comprehensive Plan; particularly, significant Code Amendments are expected to be necessary the Guiding Principles for Development contained in Brevard Barrier Island Protection Act.

On June 16, 2025, the Local Planning Agency considered the request and voted 11:1 to recommend approval.

**Clerk to the Board Instructions:**

Please return a copy of the file ordinance to Planning and Development.



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

July 18, 2025

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

**TO:** Billy Prasad, Planning and Development Director

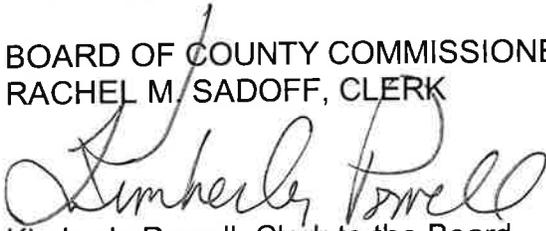
**RE:** Item H.13., Adoption of the Evaluation and Appraisal Review (EAR) Based Amendments to the Comprehensive Plan (24LS00002/24-03ER) Under the State Coordinated Review Process Established by Section 163.3184, Florida Statutes

The Board of County Commissioners, in regular session on July 17, 2025, adopted Ordinance No. 25-11, adopting the EAR-based amendments to the Comprehensive Plan, including those changes made necessary by Florida Commerce's Objections, Recommendations, and Comments Report pursuant to the State Coordinated Review Process (24-03ER); and approved in policies CON 4.1(A)(1), 4.1(B)(1), and 4.1(C)(2) shall remain (and not be stricken as proposed), but locational criteria shall be added to these policies so that they apply only on lands that are both north of SR 520 and west of I-95. Enclosed is the fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: County Attorney



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 25, 2025

Rachel Sadoff  
County Clerk  
Brevard County  
Post Office Box 999  
Titusville, FL 32781-0999

Dear 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. 25-11, which was filed in this office on July 25, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp

**ORDINANCE 25-11**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE III OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ENTITLED "COMPREHENSIVE PLAN", SETTING FORTH AMENDMENTS NECESSARY TO IMPLEMENT THE 2023 EVALUATION AND APPRAISAL REVIEW; AMENDING SECTION 62-501, ENTITLED "CONTENTS"; SPECIFICALLY AMENDING SECTION 62-501, PART I, ENTITLED "CONSERVATION ELEMENT", TO ADOPT NEW POLICIES AND REVISE PREVIOUSLY ADOPTED GOALS, OBJECTIVES, AND POLICIES AND UPDATE REQUIRED AND OPTIONAL MAPS; SPECIFICALLY AMENDING SECTION 62-501, PART II, ENTITLED "SURFACE WATER MANAGEMENT ELEMENT", TO REVISE PREVIOUSLY ADOPTED OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING 62-501, PART III, ENTITLED "RECREATION AND OPEN SPACE ELEMENT", TO ADOPT NEW OBJECTIVES AND POLICIES AND TO REVISE PREVIOUSLY ADOPTED GOALS, OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART V, ENTITLED "HOUSING ELEMENT", TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES AND REVISE PREVIOUSLY ADOPTED OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART VI, ENTITLED "POTABLE WATER ELEMENT", TO ADOPT NEW POLICIES, REVISE PREVIOUSLY ADOPTED POLICIES AND UPDATE REQUIRED AND OPTIONAL MAPS; SPECIFICALLY AMENDING SECTION 62-501, PART VII, ENTITLED "SANITARY SEWER ELEMENT", TO ADOPT NEW OBJECTIVES AND POLICIES, REVISE PREVIOUSLY ADOPTED GOALS, OBJECTIVES, AND POLICIES AND INCLUDE OPTIONAL MAPS, SPECIFICALLY AMENDING SECTION 62-501, PART VIII, ENTITLED "SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT" TO REVISE PREVIOUSLY ADOPTED GOALS, OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED "TRANSPORTATION ELEMENT", TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES, REVISE PREVIOUSLY ADOPTED OBJECTIVES AND POLICIES AND INCLUDE REQUIRED MAPS; SPECIFICALLY AMENDING SECTION 62-501, PART X, ENTITLED "COASTAL MANAGEMENT ELEMENT", TO ADOPT NEW POLICIES, REVISE

PREVIOUSLY ADOPTED POLICIES AND UPDATE REQUIRED MAPS; SPECIFICALLY AMENDING SECTION 62-501, PART XI, ENTITLED "FUTURE LAND USE ELEMENT", TO ADOPT NEW POLICIES, REVISE PREVIOUSLY ADOPTED POLICIES AND UPDATE REQUIRED MAPS; SPECIFICALLY AMENDING SECTION 62-501, PART XII, ENTITLED "INTERGOVERNMENTAL COORDINATION ELEMENT", TO ADOPT NEW POLICIES AND REVISE PREVIOUSLY ADOPTED OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART XIII, ENTITLED "CAPITAL IMPROVEMENTS ELEMENT", TO ADOPT NEW POLICIES, REVISE PREVIOUSLY ADOPTED OBJECTIVES AND POLICIES, AND UPDATE THE CAPITAL IMPROVEMENTS SCHEDULE; SPECIFICALLY AMENDING SECTION 62-501, PART XIV, ENTITLED "PUBLIC SCHOOL FACILITIES ELEMENT", TO REVISE PREVIOUSLY ADOPTED GOALS, OBJECTIVES AND POLICIES; SPECIFICALLY AMENDING SECTION 62-501, PART XVI, ENTITLED "GLOSSARY", TO RENUMBER THE "GLOSSARY" FROM PART XVI TO PART XVII AND TO ADD NEW DEFINITIONS THEREIN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI, TO ESTABLISH THE GOALS, OBJECTIVES AND POLICIES OF THE "BREVARD BARRIER ISLAND AREA ELEMENT" AS PART XVI; SPECIFICALLY AMENDING THE FUTURE LAND USE MAP SERIES TO ESTABLISH FUTURE LAND USE MAP DESIGNATIONS AS DIRECTED BY CHAPTER 2019-176, LAWS OF FLORIDA, AND BREVARD COUNTY RESOLUTION 2021-168; PROVIDING LEGAL STATUS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3161 et. seq., Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act, also referred to as the Community Planning 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 Commerce; 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, as amended, hereafter referred to as the "1988 Plan"; and

**WHEREAS**, Section 163.3184, Florida Statutes, establishes the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

**WHEREAS**, Section 163.3191, Florida Statutes, establishes the requirement for local governments to periodically perform an Evaluation and Appraisal Review of its comprehensive plan and adopt amendments (EAR based amendments) that are necessary to update the plan to reflect a minimum planning period of ten (10) years and reflect changes in State requirements; and

**WHEREAS**, the State land planning agency (Florida Commerce) established December 1, 2023, as the deadline to submit an Evaluation and Appraisal Review Notification Letter to the agency; and

**WHEREAS**, the State land planning agency requires that if amendments to the comprehensive plan are necessary, the local government shall prepare and transmit within one year such plan amendments for review pursuant to Section 163.3184; and

**WHEREAS**, Brevard County submitted an Evaluation and Appraisal Review Notification Letter on November 28, 2023; and

**WHEREAS**, the Board of County Commissioners of Brevard County, Florida, has 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**, the County's Local Planning Agency conducted a duly noticed public hearing on October 14, 2024, and recommended transmittal of the EAR-based amendments to the State land planning agency for review; and

**WHEREAS**, the Board of County Commissioners conducted a duly noticed public hearing on November 7, 2024, and approved transmittal of the EAR-based amendments to the state land planning agency for review; and

**WHEREAS**, on January 21, 2025, the State land planning agency issued its Objections, Recommendations, and Comments (ORC) report; and

**WHEREAS**, the Board of County Commissioners has reviewed and addressed the Objections, Recommendations, and Comments report; and

**WHEREAS**, on May 10, 2019, Chapter 2019-176, Laws of Florida, was enacted which de-annexed Rolling Meadows Ranches and Willowbrook Farms from the City of Palm Bay; and

**WHEREAS**, on December 7, 2021, the Board of County Commissioners adopted Resolution 2021-168 directing staff to establish Future Land Use Map designations on Rolling Meadows Ranch, Inc. and James Sartori doing business as Willowbrook Farms and Willowbrook Coal Company. Section 4, Subsection (3) of said resolution directs the County Manager and staff of County departments with responsibility for preparing the 2023 Evaluation and Appraisal Review to incorporate such ministerial amendments to the comprehensive plan as are necessary to reflect the vested rights provisions of State law

manifested in Chapter 2019-176, Laws of Florida, such amendments to be submitted for review pursuant to Section 163.3184, Florida Statutes; and

**WHEREAS**, the Local Planning Agency conducted a duly noticed public hearing on June 16, 2025 and recommended adoption of the EAR-based amendments; and

**WHEREAS**, the Board of County Commissioners conducted a duly noticed public hearing on July 17, 2025 and adopted the EAR-based amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:**

**SECTION 1.** Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2.** Authority. This Ordinance is adopted in compliance with and pursuant to Florida law, including but not limited to, Sections 163.3184 and 163.3191, Florida Statutes, and Chapter 2019-176, Laws of Florida.

**SECTION 3.** The property of Rolling Meadows Ranch, Inc., shown in Composite Exhibit A and identified in the Brevard County Property Appraiser's records as tax account numbers 3000218, 3000220, 3000268 and 3000275, shall be assigned a Future Land Use Map designation of Residential – 2 units per acre.

**SECTION 4.** The properties of James Sartori, doing business as, Willowbrook Farms and Willowbrook Coal Company, shown in Composite Exhibit A shall be assigned Future Land Use Map designations as follows: properties identified in the Brevard County Property Appraiser's records as tax account 3000151, 3000152, the easterly one-half of 3000153, the easterly one-half of 3000168, and 3000170 shall be assigned a Future Land Use Map designation of Residential – 2 units per acre; properties identified in the Brevard County Property Appraiser's records as tax account as the westerly one-half of 3000153, 3000154, 3000167, the westerly one-half of 3000168, 3000169, 3000171, 3000173 and 3000175 shall be assigned a Future Land Use Map designation of Agriculture; and the property identified in the Brevard County Property Appraiser's records as tax account 3000270 shall be assigned a Future Land Use Map designation of Residential 1 unit per 2.5 acres.

**SECTION 5.** Adoption of Comprehensive Plan Amendment. Pursuant to Chapter 163, Part II, Florida Statutes, Chapter 62, Article III, Brevard County Code, is hereby amended as shown in the Composite Exhibit B, attached hereto and incorporated into this Ordinance by this reference, tracking the changes to the County's Comprehensive Plan. The County has reviewed Part IV of the Comprehensive Plan, entitled "Historic Preservation Element", and Part XV of the Comprehensive Plan, entitled "Property Rights Element", and has determined that no changes are necessary to either Part and that they shall remain in place as previously adopted into the 1988 Plan, as amended.

**SECTION 6.** Legal Status of the Plan Amendment. After and from the effective date of this Ordinance and in accordance with Section 9 below, this plan amendment shall amend the 1988 Plan, as amended, and become part of the 1988 Plan and the plan amendment

shall retain the legal status of the 1988 Plan established in Chapter 62, Article III, Brevard County Code of Ordinances, as amended.

**SECTION 7.** Inclusion in Code. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, the contents of the plan amendment shall be incorporated into the 1988 Plan.

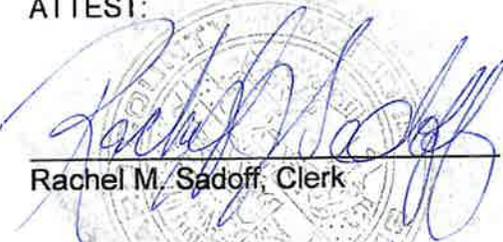
**SECTION 8.** Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof 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 9.** Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the State land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the State land planning agency issues a notice of intent determining that this amendment is not in compliance, the amendment shall become effective on the date the State land planning agency ultimately issues its notice of intent or the Administration Commission enters a final order determining this Ordinance, including the associated plan amendment, to be in compliance.

DONE AND ADOPTED, this seventeenth day of July, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

By: 

Rob Feltner, Chair

As approved by the Board on July 17, 2025

**COMPOSITE EXHIBIT A**  
**2025-2 LARGE SCALE**  
**COMPREHENSIVE PLAN AMENDMENT**

**Contents**

- 1. Adopted Future Land Use Map (Rolling Meadows Ranch, Inc. & Willowbrook Farms)**

## COMPOSITE EXHIBIT A

### Contents

#### 1. Legal Description

The following Tax Accounts with Corresponding Parcel ID's:

##### Rolling Meadows Ranch, Inc.

|         |                 |
|---------|-----------------|
| 3000218 | 30-37-05-HF-250 |
| 3000220 | 30-37-06-00-1   |
| 3000268 | 30-37-07-00-1   |
| 2000275 | 30-37-08-HF-250 |

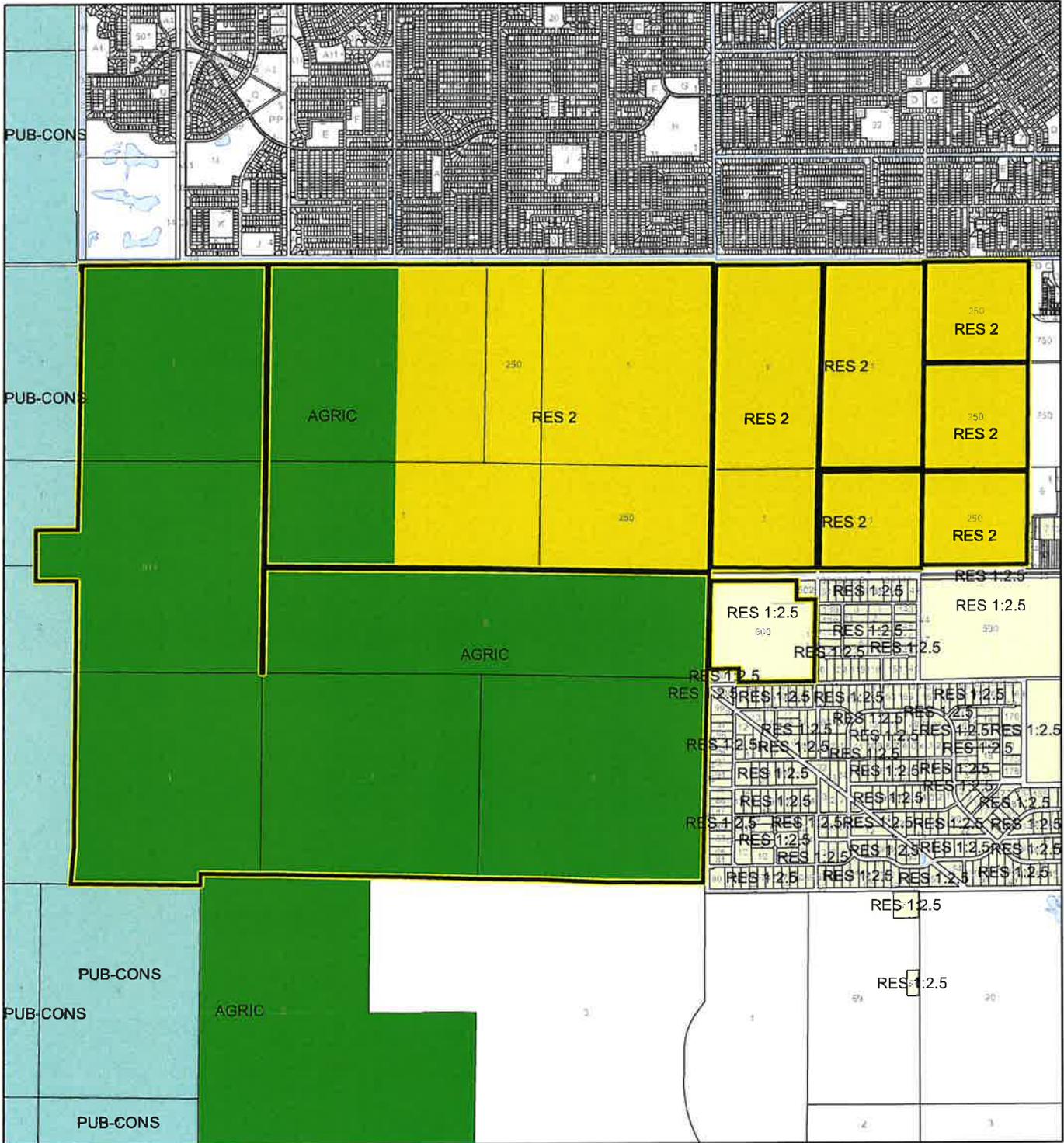
##### Willowbrook Farms

|         |                 |
|---------|-----------------|
| 3000151 | 30-36-01-01-1   |
| 3000152 | 30-36-01-01-250 |
| 3000153 | 30-36-02-01-1   |
| 3000154 | 30-36-03-01-1   |
| 3000167 | 30-36-10-01-511 |
| 3000168 | 30-36-11-01-1   |
| 3000169 | 30-36-11-01-2   |
| 3000170 | 30-36-12-01-250 |
| 3000171 | 30-36-13-01-1   |
| 3000173 | 30-36-14-01-1   |
| 3000175 | 30-36-15-01-1   |
| 3000270 | 30-37-07-00-500 |

# FUTURE LAND USE MAP

Rolling Meadows Ranch, Inc. & Willowbrook Farms

24LS0002



1:42,000 or 1 inch = 3,500 feet

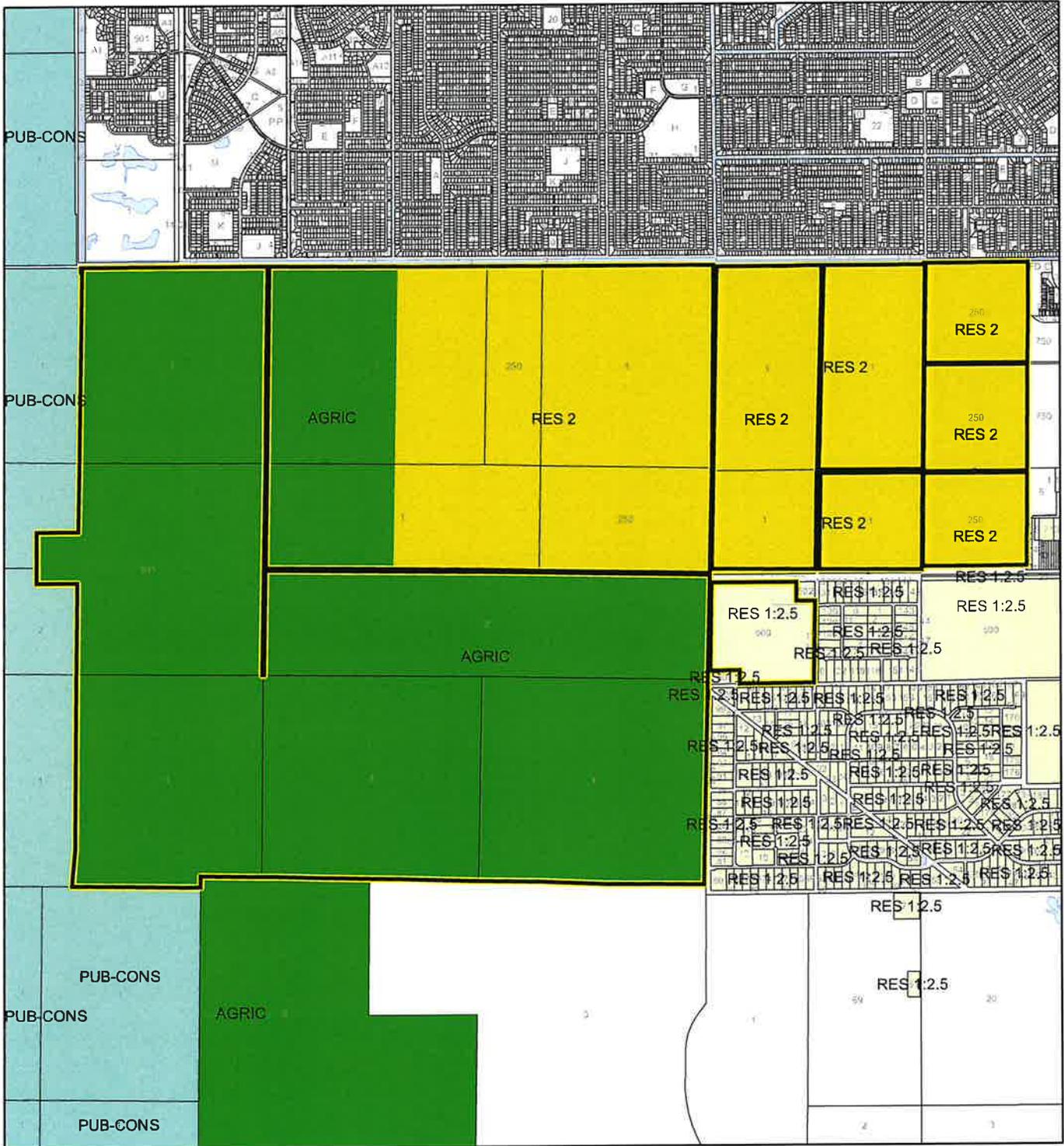
— Subject Property  
 □ Parcels

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: 9/24/2024

# PROPOSED FUTURE LAND USE MAP

Rolling Meadows Ranch, Inc. & Willowbrook Farms  
24LS00002



1:42,000 or 1 inch = 3,500 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: 9/24/2024

**COMPOSITE EXHIBIT B  
COMPREHENSIVE PLAN ELEMENTS AND ASSOCIATED AMENDMENTS**

# THE 1988\* BREVARD COUNTY COMPREHENSIVE PLAN

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**Part X. Coastal Management Element**

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**Part XII. Intergovernmental Coordination Element**

**Part XIII. Capital Improvements ~~and Programs~~ Element**

**Part XIV. Public School Facilities Element**

**Part XV. Property Rights Element**

**Part XVI. ~~Glossary~~ [Brevard Barrier Island Element](#)**

**[Part XVII. Glossary](#)**

Updated ~~February 2022~~ [July 17, 2025](#)

**CHAPTER PART I**  
**CONSERVATION ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### GOAL CON

Protect, conserve, enhance, maintain, and appropriately use natural resources and environmental systems, maintaining their quality and contribution to the quality of life and economic well being of Brevard County.

### Air Quality

#### Objective CON 1

Air quality within Brevard County shall meet or exceed the minimum air quality as adopted by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP).

#### Policy CON 1.1

Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) FDEP in monitoring and protecting ambient air quality within the ~~county~~ County.

#### Policy CON 1.2

Developments of Regional Impact, major transportation projects, industrial uses, and power generation projects shall be evaluated for their impacts on air quality. Buffer areas adjacent to industrial uses, power generation projects, or other stationary air pollution sources shall be utilized as required to maintain air quality within accepted standards.

#### Policy CON 1.3

The County shall reduce the potential for mobile source emissions by the following means:

##### Criteria:

- A. Promote appropriate Planned Unit Development (PUD) and multi-use developments or use centers.
- ~~B. Vegetative strips along major transportation corridors to buffer residential land uses.~~
- ~~C.~~ B. Promote alternative transportation methods such as car pooling, van pooling, and mass transit.
- ~~D.~~ C. Promote bicycle and pedestrian traffic by constructing and maintaining additional bike and pedestrian paths.
- ~~E. Roadways with adopted Levels of Service should be evaluated in order to~~

## CONSERVATION ELEMENT

~~maintain acceptable air quality after the development is completed.~~

**Policy CON 1.4**

Brevard County shall continue to enforce the noise regulations in the ~~land development code~~ [Land Development Code](#).

**Policy CON 1.5**

Brevard County shall continue to enforce regulations within the ~~land development code~~ [Land Development Code](#) that address the location of facilities that potentially generate noxious emissions.

**Policy CON 1.6**

~~Alternate energy resources that do not degrade air quality should be given preference over resources which do degrade air quality. In addition, Brevard County ordinances or programs concerning clean-up and disposal of hazardous materials, mass burn facilities, and solid waste disposal shall not result in the degradation of air quality or endangerment of human health.~~

**Policy CON 1.7**

~~Conversion of power plant to coal should not cause degradation of air quality below minimum standards. Best available technology should be utilized for all new power plants. Brevard County supports the use of energy resources that do not degrade air quality over those that do.~~

**Policy CON 1.8**

~~Land use should also be compatible with the maintenance of good air quality. Development should be designed in such a way as to minimize traffic congestion. Urban land uses should be buffered from stationary and linear pollution sources (roadways). Vegetation should be utilized whenever possible to buffer air pollution sources and maintain air quality. Multi-use developments, such as Planned Unit Development, or other innovative land uses should be utilized to reduce the need to travel. Facilities that house the elderly, very young or sick should be located away from emission sources or areas of poor air quality. Brevard County shall continue to coordinate air quality protection through policies in the Future Land Use Element and the Land Development Regulations.~~

**Energy**

**Objective CON 2**

Reduce per capita energy consumption and greenhouse gas emissions within Brevard County through land use and transportation planning.

**Policy CON 2.1**

Brevard County shall address various energy saving methods including:

**CONSERVATION ELEMENT**

**Criteria:**

- A. Encouraging appropriate Planned Unit Development PUD and multi-use developments to utilize Leadership in Energy and Environmental Design (LEED) principles;
- B. Regulating subdivisions to address bicycle and pedestrian pathways; and Promoting connectivity between different land uses among alternative transportation modes, such as bicycle, pedestrian, and public transit; or
- C. Regulating land clearing and, landscaping, and impervious surfaces regulations to augment passive cooling by trees and mitigate Heat Island Effect.

**Policy CON 2.2**

Brevard County shall continue to implement the Florida Building Code, Energy Conservation for new construction and substantially rehabilitated structures. Brevard County shall site new public facilities serving large numbers of people close to or within population centers to minimize automobile use.

**Policy CON 2.3**

Brevard County should continue to implement waste reduction, reuse, recycling, and conversion of waste to energy as part of its waste management strategies.

**Policy CON 2.4**

Brevard County shall consider energy conservation and greenhouse gas emissions in the development and implementation of County ordinances.

**Policy CON 2.5**

Brevard County should coordinate with the Space Coast Transportation Planning Organization to pursue and publicly promote transportation options that would decrease per capita energy consumption and greenhouse gas emissions.

**Policy CON 2.6**

Brevard County should coordinate with the East Central Florida Regional Planning Council (ECFRPC), the Economic Development Commission of Florida's Space Coast, and the State to encourage development and use of energy efficient and renewable technologies to enhance economic development while conserving energy and reducing greenhouse gas emissions.

**Surface Water**

**Objective CON 3**

Improve the quality of surface waters within Brevard County and protect and enhance the

natural functions of these waters.

**Policy CON 3.1**

~~Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) to require small package treatment plants adjacent to surface waters to comply with existing federal, state, or regional rules and regulations, and to ensure that the necessary renovations to achieve compliance are completed in a timely manner. Requests to dredge previously dredged areas that have regained natural characteristics due to lack of use, lack of upkeep, or other factors or requests to change the design specification of previously dredged areas shall not be considered as maintenance dredging but shall be considered new dredging and regulated as such.~~

**Policy CON 3.2**

Brevard County shall continue to prevent negative impacts of development in and adjacent to Class I waters by implementing and revising, as necessary, the Surface Water Protection Ordinance including the following minimum criteria:

**Criteria:**

- A. Maintain a two hundred (200) foot surface water protection buffer from the ordinary high water line or mean high water line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Acceptable uses within the surface water protection buffer are passive recreation, hunting, fish and wildlife management, open space and nature trails, and similar uses.
- C. Require discharges of any substances into Class I waters to meet or exceed applicable receiving water quality standards.
- D. Prohibit dredging and filling, except for permitted utility crossings, publicly owned recreational projects which do not degrade water quality, and necessary maintenance of existing projects.
- E. Regulate development and mining operations within the hydrologic basin of Class I waters. Prohibit mining operations within the 10-year floodplain of Class I waters.
- F. Prohibit alteration within the surface water protection buffer unless it is in the public interest and does not adversely impact water quality and natural

habitat.

### **Policy CON 3.3**

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries designated as Class II waters, Aquatic Preserves and Outstanding Florida Waters (OFWs) by implementing and revising as necessary, the Surface Water Protection Ordinance, including the following minimum criteria:

#### **Criteria:**

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under Policies CON 3.3.C and CON 3.3.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, ~~an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A~~ if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS F.S. Chapter 373, F.S., as amended.

- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, ~~an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A~~ if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with ~~DEP 62-25, as amended~~ and [FS F.S. Chapter 373, F.S.](#), as amended. Lots located along areas of Aquatic Preserves and ~~Outstanding Florida Waters~~ OFWs shall maintain a fifty (50) foot surface water protection buffer in accordance with Policy [CON 3.3.A, B, and C](#).
- E. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent, inclusive of primary structures as outlined in Criteria C and D.
- F. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- G. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, ~~Outstanding Florida Waters (OFWs)~~, Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening alteration as allowed by this ~~e~~Element.

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- H. Prohibit discharges of any substances below ambient water quality standards.

**Policy CON 3.4**

Brevard County shall continue to prevent negative impacts of development in and adjacent to Class III waters (except ~~Outstanding Florida Waters OFWs~~ and Aquatic Preserves) along the St. Johns River and Indian River Lagoon and its tributaries by implementing and revising as necessary, the Surface Water Protection Ordinance including the following minimum criteria:

**Criteria:**

- A. A twenty five (25) foot surface water protection buffer from the ordinary high water line, mean high water line, or the safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping shall be established. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved ~~by the director~~ administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under Policies CON 3.4.C and CON 3.4.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots located along Class III waters and platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the twenty five (25) foot surface water protection buffer described above along Class III waters shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to a primary structure may be located within the surface water protection buffer at least fifteen (15) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater

management measures shall be consistent with DEP 62-25, as amended and FS F.S. Chapter 373, F.S., as amended.

- D. Prohibit shoreline alteration other than that allowed by ordinance, unless it is in the public interest or prevents or repairs erosion; and does not adversely impact water quality, natural habitat and adjacent shoreline uses.
- E. Except for properties on existing residential manmade canals, the maximum amount of impervious surface within the surface water protection buffer is thirty (30) percent.
- F. Prohibit discharges of any substances below ambient water quality standards.

**Policy CON 3.5**

Brevard County shall continue its implementation of a mosquito impoundment management plan, which should address the following criteria, at a minimum:

**Criteria:**

- A. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.
- B. Acquisition of impoundments for maintenance and operation.
- C. Appropriate water management system shall be utilized.
- D. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- E. Proposed alteration of an impoundment should be reviewed by Mosquito Control. Brevard County should compensate property owners for mosquito impoundments when this use precludes all use by the owner or when no alteration would be acceptable to Mosquito Control.
- F. Non-permitted alteration of an impoundment shall be enforced by Brevard County.
- G. All mosquito impoundments should be evaluated and those found to be breached or non-functional should be repaired by the appropriate Mosquito Control District.

- H. Those fully functioning impoundments determined to be needed by the Mosquito Control District, should be placed under a rotational impoundment management plan as approved by the Florida Coordinating Council on Mosquito Control.
- I. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- J. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- K. Brevard County should develop a program to acquire right-of-way or easements for drainage systems and mosquito control systems which the County maintains, if not already acquired.

**Flood Plain Areas**

**Objective CON 4**

Reduce loss of flood storage capacity and reduce risk to life and property by continuing to apply regulations which minimize the impact of development within flood hazard areas.

**Policy CON 4.1**

Brevard County shall continue to protect the riverine ~~floodplain~~ floodplains in order to protect infrastructure and human life, conserve flood storage capacities, and to improve, where feasible, the quality of water within the watershed. ~~The preferred land use, density and fill footprint of the riverine floodplain, where developed, should function as is~~ in the predevelopment natural state, and Brevard County supports the use of fee simple acquisition, less than fee acquisition, transfer of development rights, appropriate development standards, and other innovative measures to preserve and restore the predevelopment riverine floodplain. At a minimum, the following criteria shall be the basis for the protection of the riverine floodplain:

**Criteria:**

- A. Within the 100-year riverine floodplain (that is the area that is below the 100-year flood elevation but above the 25-year flood elevation):
  - 1. ~~Residential density shall be limited to no more than two dwelling units per acre.~~
  - 2. ~~Commercial, institutional, and industrial land uses shall be limited to a filled footprint of no more than 15,000 square feet per acre, except for redevelopment as specified in Policy 4.3.~~
  - 3. 1. Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 100-year riverine floodplain, except undeveloped parcels created

prior to the effective date of this policy February 17, 2011 may fill up to 1/3 acre filled footprint for development without providing compensatory storage.

- ~~4. 2.~~ The following uses are not compatible with the resource requirements of the 100-year riverine floodplain and shall not be permitted. These include, but are not limited to:
  - a. Placing, depositing or dumping of solid waste except for treated municipal solid sludge.
  - b. Processing and storing of threshold amounts of hazardous materials.
  - c. Disposal of hazardous materials.
  
- B. Within the 25-year riverine floodplain (that is the area that is at or below the 25-year flood elevation but above the 10-year flood elevation):
  - ~~1. Residential density shall be limited to not more than one dwelling unit per two and one-half acres.~~
  - ~~2. Commercial land uses shall be limited to a filled footprint of no more than 3,000 square feet per acre and commercial uses shall be no greater than one acre, except for redevelopment as specified in Policy 4.3.~~
  - ~~3. 1.~~ Industrial land uses shall be prohibited, unless the activity is in the best public interest, or except for mining where it does not increase the filled footprint within the 25-year floodplain.
  - ~~4. 2.~~ Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 25-year riverine floodplain.
  
- C. Within the 10-year riverine floodplain (that is the area that is at or below the 10-year flood elevation but above the mean annual flood elevation):
  1. The 10-year riverine floodplain should be maintained in its natural state unless a project has a special reason or need to be located there. These special reasons and needs are further defined in the ~~land development regulations~~ [Land Development Regulations](#). These needs may include but are not limited to agriculture and passive recreation.
  - ~~2. Residential density shall be limited to not more than one dwelling unit per ten acres; and~~
  - ~~3. 2.~~ Commercial, institutional, and Industrial land uses shall be prohibited unless they are in the public interest and the location of the use is integral to its operation.
  - ~~4. 3.~~ Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 10-year riverine floodplain.

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- D. Within the mean annual riverine floodplain (that is the area that is at or below the annual flood elevation) residential, commercial, institutional, and industrial land uses shall be prohibited unless the project has a special reason or need to locate within the annual floodplain and it is in the best public interest. The annual riverine floodplains within Brevard County should be left in their natural state, and re-established where feasible.
- E. The best available data shall be utilized to determine appropriate floodplain elevations.

**Policy CON 4.2**

~~The following criteria~~ Performance-based standards, including the following, shall apply to all riverine floodplains:

**Criteria:**

- A. There shall be no net change in the rate and volume of floodwater discharged from the pre-development 100-year, 25-year, 10-year, or mean annual riverine floodplain.
- B. Practices shall be encouraged in development of property within the riverine floodplain in order to minimize total imperviousness and runoff within the floodplain and preserve the flood storage capacity in order to minimize cost to life and property. Practices may include clustering of developed area, provisions for open space, Low Impact Development (LID) design features, and flood proofing.
- C. The County shall provide incentives for transfer of densities and filled footprints within the riverine floodplain to reduce risk.
- D. Brevard County will coordinate with the St. Johns River Water Management District (SJRWMD) or other appropriate agencies in determining the appropriate first floor building elevation within the 25- to 100-year floodplains and shall ensure that habitable structures are constructed above base flood elevation.

**Policy CON 4.3**

To facilitate redevelopment of commercial and industrial land uses, ~~the filled footprint restrictions may be modified if compensatory storage is provided.~~ Noncontiguous noncontiguous compensatory storage, hydrologically connected to the impacted floodplain, may be considered. ~~Redevelopment means the renovation of a previously developed obsolete commercial or industrial parcel of land or building site which suffers from structural vacancy due to the expiration of its former use and requires intervention to achieve a subsequent useful function and come into compliance with all other current environmental and land development regulations.~~

**Policy CON 4.4**

New dikes, levees or other such structures should not be permitted below the 100-year riverine flood elevation except for temporary earthen structures that have a maximum height of less than the 10-year flood elevation and which will not restrict the flow of the 100-year storm floodwaters. The only potential exceptions to this provision are such structures which are shown to have over-riding public benefit. Replacement or repair of dikes, levees and other such structures are permitted as long as such replacement or repair does not change the status of the floodplain and will maintain the existing ability to utilize the property. Non-structural methods of floodplain management are given priority over structural methods.

**Policy CON 4.5**

Brevard County shall continue to protect the estuarine floodplains by implementing the following minimum criteria:

**Criteria:**

- A. Development within the one-hundred year estuarine floodplain shall not adversely impact the drainage of adjacent properties or the quality of the receiving surface water body.
- B. The following specific uses are not compatible with the resource requirements of the one-hundred year estuarine floodplain and shall not be permitted. These include, but are not limited to:
  - 1. Placing, depositing, or dumping of solid wastes.
  - 2. Processing and storing of threshold amounts of hazardous materials.
  - 3. Disposal of hazardous materials.
- ~~C. The annual estuarine floodplains within Brevard County should be left in their natural state, and re-established where feasible.~~

**Policy CON 4.6**

Brevard County shall continue to ensure that alterations of isolated one-hundred year floodplains do not adversely impact the drainage of adjacent properties or public drainage facilities.

**Policy CON 4.7**

Brevard County shall continue to protect the ~~coastal floodplain~~ floodplain of the Atlantic Ocean through the implementation of the following minimum criteria:

**Criteria:**

- ~~A. Prohibit development within the annual coastal floodplain.~~
- B: A. Limit development water-ward of the Brevard County Coastal Construction Setback Line to those structures necessary to protect the natural dune system and to provide beach access.

- ~~G. B.~~ Brevard County shall continue to maintain construction standards for all development within the one-hundred year storm surge zone as established by ~~the Florida Department of Environmental Protection FDEP~~, the U.S. ~~Southern Building Code~~ Florida Building Code, as amended, or other applicable regulations.

**Policy CON 4.8**

Brevard County shall identify structural controls within the floodplain which degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain, where feasible.

**Policy CON 4.9**

Brevard County shall continue to participate in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). Amendments to the County's flood ordinance shall be adopted as necessitated by changes in FEMA regulations.

**Policy CON 4.10**

Public facilities should not be located within wetland areas or the 100-year riverine or estuarine floodplain unless the following apply:

**Criteria:**

- A. The facilities are water-dependent, such as mosquito control facilities; or
- B. The facilities are water-related, such as boat ramps, docks or surface water management facilities; or
- C. The facilities are not adversely affected by periodic flooding or standing water, such as highway bridges and some recreational facilities; or
- D. The building structures are flood-proofed and located above the 100-year flood elevation, or removed from the floodplain by appropriately constructed dikes or levees; or
- E. The facilities are found to be in the public interest and there is no feasible alternative.

**Wetlands**

**Objective CON 5**

Preserve, protect, restore, and replace wetlands to achieve no net loss of functional wetlands in Brevard County ~~after September, 1990~~. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second

priority, and mitigation for impacts as the third priority.

**Policy CON 5.1**

Brevard County shall utilize the same methodology, soil types, hydrological requirements and vegetation types as the FDEP and the SJRWMD in delineating wetlands.

**Policy CON 5.2**

Brevard County shall ~~adopt~~ maintain regulations which promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the ~~land development regulations~~ Land Development Regulations:

**Criteria:**

- A. The basis for no net loss shall be established in ordinance.
- B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.
- C. If an activity is undertaken which degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland. If it is not feasible ~~or desirable~~ for the responsible person to perform the repair and maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation or wetland preservation.
- D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.
- E. The following land use and density restrictions within wetlands are established as a maximum density or most intense land use that may be considered only if the other criteria established in Conservation Element Policy CON 5.2 are met:
  - 1. Residential land uses within wetlands, that are a part of a formal subdivision or site plan, on properties containing wetlands shall be limited to the following:
    - a. 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. 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 Policy CON 5.2.E (7), for subdivisions and multi-family parcels greater than five acres in area, ~~New Town Overlays~~ development in the West Viera Area, PUDs, and if applicable, mixed-use land development activities as specified in Policy CON 5.2.E (6).
- b. For development activities on property greater than five (5) acres, density may be transferred to an upland portion of the site if consistent with all ~~county land development regulations~~ County Land Development Regulations and compatible with adjacent uses.
  - c. Except as allowable in Policy CON 5.2.E(1)a, subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses.
2. Residential land uses within wetlands and created by metes and bounds, which are not part of a formal subdivision, on properties containing wetlands shall be limited to the following:
- a. 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Policy CON 5.2.E (1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Policy CON 5.2.E (7).
  - b. Except as allowable in Policy CON 5.2.E (2)a, properties shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses.
  - c. In addition to impacts allowable in Policy CON 5.2.E (2)a, on properties where sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s) exist except for access, wetland impacts may be permitted for single access to the uplands.
3. Commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding

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upland buffers for such wetlands, except as provided below for I-95 interchanges, mitigation qualified roadways, abutting properties, and access to uplands. In no instance shall a proposed land development activity result in increased flooding on adjacent properties. Where the State does not require a buffer, wetland buffers specifications shall be established in ~~land development regulations~~ [Land Development Regulations](#) and be based on peer-reviewed publications to include, but not be limited to, Buffer Zones for Water, Wetlands, and Wildlife in the East Central Florida Region, (1990, Brown, M.T., Schaefer, and K. Brandt, published by the Center for Wetlands, University of Florida). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives.

- a. Impacts to wetlands are permissible for commercial or industrial land development activities on a property that is designated as commercial or industrial on the Future Land Use map, and is located within one-half mile of the intersection of the off-ramp of the I-95 interchange with the connecting roadway. The one-half mile radius shall extend from the end of the limited access boundary of I-95. This shall not include those interchanges where I-95 intersects a limited access highway as defined by Florida Statute. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective [CON 5](#).
- b. In mitigation qualified roadways, commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map [8 5](#). An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to Map [8 5](#) and the associated table. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective [CON 5](#).
- c. Commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the Future Land Use Map prior to February 23, 1996, if the property abuts land(s) developed as commercial or industrial as of December 31, 2010, and has sufficient infrastructure available to serve the

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commercial or industrial use. This shall not apply to properties that are addressed under Policies CON 5.2.E.3.a, b, and d. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective CON 5.

- d. Impacts to wetlands for commercial or industrial land development activities limited solely to providing access to uplands, and for no other purpose than providing access as required by Brevard County ~~land development regulations~~ [Land Development Regulations](#) may be permitted in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial of February 23, 1996, only if all of the following criteria are met:
  - (i) Sufficient uplands exist for the intended use except for access to uplands.
  - (ii) The property was not subdivided from a larger property after December 31, 2010. This shall not preclude a single shared access through wetlands for properties subdivided after December 31, 2010.
  - (iii) Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective CON 5.
4. Institutional and Residential Professional development activities within wetlands shall be limited to the following:
  - a. Institutional or Residential Professional land development on properties which contain wetlands and which are designated on the Future Land Use Map as Neighborhood Commercial or Community Commercial shall be considered commercial as set forth in Policy CON 5.2.E.3. The property shall have sufficient infrastructure available to serve the use.
  - b. Institutional or Residential Professional land development on properties which contain wetlands and which are designated on the Future Land Use Map as residential shall be limited to properties of at least 5 acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than 5 acres, as unbuildable.
5. In the event that the denial of commercial or industrial development activities in wetlands results in an inordinate burden under the Bert Harris Property Rights Act or a taking under ~~state~~ [State](#) or federal law, an affected property owner may appeal such denial to the Board of

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- County Commissioners in the manner provided in Section 62-507(b)(2), Code of Ordinances of Brevard County, Florida.
6. ~~Beginning on January 1, 2010, mixed~~ **Mixed**-use land development activities may be permitted in wetlands only if all of the following are met:
- a. The land development activities that impact wetlands must be part of a mixed use development that includes a minimum of three of the following land uses: residential, commercial (retail services and/or office), recreation/open space and institutional uses. Industrial land uses shall be prohibited in mixed use land development activities within wetlands. For purposes of this policy mixed use land development activities shall be consistent with the following criteria:
    - (i) The mixed use land development activity includes a variety of densities, intensities and types designed to promote walking between uses and utilizes a variety of transportation modes such as bicycles, transit and automobiles; and
    - (ii) The residential component of the land development activity is an integrated part of the project and comprises not less than 30% of the gross square footage of land uses within the development as shown on a site plan or a Sketch Plan complying with the standards set forth in ~~Chapter 11,~~ Future Land Use Element Objective FLU 9.
    - (iii) The development is in conformance with an integrated site plan or commercial subdivision which includes both vertical and horizontal mix of uses within a defined area.
  - b. Impacts to wetlands from mixed-use development activities (including without limitation impacts resulting from associated improvements such as sidewalks, parking areas and driveways) do not exceed the limitation set forth in Policy CON 5.2 E(7); and
  - c. To the extent direct impacts to wetlands are caused by a particular building or buildings within a mixed-use development, not less than 30% of the gross square footage of such building or buildings must be for residential use; or such building or buildings shall be physically attached to a building having not less than 30% of its gross square footage permitted for residential use.
7. Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed 1.8% of the non-commercial and non-industrial acreage of a DRI, PUD, parcel acreage or, if the project is within a ~~New Town Overlay (as defined in Chapter 11, Objective 9)~~ the West Viera Area, 1.8% of the

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non-commercial and non-industrial acreage within the ~~applicable New Town Overlay West Viera Area.~~

8. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100-year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on site structures. Minimization shall include application for available ~~land development regulation~~ [Land Development Regulations](#) waivers that would result in reduced wetland impacts.
9. Dumping of solid or liquid wastes shall be prohibited.
10. Applying or storing pesticides and herbicides should be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County ~~or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County.~~
11. The County shall develop incentives to minimize impacts to highly functional ~~and landscape level~~ wetlands.

F. Agricultural Activities

1. An exemption for agricultural pursuits, utilizing best management practices which do not result in permanent degradation or destruction of wetlands, shall be included within the ~~land development regulation~~ [Land Development Regulations](#).
2. Wetland impacts for activities listed in agricultural zoning classifications as permitted, permitted with conditions, or approved by the Board of County Commissioners as a Conditional Use on properties designated as bona fide agricultural lands per ~~F.S.~~ [Sections](#) 193.461 and 823.14, ~~F.S.~~, may be allowed subject to the following criteria:
  - a. The property shall be classified as bona fide agricultural per ~~F.S.~~ [Sections](#) 193.461 and 823.14, ~~F.S.~~, for not less than ten consecutive years as of the date of the proposed impact;
  - b. The property shall have Agriculture Future Land Use designation or DRI Future Land Use designation and the proposed use is consistent with the defined agricultural uses under an approved DRI Development Order.
  - c. Upon approval of the impact, no less than 50 percent of the property area shall retain bona fide agricultural use pursuant to F.2.a above;

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- d. Impacts to high functioning or landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit; and
- e. The property shall have an agricultural zoning classification or be zoned PUD and the proposed use is consistent with the defined agricultural uses in the PUD zoning resolution or approved Preliminary Development Plan.

Where the allowable use is residential, residential policies shall apply. Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the ~~land development regulations~~ [Land Development Regulations](#). The property shall meet all other State regulatory criteria.

**Policy CON 5.3**

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation the County shall apply the land use and density requirements of Policy CON 5.2 and the avoidance, minimization of impacts, and mitigation priorities established by Objective CON 5. Any permitted wetland degradation or destruction shall provide for mitigation as designated in the Conservation Element.

**Policy CON 5.4**

Wetlands artificially created for wastewater treatment or disposal or for wetland stock nurseries shall not be subject to these regulations and shall not be used to fulfill the requirements of this objective (~~Objective 5~~).

**Policy CON 5.5**

Natural, isolated wetlands should be incorporated into water management systems where practical and appropriate, as an alternative to destruction of wetlands. Whenever wetlands are utilized within water management systems, quality of the water discharged to the wetlands, hydroperiods and stage elevations should be designed to maintain or enhance the wetland.

**Policy CON 5.6**

Wetlands policy should provide allowances to promote redevelopment, and urban and industrial infill.

**Policy CON 5.7**

High Functioning and Landscape Level Wetlands analyses shall be prepared by a Recognized Knowledgeable Environmental Professional.

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**Policy CON 5.8**

In considering the functional value of wetlands, the degree of alteration, uniqueness, landscape diversity, and proximity to water bodies should be considered.

**Minerals and Soils**

**Objective CON 6**

Brevard County shall continue to implement regulations regarding land alteration, including, but not limited to, mining, borrow operations and private lakes which protect environmental systems and permit appropriate utilization of the mineral resources.

**Policy CON 6.1**

Mining regulations shall continue to include, at a minimum, the following provisions to prevent adverse effects on water quality and quantity.

**Criteria:**

- A. Mining operations are not permitted within Type 1 aquifer recharge areas, as defined by this Comprehensive Plan.
- B. Mining operations are not permitted within Type 2 aquifer recharge areas which are being used for a drinking water supply or where there is potential for private drinking water supply systems.
- C. Mining operations are not permitted within the 10-year floodplain of the St. Johns River or freshwater tributaries of the Indian River Lagoon or wetlands as protected within this Comprehensive Plan.
- D. Mining operations located within the watersheds of Class I surface waters shall not have adverse impacts on water quality and quantity of potable surface water sources.

**Policy CON 6.2**

The County's mining regulations shall continue to include, at a minimum, the following provisions to minimize adverse impacts to environmental resources.

**Criteria:**

- A. Mining operations should not adversely impact protected wetlands or other water dependent systems, and shall be set back a minimum of 100 feet from such wetlands, except as allowable per Policy CON 5.2.F.
- B. Mining operations shall not cause salt water intrusion. Monitoring by the mining operator shall be required to insure this requirement.

**Policy CON 6.3**

The County's mining regulations shall continue to include, at a minimum, the following provisions.

**Criteria:**

- A. **Mining Commercial mining** operations within any zoning classification shall require a Conditional Use Permit.
  
- B. Reclaimed mines shall have a minimum five (5) feet horizontally to one (1) foot vertically (5:1) side slopes to a normal water depth of at least five (5) feet below the water surface; subaqueous side slopes deeper than five (5) feet shall be no steeper than 2:1, and a littoral zone.
  
- C. When the borrow pit (lake) is to be utilized in conjunction with residential development, stormwater shall not be released directly into lakes with depths greater than eight (8) feet. Pretreatment of stormwater, for example via swales, shall be required.

**Policy CON 6.4**

A reclamation plan and proof of financial responsibility must be submitted and approved prior to the commencement of the mining operation. The reclamation plan shall address the following concerns, at a minimum.

**Criteria:**

- A. Average depth;
  
- B. Bottom contours and littoral zones;
  
- C. Revegetation plan, showing plant materials;
  
- D. Control of stormwater runoff and drainage;
  
- E. Recreational amenities, if any;
  
- F. Stocking with fish, if any; and
  
- G. Maintenance plan.

**Policy CON 6.5**

A concept plan to bind the operational scope and other physical features of the operation shall be submitted and approved prior to the commencement of the mining operation. The concept plan shall address the following criteria, at a minimum.

**Criteria:**

- A. Size and location of operation;

- B. Location of equipment and equipment storage;
- C. Extent of buffering and setbacks;
- D. Side slopes;
- E. Points of ingress and egress; and
- F. A vicinity map depicting removal routes that trucks and other vehicles will use to haul to sites or areas external to the borrow site.
- G. The required reclamation plan shall also be included.

**Policy CON 6.6**

Brevard County shall continue to implement regulations for land excavation operations in addition to those for commercial borrow operations. These regulations shall include, at a minimum, the following:

**Criteria:**

- A. Definition of regulated land excavation operations. The construction of a private lake will not be used or constructed as a commercial borrow operation by virtue of its intended use, and maximum size.
- B. Exemptions, including the construction of swimming pools, and water retention areas required in conjunction with an approved development order, including, but not limited to, building permit, site plan, or subdivision plat.
- C. The minimum size to be regulated.
- D. Setbacks shall continue to be established in the private lake regulations from property lines and rights-of-way lines of a publicly owned road, street, highway, drainage, or public or private utility easements, and cable TV easements.
- E. Regulated excavations shall not be permitted within:
  1. Type 1 aquifer recharge areas as identified within this [Comprehensive Plan](#) or within;
  2. Type 2 aquifer recharge areas being utilized as sources for public drinking water supplies.
  3. Below the ten-year floodplain of freshwater tributaries of the Indian River Lagoon or the St. Johns River.
- F. Limitations shall be adopted on length of time that excavations may occur

and hours of operation.

- G. Requirements for side slopes of the completed excavation.
- H. Maximum permitted depths.
- I. Reclamation requirements.

**Policy CON 6.7**

The County should, in coordination with the Future Land Use Element, consider NRCS Natural Resources Conservation Service (NRCS) Unique Farmland status for lands with agricultural land use or zoning designation during land use amendment, rezoning, or development review. The County should seek to preserve farmlands of unique importance, as identified by NRCS, in agricultural use.

**Soil Erosion**

**Objective CON 7**

Eliminate inappropriate land use practices causing soil erosion and reduce sediment accumulation in the Indian River Lagoon, St. Johns River, and other large surface water bodies.

**Policy CON 7.1**

Brevard County shall continue to implement its adopted land clearing, tree protection, and landscaping ordinances to address revegetation and premature land clearing.

**Criteria:**

- A. Require permitting prior to land clearing unless exempt by ordinance.
- B. Require phased clearing in conjunction with phased construction.
- C. Require permits for the removal of trees or vegetation in conjunction with land surveying unless exempt by ordinance.
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Exempt single-family residential lots of two and one-half (2 1/2) acres or less in size from the requirement of written notification to clear land, if the activity complies with ordinance, after the issuance of a Certificate of Occupancy for

the single-family residential lot.

- F. Exempt land clearing in conjunction with agricultural purposes or normal silviculture conducted in accordance with ~~F.S. Section 193.461, F.S.~~, as amended.

**Policy 7.2**

~~Where localized soil erosion is noted by Code Enforcement, the Natural Resources Management Department, or other County agency, the Land Conservation Assistance Program (LANDCAN) will be contacted and their recommendations shall be incorporated into a program instituted to assist the landowner to renourish and stabilize such areas.~~

**Policy 7.3 CON 7.2**

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, ~~Brevard County shall request review by the LANDCAN. Brevard County shall consider their recommendations in the design, review and development of projects.~~ Projects ~~projects~~ should minimize impervious surfaces by using pervious surfaces where ever feasible, such as for overflow parking.

**Policy 7.4 CON 7.3**

Brevard County will ~~participate~~ consult with the ~~LANDCAN~~ relevant agencies to educate the public about the causes of soil erosion, as well as methods for preventing or repairing such erosion.

**Policy 7.5 CON 7.4**

Brevard County should employ Best Management Practices for control of erosion and sedimentation for road construction and other County projects.

**Policy 7.6 CON 7.5**

Brevard County shall utilize techniques in the installation of new facilities or improvement of existing facilities to minimize sediment accumulation within surface water bodies and wetlands.

**Criteria:**

- A. Turbidity screens shall be utilized for all projects which have the potential to release sediments.
- B. All runoff shall be detained prior to release to allow pollutants, soil, particulates and organic materials to settle out.
- C. Phased projects should be cleared in conjunction with construction of each phase.
- D. Areas cleared of vegetation should be revegetated with appropriate

vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.

## **Vegetation**

### **Objective CON 8**

Conserve, appropriately use and protect native vegetative communities, including forests as appropriate, by regulating land clearing and landscaping practices within Brevard County.

#### **Policy CON 8.1**

Brevard County shall continue to implement and improve the land clearing and tree protection ordinance, and the landscaping ordinance, as amended.

#### **Policy CON 8.2**

Brevard County shall continue to utilize information from the ~~East-Central Florida Regional Planning Council~~ [ECFRPC](#) and other agencies in undertaking a program to inventory and identify vegetative communities within the County, and to determine loss rates and rarity of such communities.

#### **Policy CON 8.3**

Brevard County shall continue to review all development plans for compliance with vegetative protection regulations developed by ordinance and adopted in Chapter 62, Article XIII, Division 2 of the Land Development Regulations that meet the objectives of ~~F.S. Sections~~ [163.3177](#) and ~~F.S.~~ [163.3178](#), [F.S.](#) Brevard County shall continue to encourage the use of community green space and clustering developments through the ~~open space ordinance~~ [ordinances related to open space principles](#), and shall coordinate with the Building and Construction Advisory Committee, the Brevard County Home Builders Association and other appropriate groups to continuously improve environmental design incentive program.

#### **Policy CON 8.4**

Brevard County should continue to utilize scientific advisory groups to investigate preservation of vegetation, particularly of upland communities. These groups are ad hoc based upon the ~~Board~~ direction [of the Board of County Commissioners](#). The Environmentally Endangered Lands ([EEL](#)) Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

#### **Policy CON 8.5**

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development through the continued

## **CONSERVATION ELEMENT**

implementation of the Landscaping, Land Clearing and Tree Protection ordinance using the following minimum criteria:

**Criteria:**

- A. Heat Island Mitigation.
- B. Vegetative Buffering.
- C. Vegetative Loss Replacement.

**Policy CON 8.6**

Brevard County should continue to develop programs for county-wide acquisition of unique vegetative communities which have been identified for protection. This acquisition shall be voluntary, and shall not include the use of eminent domain.

**Policy CON 8.7**

Brevard County should contact the municipalities within the ~~county~~ County and pursue developing a county-wide vegetation protection ordinance to standardize existing landscaping ordinances.

**Policy ~~8.8~~ — Reserved**

**Policy ~~8.9~~ CON 8.8**

Brevard County shall continue to incentivize continued use of agricultural and silvicultural lands which are unique to Brevard County. These programs should include, but not be limited to, regulatory incentives and assistance for agriculture landowners, voluntary agricultural or silvicultural districts, time-certain dedications, purchase or transfer of development rights, and voluntary fee simple purchase of agricultural or silvicultural lands.

**Policy ~~8.10~~ CON 8.9**

Brevard County shall develop a county-wide program for invasive exotic removal on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with native vegetation where feasible.

**Wildlife**

**Objective CON 9**

Protect endangered and threatened wildlife species and species of special concern from adverse impacts due to loss of crucial habitat.

**Policy CON 9.1**

Brevard County shall continue to obtain and utilize information from the U.S. Fish

and Wildlife Service ([FWS](#)), [the Florida Fish and Wildlife Conservation Commission \(FWC\)](#), [Florida Department of Environmental Protection FDEP](#), Florida Natural Areas Inventory, [East Central Florida Regional Planning Council ECFRPC](#) and other agencies to inventory and identify crucial habitat for endangered or threatened wildlife species and species of special concern within the County, and to determine loss rates and rarity of such habitat.

**Policy CON 9.2**

Brevard County shall continue to make available ~~state~~ [State](#) and federal maps at the pre-application stage of all projects requiring site-plan or subdivision approval to guide future development away from crucial habitats.

**Policy CON 9.3**

Brevard County should coordinate a scientific advisory group to investigate preservation of wildlife habitat, particularly of upland communities.

**Policy CON 9.4**

Brevard County shall continue the ~~Environmentally Endangered Lands~~ [EEL](#) Program (~~EEL~~), as authorized by the voter-approved public referendums in September 1990 and 2004. This program shall remain committed to acquiring, protecting, and maintaining environmentally endangered lands and making improvements as appropriate for passive recreation and environmental education.

**Policy CON 9.5**

Development of Brevard County owned conservation areas shall be in accordance with the intent of the original acquisition.

**Policy CON 9.6**

Prior to development of any county-owned property, an environmental assessment should be completed which would analyze the impact of the proposed development on the natural resources and wildlife habitat of the property.

**Policy CON 9.7**

Brevard County shall continue to rely upon the ~~Environmentally Endangered Lands (EEL)~~ Program, ~~Selection and Management Committee (SMC)~~ land acquisition analysis and the ~~Florida Fish and Wildlife Conservation Commission (FWCG)~~ [wildlife corridor studies](#) adopted in 1994, ~~revised in 2006 as amended~~, ~~wildlife corridor studies~~ to determine the appropriateness of wildlife corridors, how extensive they should be, and the location of potential corridors. Brevard County should explore what fiscal resources, including the EELs program, are available for implementation and possible economic incentives for property owners to voluntarily participate in formation of a wildlife corridor program.

**Policy CON 9.8**

Brevard County shall delineate and protect linkages between natural systems and

**CONSERVATION ELEMENT**

the open space systems.

### **Policy CON 9.9**

On February 7, 2003, ~~the Florida Fish and Wildlife Conservation Commission~~ [FWC](#) approved the Brevard County Manatee Protection Plan (MPP). The MPP includes the following major components: habitat protection, education, boat facility siting, State of Florida manatee protection boat speed zones, manatee mortality, law enforcement, and boating safety. Boat facility siting and shoreline development shall comply with the criteria established in the MPP, as amended. In coordination with FWC, the County shall continue to monitor manatee protection measures to determine their effectiveness. In addition to the criteria established in the MPP and incorporated into the Coastal Element, the following criteria shall also apply:

#### **Criteria:**

- A. ~~All existing and new marinas shall erect manatee education and awareness signs, which will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.~~
- B. ~~Those involved in the sale of boats and motors should provide manatee information to the buyer at the time of delivery of boats or motors.~~
- C. ~~Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.~~
- D. ~~Brevard County, or other appropriate agencies, shall develop standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones which may be deemed necessary within areas frequented by manatees.~~
- E. ~~Brevard County shall continue to monitor manatee protection measures to determine their effectiveness.~~
- F. ~~Brevard County shall identify areas containing significant manatee habitat features. Marinas with powerboat slips should not be sited within these areas.~~

**Policy CON 9.10**

Brevard County should continue to enforce its ordinances related to sea turtle protection ordinance , encompassing lighting and coastal setback regulations, in order to protect sea turtles along the County's beaches. Efforts shall be made to make beachfront lighting ordinances within the County uniform. This may be accomplished through interlocal agreements.

**Policy CON 9.11**

Beach renourishment and dune restoration plans shall continue to be designed and implemented so that sea turtle nesting is not disrupted.

**Policy CON 9.12**

Brevard County Natural Resources Management Department shall continue to comply with the county-wide scrub-jay Habitat Conservation Plan as approved by ~~the US Fish and Wildlife Service~~ FWS. Management plans shall be developed for other species, as deemed necessary:

**Policy CON 9.13**

~~The Brevard County Natural Resources Management Department shall make available to the development community, State-prepared model management plans for other endangered and threatened species and species of special concern dependent upon habitat rarity and loss rates as described in Policies 9.2, 9.7, and 9.12, in this element. Wildlife management plans shall be developed for other species, as deemed necessary.~~

**Policy CON 9.14**

Brevard County shall continue to assist in the application of, and compliance with, all ~~state~~ State and federal regulations which pertain to endangered, or threatened species and species of special concern.

**Policy CON 9.15**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of ~~the Florida Department of Environmental Protection~~ FDEP, ~~the Florida Fish and Wildlife Conservation Commission~~ FWC, and ~~the U.S. Fish and Wildlife Service~~ FWS, and other agencies or groups as appropriate. Brevard County encourages the development of post-development wildlife management plans which would enhance the wildlife potential of existing developments.

**Policy CON 9.16**

Brevard County supports the use of Turtle Excluder Devices (~~FEDs~~) or other devices to protect wildlife from shrimp and other fishing nets.

**CONSERVATION ELEMENT**

## **Aquifer Protection**

### **Objective CON 10**

Maintain and protect the surficial and Floridan aquifer systems for reasonable and beneficial uses.

### **Policy CON 10.1**

~~Brevard County shall continue to implement the aquifer protection ordinance maintain regulations that minimize impacts to, alteration of, and loss of aquifer recharge areas and recharge soils during development.~~

### **Policy CON 10.2**

At a minimum, the following criteria shall be incorporated into the ~~land development regulations~~ [Land Development Regulations](#) to protect the aquifer.

#### **Criteria:**

- A. In Type 1, 2, and 3 aquifer recharge areas, post-development groundwater recharge volume shall equal pre-development recharge volume.
  - ~~1. The maximum allowable impervious surfaces in these areas shall be: For single-family residential development, the following maximum allowable impervious surface area ratios shall be presumed to maintain recharge volumes as required above: Type 1 - 25%; Type 2 - 35%; and Type 3 – 45% unless the developer can demonstrate that post-development recharge volume shall equal pre-development recharge volume and dependent upon additional regulations and local conditions. Citrus, improved pasture, row crop agricultural operations, and normal silvicultural operations using Best Management Practices shall be exempt.~~
  2. For all other development, including new residential subdivisions, the applicant shall demonstrate that post-development recharge volume will equal pre-development recharge volume.
  
- B. For water quality purposes, stormwater run-off in Type 1, 2, and 3 aquifer recharge areas should be directed through a vegetated stormwater management system which at a minimum has a soil depth of at least two feet above the seasonal high water table. ~~Citrus, improved pasture, row crop agricultural operations, and normal silvicultural operations using Best Management Practices shall be exempt.~~ If alternative methods can be shown to meet an equal or greater degree of stormwater treatment these methods may be considered.
  
- C. Within Type 1 aquifer recharge areas, the following are prohibited:
  - ~~1. — New septic tanks: However, residential lots platted or established by deed on the official record books of the County prior to September 10, 1990 that are (1) outside of the Indian River Lagoon Basin Management Action Plan area as established by FDEP and (2) within~~

the Titusville Area of Critical Concern, where centralized sewer service is unavailable, may construct an OSTDS pursuant to FDEP permitting requirements. No more than one (1) black water septic tank shall be permitted per acre. An OSTDS constructed according to this provision shall not exceed 1,200 gallon capacity and shall be an enhanced nutrient-reducing OSTDS as defined by Section 381.0065, F.S., achieving at least sixty-five (65) percent total nitrogen reduction. Properties developed with OSTDS according to this provision shall be required to connect to an available centralized sewer system within three hundred sixty five (365) days after written notification by the owner of the centralized sewer system that the system is available for connection.

- ~~2. 1.~~ New underground chemical or fuel storage tanks.
- ~~3. 2.~~ Storage of threshold amounts of hazardous materials.
- ~~4. 3.~~ Disposal of hazardous materials.

- D. Within Type 2 aquifer recharge areas, the following are prohibited:
  - 1. Storage of threshold amounts of hazardous materials.
  - 2. Disposal of hazardous materials.
- E. Within Type 3 aquifer recharge areas, the disposal of hazardous materials is prohibited.
- F. ~~Groundwater withdrawals shall be managed to prevent salt water intrusion and adverse affects to existing wells.~~ Anyone proposing a new public water supply well must own or control all areas within 500 feet of the proposed well.
- G. An applicant can show that the area does not function as a recharge area by providing additional information about hydrogeologic conditions on site ~~which may include vertical permeability as found including the absence of soils defined as highly permeable soils in the Aquifer Protection ordinance Glossary.~~
- H. Bona-fide agricultural operations using Best Management Practices shall be exempt from aquifer protection requirements.

**Policy 10.3**

~~Brevard County shall support the City of Titusville's efforts to obtain G-1 sole source aquifer designation:~~

**Policy 10.4 CON 10.3**

Brevard County shall continue cooperation with the City of Titusville through Ordinance No. 99-010E and pre-annexation agreements for properties within the City's Area of Critical Concern in order to carry out Titusville's aquifer protection policies and the provision of potable water.

**Policy 10.5 CON 10.4**

Brevard County shall develop a coordinate with SJRWMD in public education program efforts concerning the importance and methods of protecting the County's surficial and Floridan aquifers.

**Policy 10.6 CON 10.5**

Brevard County shall continue to regulate land uses which involve the storage, production, use and disposal of threshold amounts of regulated substances identified as priority pollutants by the Environmental Protection Agency EPA in 40 CFR 401.15, as amended, within Type 1, Type 2, and Type 3 aquifer recharge areas. These regulations shall meet the state State criteria for protecting wellfields.

**Policy 10.7 CON 10.6**

Brevard County should include LID and GSI design principles in public capital projects and prioritize stormwater retention projects that seek to recharge the aquifer where feasible and fiscally prudent. Brevard County shall consider incorporating in the aquifer protection code requirements for the use of LID and Green Stormwater Infrastructure (GSI) standards, including provisions for maintenance and upkeep, in aquifer recharge areas.

**Policy 10.8 CON 10.7**

Brevard County shall review its public facilities infrastructure and operations for potable water conservation opportunities. The County shall strengthen and enforce the provisions found in the Brevard County Water Source Heat Pump Ordinance in an effort to protect water resources.

**Energy Conservation**

**Objective 11**

Brevard County shall develop strategies through transportation decisions and planning to address the reduction of greenhouse gas emissions, energy conservation and energy efficient design.

**Policy 11.1**

Sites for new public facilities serving large numbers of people shall be close to or within population centers to minimize automobile use.

**Policy 11.2**

The County shall promote car pooling opportunities for commuters with the same destination.

**Policy 11.3**

The County shall encourage the use of transit opportunities and other alternate modes of transportation throughout the County.

**Policy 11.4**

The County shall continue its education program to promote bicycle, pedestrian and other non-motorized transportation options to reduce vehicle miles traveled.

**Potable Water Conservation**

**Objective CON 11**

Brevard County shall conserve and appropriately use potable water resources to ensure sufficient water quality and quantity to meet future demand.

**Policy CON 11.1**

Brevard County shall review its public facilities infrastructure and operations for potable water conservation opportunities.

**Policy CON 11.2**

The County shall include provisions within the Land Development Regulations in an effort to reduce per capita consumption:

**Criteria:**

- A. New irrigation systems should be designed to use non-potable water or reclaimed water as the source when a non-potable water or reclaimed water supply source is available.
  
- B. New industrial or commercial development that does not require water meeting potable water quality standards should be designed to use non-potable water or ~~recliamed~~ reclaimed water when a non-potable water or reclaimed water supply source is available.
  
- C. New irrigation systems should utilize micro-irrigation techniques to the greatest extent practicable.
  
- D. Landscaping for new development should utilize waterwise landscaping principles including limits on the use of landscaping that requires irrigation.

**Policy CON 11.3**

The County shall cooperate with SJRWMD during declared water shortage emergencies by conserving water resources and assisting SJWRMD with enforcement of water shortage emergency declarations, orders, and plans.

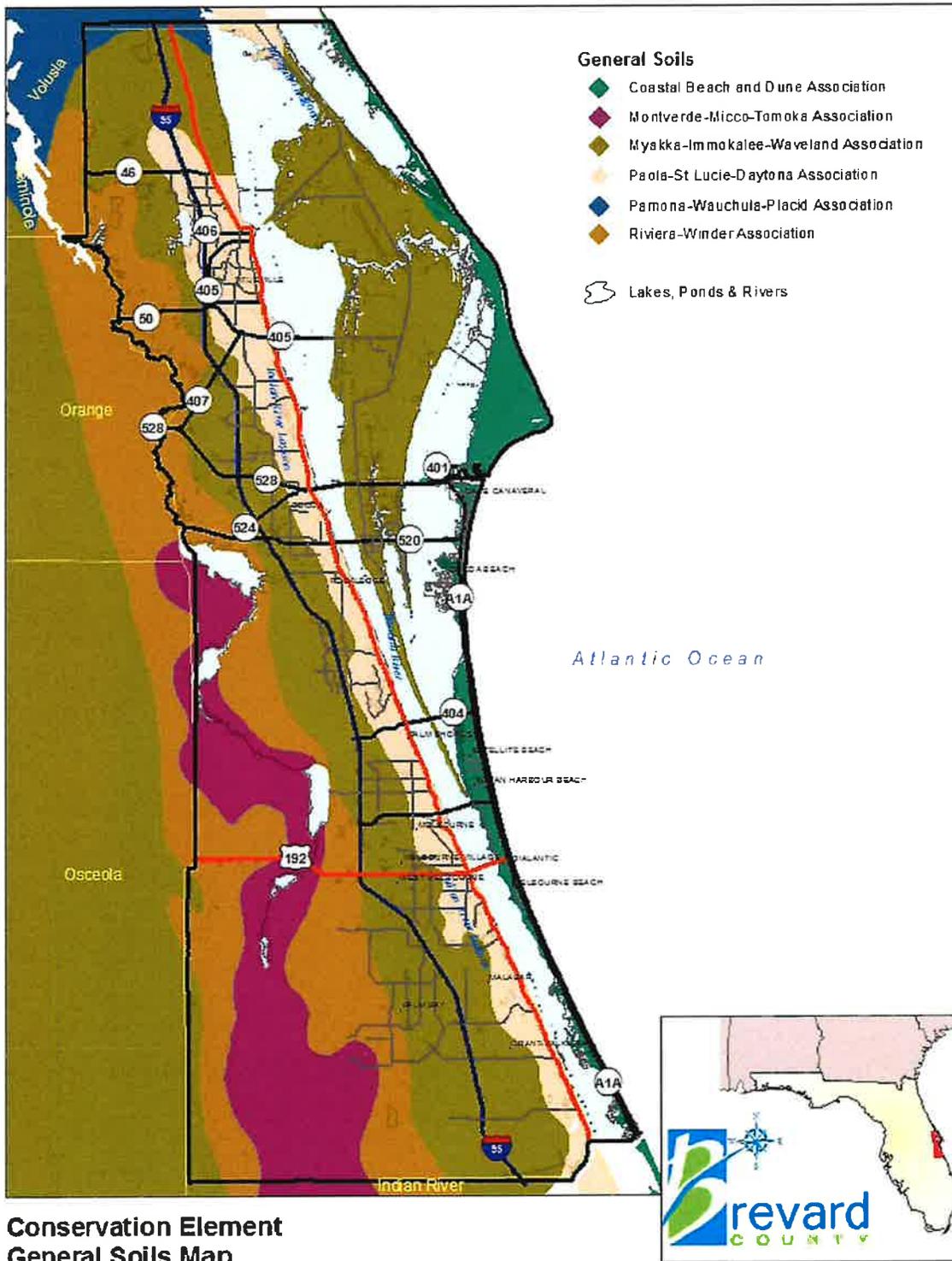
**Policy CON 11.4**

The County shall continue to implement its Water Conservation Plan submitted to SJRWMD as part of the consumptive use permitting process.

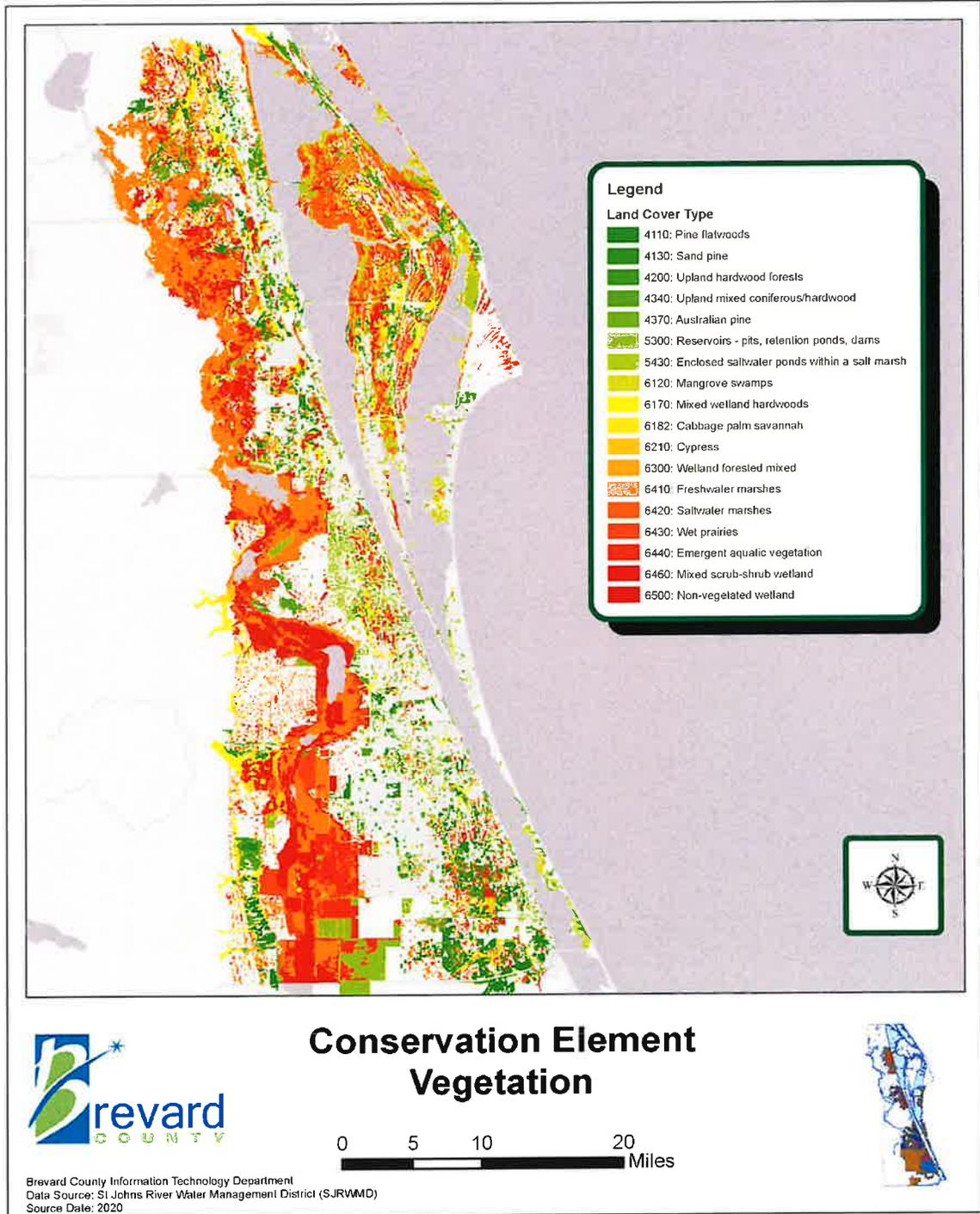
## APPENDIX

### LIST OF MAPS

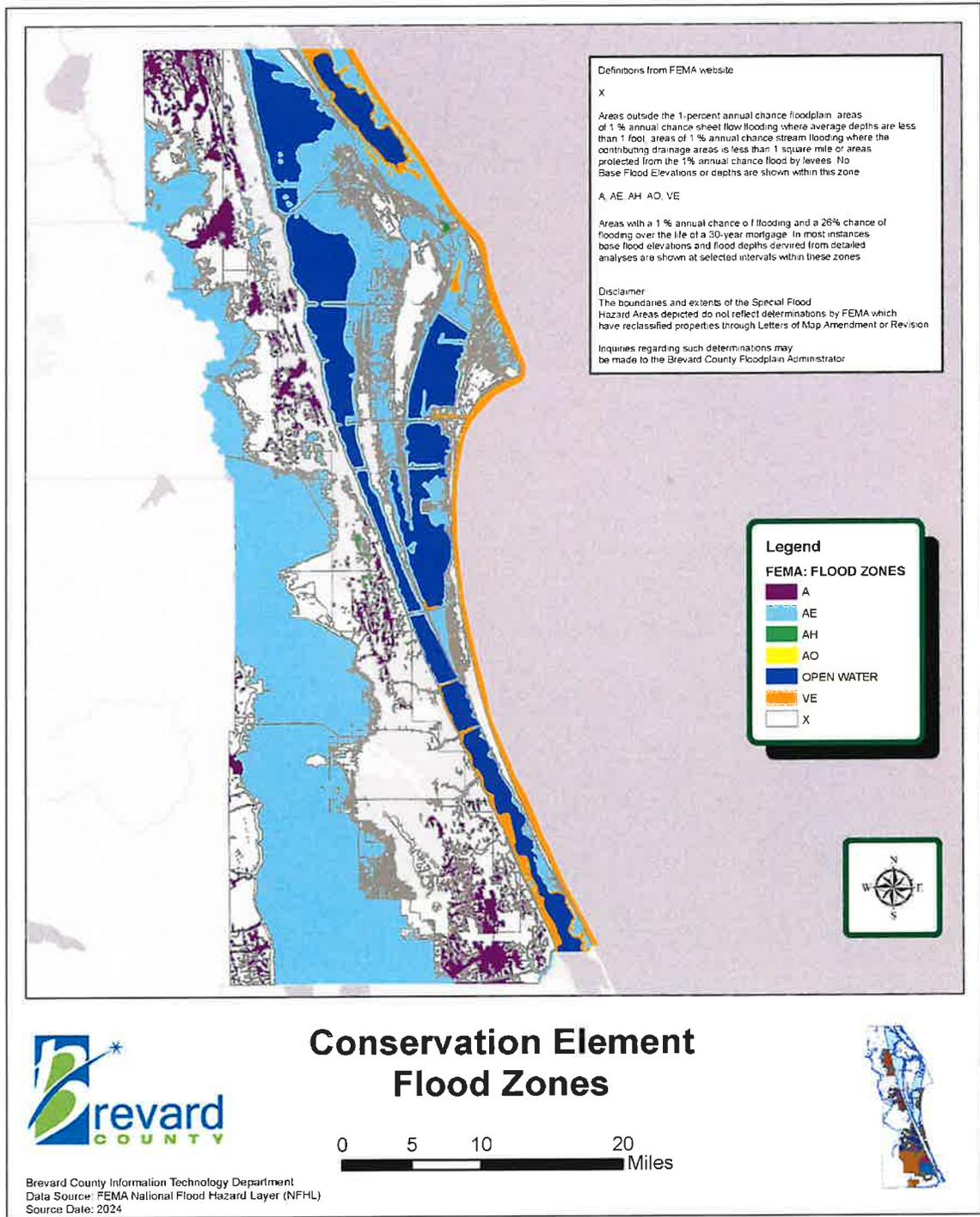
| Map          | Title   |
|--------------|---|
| 1            | General Soils   |
| 2            | Vegetation  |
| 3            | Floodplains   |
| <del>4</del> | <del>Surface Water Classification</del>                     |
| 5            | Wetlands  |
| 6            | Mitigation Qualified Roadways <a href="#">Map and Table</a> |
| 7            | Landscape Level Polygon                                     |



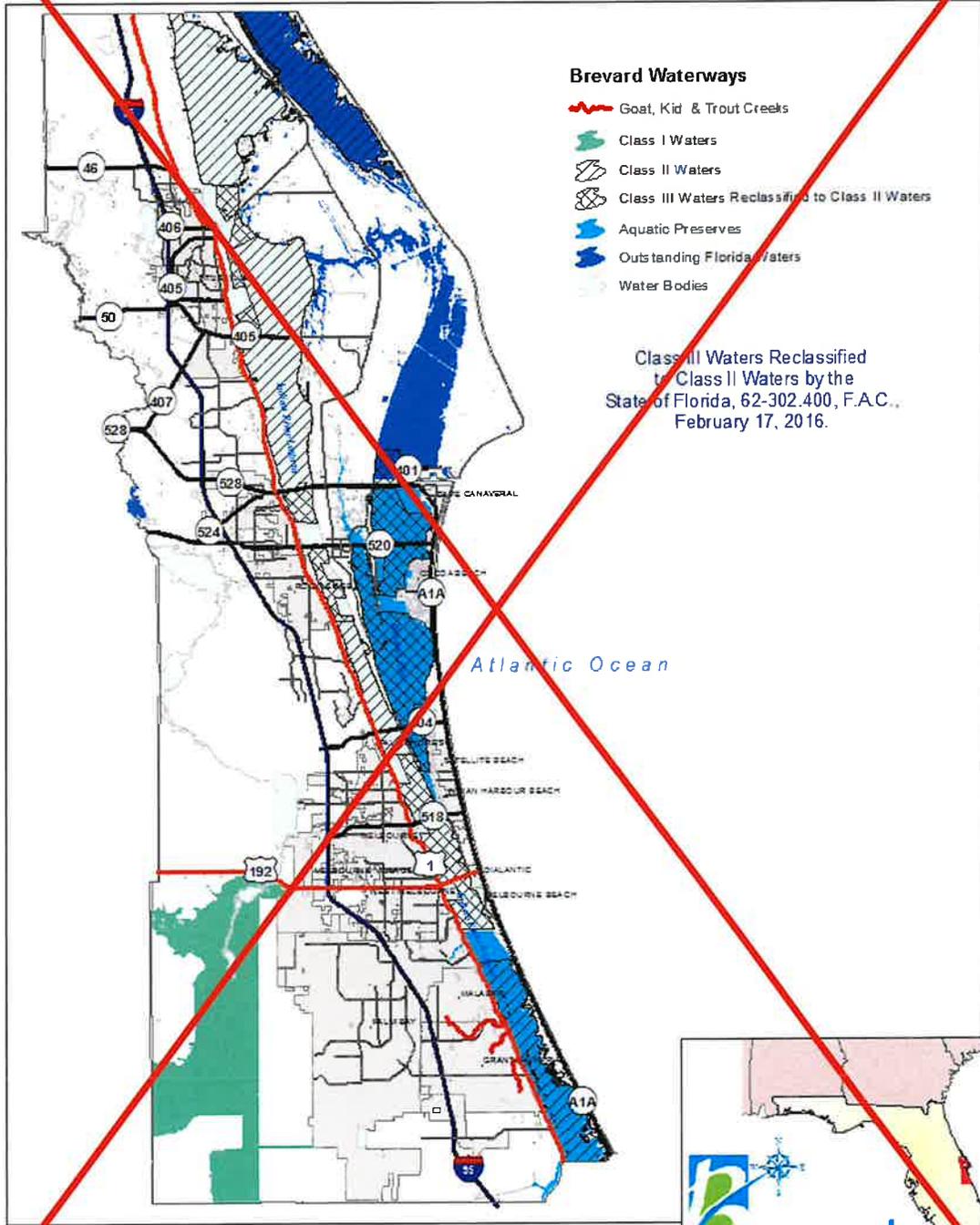
CONSERVATION ELEMENT



**CONSERVATION ELEMENT**



CONSERVATION ELEMENT

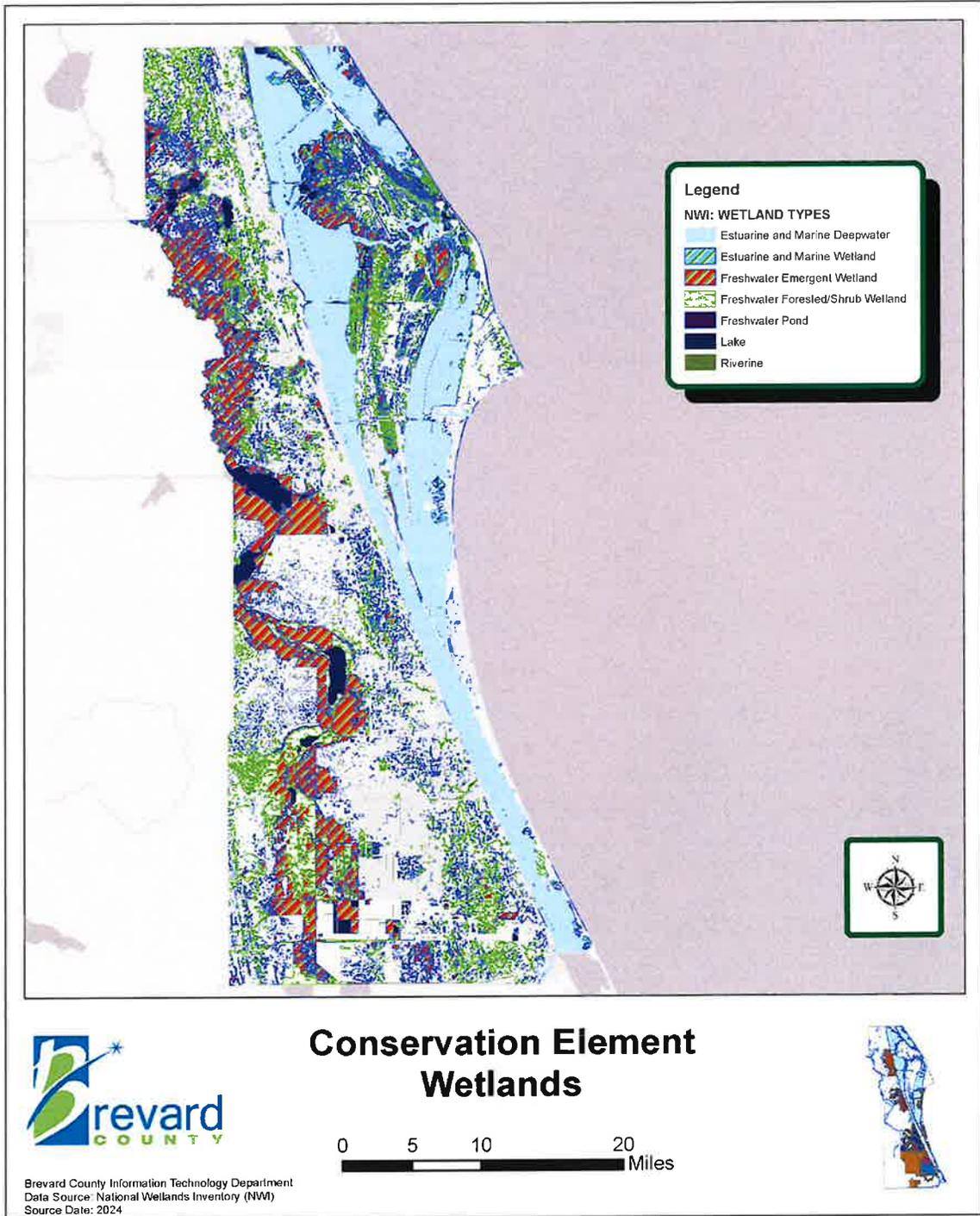


Conservation Element  
Surface Water - Classification

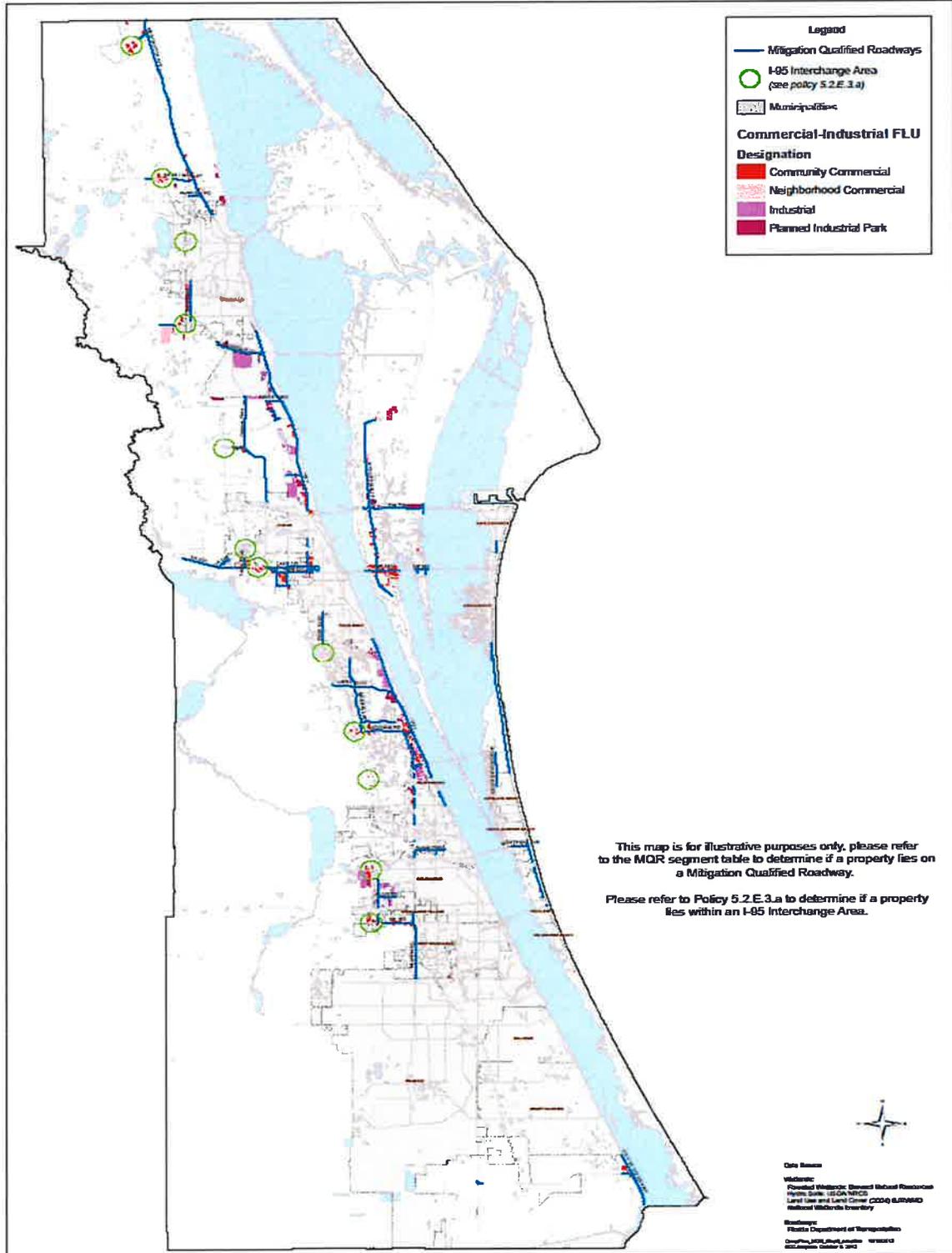


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CONSERVATION ELEMENT



**Brevard County - Comprehensive Plan**



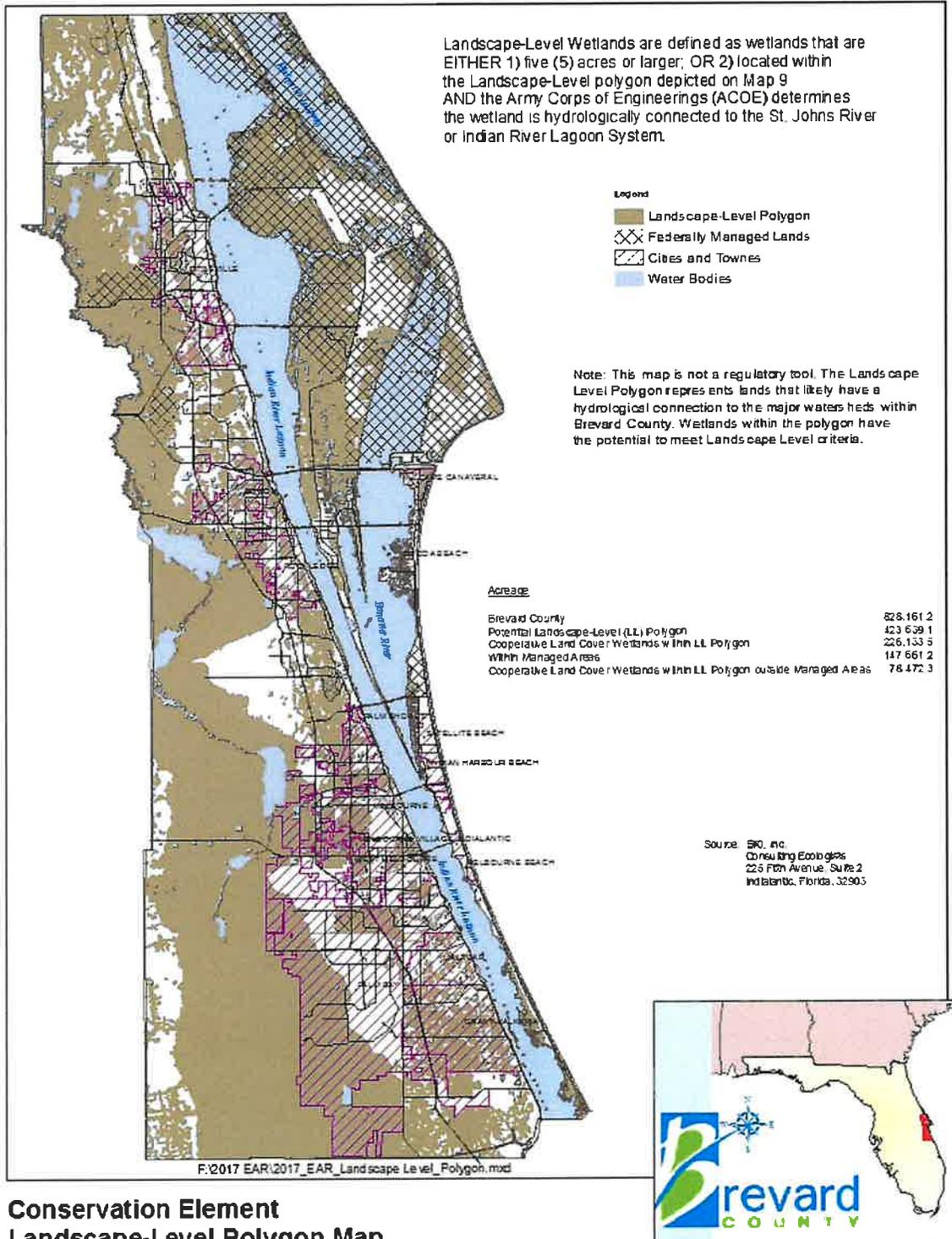
**Mitigation Qualified Roadways/I-95 Interchange Areas**

**CONSERVATION ELEMENT**

| MQR SEGMENT NAME<br>(Segments apply ONLY in<br>unincorporated areas<br>of Brevard County) | FROM   | TO   |
|---|--|--|
| Stuck Way Rd (CR 5A)  | I-95 interchange area*                                 | U.S. Highway 1   |
| U.S. Highway 1  | County Line Rd   | Kingman Rd (Titusville City Northern Boundary)                 |
| SR 46 / Main St   | I-95 interchange area*                                 | Approx. 300' west of Turpentine Rd                             |
| SR 46 / Main St   | I-95 interchange area*                                 | U.S. Highway 1   |
| Parrish Rd  | Singleton Ave  | U.S. Highway 1   |
| Cheney Hwy (SR 50)  | I-95 interchange area*                                 | Approx. 5,800' west of I-95 interchange area*                  |
| South Street  | Cheney Hwy (SR 50)                                     | Fox Lake Rd  |
| Columbia Blvd (SR 405)  | Woodland Hills Dr                                      | U.S. Highway 1   |
| U.S. Highway 1  | Titusville City Boundary                               | Cocoa City Boundary  |
| Grissom Pkwy  | Titusville City Boundary                               | Cocoa City Boundary  |
| Port St. John Pkwy  | I-95 interchange area*                                 | Grissom Pkwy   |
| Kings Hwy   | U.S. Highway 1   | Approx. 325' west of Koesaw                                    |
| Curtis Blvd   | Fay Blvd   | Approx. 210' east of Song Dr                                   |
| Fay Blvd  | Carole Ave   | Adobe Ave  |
| Canaveral Groves Blvd   | U.S. Highway 1   | Approx. 330' west of Morris Ave                                |
| SR 520  | I-95 interchange area*                                 | Penny Ln   |
| SR 524  | SR 520   | Cocoa City Boundary  |
| Friday Rd   | SR 520   | Cocoa City Boundary  |
| Lake Dr   | SR 520   | Cocoa City Boundary  |
| School St   | Clearlake Rd   | Pineda St  |
| King St (SR 520)  | I-95 interchange area*                                 | Cocoa City Boundary  |
| Peachtree St  | Clearlake Rd   | Pineda St  |
| Pineda St   | Peachtree St   | School St  |
| Burnett Rd  | Lake Dr  | Pluckebaum Rd  |
| Range Rd  | Lake Dr  | Pluckebaum Rd  |
| Pluckebaum Rd   | Burnett Rd   | Approx. 700' east of Range Rd                                  |
| Clearlake Rd  | SR 520   | Tate St  |
| Fiske Blvd  | I-95 interchange area*                                 | Eyster Blvd  |
| U.S. Highway 1  | Rockledge City Boundary                                | Post Rd (Melbourne City Boundary)                              |
| Murrell Rd  | Wickham Rd   | Rockledge City Boundary  |
| Viera Blvd  | Stadium Pkwy   | U.S. Highway 1   |
| Spyglass Hill Rd  | Murrell Rd   | Pinehurst Ave  |
| Wickham Rd  | I-95 interchange area*                                 | New Haven Ave (SR 192)   |
| Suntree Blvd  | Wickham Rd   | U.S. Highway 1   |
| Pineda Cswy   | Wickham Rd   | RR Crossing  |
| Anroca Rd   | Citrus St  | Melbourne City Boundary (Approx. 235' east of Alpha Dr)        |
| Croton Rd   | Carlton Dr   | Melbourne City Boundary (Approx. 100' north of Leewood Blvd)   |
| John Rodes Blvd   | Melbourne City Boundary (N end of Lamplighter Village) | New Haven Ave (SR 192)   |
| Elbis Rd  | John Rhodes Blvd                                       | Distribution Dr  |
| New Haven Ave (SR 192)  | I-95 interchange area*                                 | Minton Road  |
| Babcock St  | Micco Rd   | Approx. 680' north of Micco Rd                                 |
| Micco Rd  | Babcock Road   | Approx. 1,310' east of Babcock St                              |
| US 1/SR 5/Dixie Hwy   | Senne St (Grant - Valkaria City Boundary)              | Sebastian Inlet Bridge (South Brevard County Line)             |
| Micco Rd  | US 1/SR 5/Dixie Hwy                                    | Approx. 340' west of Pine Ridge Trail                          |
| N Courtenay Pkwy  | Pine Island Rd   | SR 520   |
| Courtenay Pkwy  | SR 520   | Approx. 470' south of Island Beach Blvd.                       |
| Sea Ray Dr  | N Courtenay Parkway                                    | Banana River Dr  |
| Marine Harbor Dr  | N Courtenay Parkway                                    | Tropical Tr  |
| Tropical Tr   | Marine Harbor Dr                                       | Barge Canal  |
| N Banana River Dr   | Barge Canal  | Stafford Ave   |
| Merritt Island Cswy (SR 520)  | Indian River Lagoon (east shore)                       | New Found Harbor (west shore)                                  |
| Merritt Island Cswy (SR 520)  | Newfound Harbor (east shore)                           | Banana River (west shore)                                      |
| Milford Point Dr  | Merritt Island Cswy                                    | Approx. 625' north of Merritt Island Cswy                      |
| Banana River Dr   | Merritt Island Cswy                                    | Approx. 1,200' south of Merritt Island Cswy                    |
| Newfound Harbor Dr  | Merritt Island Cswy                                    | Approx. 175' south of Kessler Dr                               |
| Atlantic Ave  | Grant  | Barlow   |
| Orlando Ave (SR A1A)  | 11th St (Cocoa Beach City Boundary)                    | Atlantic Ave (SR A1A)  |
| Atlantic Ave/SR A1A   | Indian Village Trail (Cocoa Beach City Boundary)       | Grosse Pointe Ave (Indian Atlantic City Boundary)              |
| SR 513/5 Patrick Dr   | Pineda Cswy  | Satellite Beach City Boundary (Approx. 185' north of Siena Ct) |
| Eau Gallie Blvd   | Harbor City Parkway                                    | SR A1A   |

\* - Please refer to Policy 5.2.E.3.a

## CONSERVATION ELEMENT



**Conservation Element  
 Landscape-Level Polygon Map**



11/7/2024

**CONSERVATION ELEMENT**

**CHAPTER PART II**

**SURFACE WATER MANAGEMENT ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### GOAL SF

A safe, efficient, environmentally sound, and comprehensive surface water management system in Brevard County.

#### Stormwater Management Plan Implementation

##### Objective SF 1

~~Correct~~ Identify existing stormwater system deficiencies to ensure preservation and improvement of surface water quality, enhance existing stormwater systems, and implement new stormwater systems according to priorities established within the County's ~~Stormwater Management Plans~~ stormwater area studies to ensure preservation and improvement of surface water quality.

##### Policy SF 1.1

Brevard County shall continue to implement and update ~~Stormwater Management Plans~~ stormwater area studies which establish criteria and methodologies for drainage basin analysis and Level of Service standards. Drainage basins will be prioritized and analyzed based on severity of problems and available funding. The analysis shall identify the following information, at a minimum:

###### Criteria:

- A. Surface water drainage basins and sub-basins.
- B. Public and private stormwater treatment facilities, including detention/retention facilities, and the entity having operations responsibility.
  1. For shared facilities, the proportional capacity allocated to each entity shall be identified.
  2. The geographic service area of each facility and the predominant types of land use served by the facility.
  3. The design capacity of the facility.
  4. The current demand on the facility.
  5. The impact of the drainage facility on adjacent natural resources, including water quality of receiving waters.
- C. Estimated timeframe and costs of correcting deficiencies.

##### Policy SF 1.2

Priorities for basin analysis and retrofitting shall be established using a matrix approach and the following criteria, at a minimum:

###### Criteria:

- A. Health and safety.
- B. Flooding potential.

## SURFACE WATER MANAGEMENT

- C. Impact of stormwater on the water quality of the receiving water bodies.

**Policy SF 1.3**

The Natural Resources Management Department shall be the lead agency for the development and implementation of the Stormwater Management Plans and shall coordinate its efforts with the Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDL's), and the National ~~Pollution~~ Pollutant Discharge Elimination System (NPDES) permit schedule and requirements.

**Policy SF 1.4**

Where an approved stormwater system has been altered, resulting in negative impacts to neighboring properties, Brevard County shall require property owners to return these systems to their original design or to an approved design which is a betterment, as appropriate. Any such improvements shall be consistent with the adopted Stormwater Management Criteria within the Land Development Regulations: Chapter 62, Article X, Division 6.

**Policy SF 1.5**

Brevard County shall address modification of existing development which does not meet stormwater management standards within the Stormwater Management Criteria, and should use available financial mechanisms for the modification of such development.

**Criteria:**

- A. ~~Stormwater~~ During modification of existing development, stormwater management facilities within existing developments should be ~~retrofit~~ retrofitted to provide for treatment of runoff (including sediment removal where appropriate) prior to release to receiving waters. The Level of Service Standards for these facilities shall ~~be~~ include the reduction of the pollutant loading as necessary to enhance or maintain the beneficial uses of the receiving water and to meet receiving water standards per Florida Administrative Code. All facilities should be maintained at design capacity.
- B. ~~Properties~~ During modification of existing development, properties with bulkheads or seawalls ~~should be modified~~ shall be enhanced so that runoff is detained prior to release to the receiving body. This may be achieved by planting native or other appropriate vegetation along the shoreline to retain silt, sediment, and nutrients so that the quality and rate of runoff is equivalent to the pre-development state.
- C. ~~Properties~~ During modification of existing development, properties with ~~altered~~ vegetated shorelines ~~should modify the shorelines~~ shall be enhanced to retain silt, sediment, and nutrients by planting native ~~vegetation~~ or other appropriate vegetation. A detention structure, swale, and/or berm may be used to allow sediments to settle and nutrient uptake to occur only if

**SURFACE WATER MANAGEMENT**

non-native vegetation is predominant. Runoff quality and rates should be equivalent to the pre-development state.

**Policy SF 1.6**

Brevard County's Stormwater ~~Utilities~~ Utility Program will continue to include a program for periodic, scheduled inspections of stormwater management facilities.

**Policy SF 1.7**

Brevard County should continue the public information program on the value of stormwater management. The County should continue to coordinate this program with ~~Natural Resource Conservation Service (NRCS)~~ FDEP, SJRWMD, the Indian River Lagoon National Estuary Program, and other appropriate organizations and agencies.

**Policy SF 1.8**

Brevard County shall ~~determine the feasibility of~~ consider innovative methods of stormwater treatment. ~~Innovative methods of stormwater treatment should be construed as any technique other than standard retention and detention basin, and which shall include such alternatives as stormwater reuse and nature-based area-wide stormwater management facilities systems.~~

**Policy SF 1.9**

Brevard County shall pursue funding from federal, ~~s~~State, and regional sources to investigate and utilize innovative methods of stormwater treatment.

**Policy SF 1.10**

Funding sources for development and implementation of the ~~Stormwater Management Plans~~ stormwater area studies will continue to include the stormwater utility which is also identified within the Capital Improvements Element.

**Policy SF 1.11**

Brevard County shall continue to implement the stormwater utility as a reliable long-term funding mechanism to correct existing deficiencies and to provide for future stormwater management needs. Fee structure may be related to type of development, quantity of runoff generated, impervious surface, or other "user related" standard.

**Policy SF 1.12**

~~Land use decisions relating to water resources and natural drainage features should be consistent with comprehensive water basin management plans. Area wide water quality management plans should be considered during the continued development of the BMAP. All new development shall meet the established stormwater requirements. If during the time that the Stormwater Ordinance is being implemented~~ reviewed and updated, it becomes apparent that additional regulations are required in order to protect water quality in surface water bodies in Brevard County, the County will initiate protective regulations through the adoption or revision of ~~t~~Land ~~d~~Development ~~r~~Regulations.

**SURFACE WATER MANAGEMENT**

**Policy SF 1.13**

~~During continued development of the Stormwater Ordinance, the~~ The County shall initiate the adoption of periodically review and update as necessary its retention and detention standards for stormwater throughout Brevard County.

**Policy SF 1.14**

Brevard County should support a program to retrofit large drainage canals with water control structures or rapid infiltration basins to hold canal stages high during the dry season. This would reduce irrigation demands, conserve ground water resources, and reduce degradation of water quality of the Indian River Lagoon and the St. Johns River.

**Policy SF 1.15**

Nonstructural methods of stormwater management that reduce the generation and accumulation of potential stormwater runoff contaminants should be utilized to the maximum extent possible. Nonstructural methods of stormwater management include pesticide and herbicide control, proper fertilizer management, erosion control, proper waste disposal, etc. In addition, the use of wetlands and floodplains should be utilized whenever feasible in such a manner as to maintain the natural function and biodiversity of the system.

**Policy SF 1.16**

No new structures (such as dams, weirs, locks, levees, or other artificial mechanisms) designed to control the stage and/or flow of waters of the State shall be constructed, except where no practical alternative exists and where such structures are necessary to protect the public safety; safeguard existing flood control structure, habitable structures, and other public investments; improve water quality; or restore the function of the natural water-dependent ecosystem. The use of temporary structural modifications to control the stage or flow of a water body as a part of any government sanctioned program of flood control, water quality restoration, habitat restoration, or exotic plant control should be designed and operated so as to minimize harm to non-target organisms or natural ecosystems.

**Policy SF 1.17**

The channelization, dredging, or impoundment of natural waters of the State shall be prohibited, except where no practical alternative exists for those operations necessary to correct existing threats to public health or safety, allow maintenance of existing navigational waterways, improve water quality, or provide reasonable access to water-dependent shore-based facilities. All practical steps shall be taken to minimize adverse impacts to biological attributes of the water resources and water-dependent natural systems.

## **Meeting Future Needs**

### **Objective SF 2**

Require stormwater management facilities to meet future development requirements, consistent with the County's Stormwater Ordinance.

### **Policy SF 2.1**

Brevard County's ~~Stormwater Management Plans~~ stormwater area studies shall coordinate the timing and location of stormwater management facilities to projected future needs and the Future Land Use plan. Intensity and levels of stormwater services shall be tied to the development of an area, and consistent with level of service standards.

### **Policy SF 2.2**

The Stormwater ~~Utilities~~ Utility Program shall continue to leverage alternative methods of funding for the provision of projected future stormwater management needs. These may include, but are not limited to, impact fees, capacity reservation fees, or hookup fees to pay for new public facilities or improvements to existing public facilities required for new development.

### **Policy SF 2.3**

Brevard County requires that new stormwater management facilities or techniques shall not negatively impact adjacent properties.

### **Policy SF 2.4**

Brevard County should develop a schedule for maintenance of all existing County maintained stormwater management facilities.

### **Policy SF 2.5**

The provision of stormwater management facilities by the County shall be coordinated and consistent with the provision of other facilities, as directed by this Comprehensive Plan, including the Future Land Use, Conservation, Coastal Management, Transportation, and Capital Improvements Elements.

### **Policy SF 2.6**

The development and use of stormwater management facilities by Brevard County shall be undertaken to maximize the overall public benefit, while minimizing construction, operation, and maintenance costs.

## **Concurrency Management**

### **Objective SF 3**

Require new development to adequately manage stormwater generated by the development.

**Policy SF 3.1**

The Brevard County Land Development Regulations shall require all new development being site planned or subdivided to provide for stormwater management, which meets the following Level of Service Standards, at a minimum:

**Criteria:**

- A. Retention and detention requirements shall at a minimum meet SJRWMD ~~E~~criteria.
- B. Retention of the first inch of runoff.
- C. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25 year - 24 hour storm event.
- D. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, FAC.

**Policy SF 3.2**

Brevard County shall maintain Land Development Regulations consistent with the following minimum criteria:

**Criteria:**

- A. Land Development Regulations shall be consistent with Brevard County Subdivision and Site Plan Regulations and subsequent amendments or any subsequent stormwater land development regulation, whichever is more stringent.
- B. Land Development Regulations shall require any other design standards as may be required, including the flexibility for the use of the 2-pond retention/detention system or other innovative method of stormwater management approved by the Natural Resources Management Department.
- C. Land Development Regulations shall require performance bonds, annual operating fee, or other fee structure for the maintenance of private systems which are accepted by the County for maintenance but not for ownership.
- D. If it becomes apparent that additional regulations are required in order to protect water quality in surface water bodies, Brevard County will initiate protective regulations through the adoption or revision of Land Development Regulations.
- E. A plan amendment will be required to change or alter the level of service standards adopted for drainage facilities.

**SURFACE WATER MANAGEMENT**

**Policy SF 3.3**

Brevard County shall require stormwater management systems to employ the most efficient and cost-effective control techniques available, including Best Management Practices to control siltation and prevent erosion.

**Policy SF 3.4**

Brevard County shall continue record keeping on stormwater management practices and monitoring of selected facilities. This information will provide a database for sState, regional, and local programs.

**Policy SF 3.5**

Brevard County shall provide stormwater treatment facilities for all roadways; which it constructs or improves for the purpose of increasing traffic flow. These facilities shall be designed, constructed, operated, and maintained consistent with County and sState standards.

**Policy SF 3.6**

~~Brevard County should investigate the delegation of stormwater permitting from the SJRWMD or the FDEP, as appropriate.~~ If Brevard County accepts delegation of stormwater permitting from the SJRWMD or the FDEP, this program shall be properly funded and adequately staffed.

**Policy SF 3.7**

The Natural Resources Management Department shall ~~review~~ consider and comment as necessary on the impact of new development on stormwater conveyance systems. If the ~~conveyance system is~~ stormwater impacts from proposed development are determined to ~~be deficient~~ cause or contribute to adverse local or downstream impacts, the developer shall be required to retain additional runoff on site; or make improvements to the conveyance system equal to the impact of the new development.

**Natural Drainage Functions**

**Objective SF 4**

Maintain the function of natural drainage features within Brevard County by reducing loss of flood storage capacity, protecting the functional value of wetlands, and by reducing the interbasin diversion of waters from the St. Johns River basin into the Indian River Lagoon. Quality of waters which are diverted into the Lagoon system shall be improved.

**Policy SF 4.1**

Surface water interbasin diversions for new development shall be prohibited. The reduction or elimination of existing interbasin diversions to re-establish the historic St. Johns River drainage basin shall be encouraged.

**Policy SF 4.2**

Brevard County shall review and provide comments on all sState and federal proposals for controlling or retrofitting the existing interbasin canals for consistency with this Comprehensive Plan. The County shall request compliance and consistency with this Comprehensive Plan.

**Policy SF 4.3**

Brevard County should support the development of a program by the SJRWMD to coordinate surface water management data. ~~Information should be collected, reviewed, and placed on a computer model to~~ and determine cumulative effects of new development on discharge rates and volumes.

**Policy SF 4.4**

Brevard County should continue to coordinate stormwater management plans within the County with municipalities and State and Ffederal land holders.

**Policy SF 4.5**

~~Development within areas prone to flooding due to localized soil conditions or hydrology~~ shall not negatively impact adjacent properties or receiving surface water body quality.

**Policy SF 4.6**

Brevard County shall ~~fulfill the intent of the Conservation and Coastal Management elements of this Comprehensive Plan for~~ provide for the protection of the County's natural drainage features in coordination with the Conservation and Coastal Management Elements of this Comprehensive Plan.

**Policy 4.7**

~~Public facilities should not be located within the 100-year floodplain or wetland areas unless the following apply:~~

**Criteria:**

- ~~A.—The facilities are water-dependent, such as boat ramps, docks, mosquito control facilities excluding their chemical storage areas, or other uses described as water-dependent in the glossary of this Comprehensive Plan; or,~~
- ~~B.—The facilities are water-related, or surface water management facilities or other uses described as water-related in the glossary of this Comprehensive Plan; or,~~
- ~~C.—The facilities are not adversely affected by periodic flooding or standing water, such as highway bridges and some recreational facilities; or,~~
- ~~D.—The building structures are flood proofed and located above the 100-year flood elevation or removed from the floodplain by appropriately constructed dikes or levees; or,~~

**SURFACE WATER MANAGEMENT**

- E. ~~The facilities are found to be in the public interest and there is no feasible alternative.~~

**Policy 4.8**

Brevard County shall continue its implementation of a mosquito impoundment management plan which should address the following criteria, at a minimum:

**Criteria:**

- A. ~~Acquisition of impoundments for maintenance and operation.~~
- B. ~~Appropriate water management system shall be utilized.~~
- C. ~~Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.~~
- D. ~~Proposed alteration of an impoundment should be reviewed by Mosquito Control. Brevard County should compensate property owners for mosquito impoundments when this use precludes all use by the owner or when no alteration would be acceptable to Mosquito Control.~~
- E. ~~Non-permitted alteration of an impoundment shall be enforced by Brevard County.~~
- F. ~~All mosquito impoundments should be evaluated and those found to be breached or non-functional should be repaired by the appropriate Mosquito Control District.~~
- G. ~~Those fully functioning impoundments determined to be needed by the Mosquito Control District, should be placed under a rotational impoundment management plan as approved by the Florida Coordinating Council on Mosquito Control.~~
- H. ~~Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.~~
- I. ~~Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.~~
- J. ~~The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.~~

**SURFACE WATER MANAGEMENT**

K. ~~Brevard County should develop a program to acquire right-of-way or easements for drainage systems and mosquito control systems which the County maintains, if not already acquired.~~

**Policy 4.9 SF 4.7**

~~Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall to coordinate such a program water quality and sediment monitoring programs within the Indian River Lagoon system with other federal, sState, and local agencies. Specific methods of coordination include making data available to other agencies, and coordinating possible management strategies. A water and sediment monitoring program will be evaluated at least every 5 years to determine deficiencies or other necessary changes.~~

**Policy 4.10 SF 4.8**

Brevard County will continue to identify and map point and non-point sources of pollution within the Indian River Lagoon and St. Johns River watersheds to reduce pollutant loading sources. This program shall be coordinated with other federal, sState, and local agencies.

**Policy 4.11 SF 4.9**

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations will be reported to the appropriate federal, sState, and local regulatory agencies for further action and enforcement.

**Policy 4.12 SF 4.10**

Brevard County shall continue to participate in the development and implementation, as appropriate, of the BMAP, as developed in coordination with the FDEP and SJRWMD.

**CHAPTER PART III**

**RECREATION AND OPEN SPACE ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### **GOAL ROS 1**

Provide a comprehensive park and open space system which offers opportunities for a variety of passive and active recreation, promotes visual appeal, and provides relief from expanses of development.

### **Park and Open Space System**

#### **Objective ROS 1.1**

Provide a system of parks and open space to meet the recreational needs of the public.

#### **Policy ROS 1.1.1**

The Brevard County Parks and Recreation Department develops, operates, and maintains the County's parks and recreational areas as well as other facilities ~~managed from owned by~~ the State of Florida, Brevard ~~County School Board Public Schools, and other lands managed or other entities.~~ This involves the general management of the facilities and program evaluation to identify existing deficiencies and recreational needs for future development. ~~The Department's responsibilities extend to the construction, operation and maintenance of all county recreational facilities.~~

#### **Policy ROS 1.1.2**

~~A~~ The County shall strive to maintain a system of parks and recreational facilities meeting the needs of the population ~~shall be maintained to provide for the~~ as defined by acceptable levels of service (LOS) standards.

#### **Policy 1.3**

~~Brevard County establishes an acceptable level of service (A.L.O.S.) of total developed acreage of County owned or managed parks, except for the city owned and County operated parks of Titusville, Rockledge, Cocoa and Brevard County School sites, at 3.0 acres per 1,000 people living in the unincorporated areas of the County.~~

#### **Policy 1.4**

~~Brevard County establishes three Parks Operations Areas:~~

- ~~• North Area Parks Operations;~~
- ~~• Central Area Parks Operations; and~~
- ~~• South Area Parks Operations.~~

#### **Policy 1.5 ROS 1.1.3**

~~Provide~~ The County shall provide adequate maintenance to ensure that existing facilities remain open to the public.

## RECREATION AND OPEN SPACE ELEMENT

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**Policy 1.6 ROS 1.1.4**

~~Develop~~ The County shall develop and enhance existing parks and open space sites to provide additional facilities based on the needs of the public and as funding ~~become becomes~~ available.

**Policy 1.7 ROS 1.1.5**

~~Acquire~~ The County shall acquire additional parks and open space based on the needs of the public and as funding becomes available.

**Policy 1.8 ROS 1.1.6**

Brevard County shall continue to identify appropriate linear open spaces for potential greenway network programming, potential acquisition, planning, and development as funding becomes available. A greenways network shall be coordinated to promote, develop, and maintain linear connections between existing and proposed parks and open spaces. The greenways network shall provide for pedestrian, bicycle, non-motorized, and other passive uses.

**Policy 1.9**

~~Brevard County's Land Development Regulations shall continue to implement the following provisions:~~

- ~~• Regulations which preserve scenic vistas and establish vegetative coverage requirements for developing and redeveloping properties; and~~
- ~~• Regulations concerning the provision of oceanfront and riverfront breezeways:~~

**Policy 1.10**

~~Oceanfront breezeways shall be provided to permit unrestricted movement of onshore breezes and preserve visual access to the ocean. All oceanfront property, except single-family residential, shall have a minimum of 30 percent of the width clear as breezeway/visual corridor pursuant to current Land Development Regulations:~~

**Policy 1.11**

~~Riverfront breezeways shall provide for a minimum 30 percent breezeway, as measured along the waterfront and visual corridor of each property's river frontage, except single-family residential, pursuant to current Land Development Regulations:~~

**Policy ROS 1.1.7**

Brevard County shall protect its established and planned greenway network trail facilities by prohibiting ingress and egress crossings to those properties that have alternative access options.

**RECREATION AND OPEN SPACE ELEMENT**

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**Policy 1.12 ROS 1.1.8**

Brevard County shall maintain, and update, as may be necessary, an inventory of County-owned or managed ~~by agreement~~ parks ~~that are open to the public by Parks Operations Area~~. This inventory will be used to assess whether the ~~adopted~~ acceptable Levels of Service LOS standards are being achieved and maintained. The inventory of parks will be reviewed for amendment to the Future Land Use Map, as needed.

**Visual Appeal**

**Objective ROS 1.2**

Provide for natural visual appeal and relief from visual expanses of development throughout the County.

**Policy ROS 1.2.1**

Brevard County shall maintain regulations to preserve scenic vistas and establish vegetative coverage requirements for developing and redeveloping properties.

**Policy ROS 1.2.2**

The County shall require oceanfront breezeways to permit unrestricted movement of breezes and to preserve visual access to the ocean. All developed oceanfront property except single-family residential shall have a minimum of 30 percent of the lot width as breezeway/visual corridor.

**Policy ROS 1.2.3**

The County shall require riverfront breezeways to permit unrestricted movement of breezes and to preserve visual access to the river. All developed riverfront property except single-family residential shall have a minimum of 30 percent of the lot width as breezeway/visual corridor.

**Goal**

~~Provide a comprehensive program of active and passive recreation that meets the needs of the public.~~

**Public and Private Access to Waterways**

**Objective 2 ROS 1.3**

To ensure that Brevard's waterways are a publicly-accessible local system of waterways linked to a larger regional system that contributes to the greatest possible recreational and commercial access to the navigable waters of the State of Florida in a manner that does not jeopardize their environmental values.

**RECREATION AND OPEN SPACE ELEMENT**

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**Policy 2.1 ROS 1.3.1**

The County shall ~~identify, maintain an~~ inventory and characterize of its system of waterways in terms of use, capacity, and relationship to recreational and commercial working waterfronts.

**Policy 2.2 ROS 1.3.2**

The County shall use this data when identifying future public access opportunities, for integrating waterways with recreational and commercial working waterfronts, and when coordinating with other jurisdictions on the potential regional aspects.

**Maintenance of Parks and Open Space System**

**Objective 3 ROS 1.4**

A system of parks and recreation facilities meeting the needs of the population shall be maintained to provide for organized recreational programs and passive enjoyment of park resources.

**Policy 3.1 ROS 1.4.1**

~~Recreational programs shall be offered~~ The County shall offer recreational programs at existing facilities as funding becomes available based on facility capacities, staff resources, and the leisure pursuit interests of the public.

**Policy 3.2 ROS 1.4.2**

The County will strive to locate future parks at, near~~by~~, or adjoining existing school sites through coordination with ~~the Brevard County School Board~~ Public Schools, other government agencies, and not-for-profit organizations, where feasible.

**Policy 3.3 ROS 1.4.3**

The County will strive to coordinate joint-use agreements with Brevard ~~County~~ schools Public Schools.

**Policy 3.4 ROS 1.4.4**

~~Adequate levels of staff shall be maintained~~ The County shall maintain adequate levels of staff to ensure that recreational programs are cost effective and properly administered.

**Policy 3.5 ROS 1.4.5**

~~Persons with disabilities shall be provided access~~ The County shall provide adequate accessibility to ~~c~~County-owned or operated recreational facilities in accordance with the Americans with Disabilities Act.

**RECREATION AND OPEN SPACE ELEMENT**

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**Policy 3.6 ROS 1.4.6**

Enhance The County shall enhance the existing public access sites to beaches, shores, parks, and conservation lands by providing additional facilities as determined by need, the character of the land, and as funding becomes available.

**Policy 3.7 ROS 1.4.7**

Brevard County shall encourage cultural and related programs.

**Environmentally Endangered Lands**

**Objective ROS 1.5**

Continue to provide for the protection of environmentally endangered lands and maintain appropriate public access, recreational use, and environmental education opportunities.

**Policy ROS 1.5.1**

Brevard County shall continue the Environmentally Endangered Lands Program (EEL), as authorized by the voter-approved public referenda in 1990 and 2004. In coordination with the goals, objectives, and policies of the Conservation Element, this program shall continue to provide appropriate passive recreation and environmental education opportunities for the County's citizens and visitors.

**GOAL ROS 2**

Attain public and private support for the acquisition, development, operation, and maintenance of recreational facilities and open space areas and for the development and operation of recreational programs.

**Level of Service**

**Objective 4 ROS 2.1**

Provide adequate funding to achieve the appropriate acceptable levels of service LOS standards in a cost-effective manner.

**Policy 4.1 ROS 2.1.1**

Various means shall be utilized by Brevard County to fund The County shall prioritize available funding for the acquisition, and development, operation, and maintenance of parks and recreational areas and to provide recreational programs.

**RECREATION AND OPEN SPACE ELEMENT**

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**Policy 4.2 ROS 2.1.2**

~~Establish~~ The County may establish user fees and/or enterprise funds to offset costs at park sites where facilities and programs are ~~intensive and require continued care and operational guidance.~~ provided.

**Policy 4.3 ROS 2.1.3**

~~Monitor~~ The County shall monitor joint-use and contractual agreements to ensure cost effectiveness and that County needs are served.

**Policy 4.4 ROS 2.1.4**

The County may seek grant funding to acquire, develop, operate, and maintain parks and to provide recreational programs.

**Public and Private Partnerships**

**Objective 5 ROS 2.2**

Coordinate public and private resources to meet recreational demands.

**Policy 5.1 ROS 2.2.1**

~~Development of residential areas shall provide~~ The County shall require the provision of active recreation and open space areas through the use of Planned Unit Development, open-space subdivisions, and other techniques; to augment public recreational facilities and to provide direct, convenient facilities to meet the recreational needs of the residents.

**Policy 5.2 ROS 2.2.2**

Brevard County may acquire lands, funds, or both; to ~~gain~~ provide for additional ~~neighborhood or community parks and open space as necessary to support new residential development.~~

**RECREATION AND OPEN SPACE ELEMENT**

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**APPENDIX**

**LIST OF TABLES**

**Table — Title**

**1. — Park Inventory by Park Operations Area**

**TABLE 1**

**Brevard County Parks and Recreation Department**

*2017 Acceptable Level of Service Acreage  
July, 2017*

| <i>North Area</i>                                      |               |
|--|---------------|
| <i>Bernice G. Jackson Park</i>                         | <i>21.62</i>  |
| <i>Blue Hole Park</i>                                  | <i>.45</i>    |
| <i>Chain of Lakes</i>                                  | <i>270.19</i> |
| <i>City Point Community Church</i>                     | <i>.40</i>    |
| <i>Guyler Park</i>                                     | <i>13.31</i>  |
| <i>Fay Lake Wilderness Park</i>                        | <i>192.70</i> |
| <i>Fay Park</i>  | <i>11.10</i>  |
| <i>Fox Lake Park</i>                                   | <i>31.57</i>  |
| <i>Friendship Park</i>                                 | <i>.96</i>    |
| <i>Gibson Complex and Fields</i>                       | <i>22.71</i>  |
| <i>Harry T. &amp; Harriette V. Moore Memorial Park</i> | <i>11.93</i>  |
| <i>Hatbill Park</i>                                    | <i>15.00</i>  |
| <i>Holder Park</i>                                     | <i>40.95</i>  |
| <i>Kennedy Point Park</i>                              | <i>5.38</i>   |
| <i>Manatee Hammock</i>                                 | <i>26.45</i>  |
| <i>Mims Launch Ramp</i>                                | <i>.75</i>    |

**RECREATION AND OPEN SPACE ELEMENT**

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|   |                 |
|---|-----------------|
| <i>Nicol Park</i>                             | <i>5.27</i>     |
| <i>North Brevard Senior Center</i>            | <i>16.68</i>    |
| <i>Parrish Park – Scottsmoor</i>              | <i>16.95</i>    |
| <i>Parrish Park – Titusville</i>              | <i>36.60</i>    |
| <i>Port St John Boat Ramp</i>                 | <i>1.03</i>     |
| <i>Port St John Community Center</i>          | <i>5.48</i>     |
| <i>Rotary Riverfront Park</i>                 | <i>5.79</i>     |
| <i>Sandrift Community Center</i>              | <i>2.41</i>     |
| <i>Scottsmoor Landing</i>                     | <i>3.04</i>     |
| <i>Scottsmoor Meeting Hall</i>                | <i>.46</i>      |
| <i>Sherwood Park</i>                          | <i>4.00</i>     |
| <i>Singleton Tennis Courts</i>                | <i>4.42</i>     |
| <i>Six Mile Creek</i>                         | <i>4.15</i>     |
| <i>Space Coast Communities Sports Complex</i> | <i>207.18</i>   |
| <i>Stuart Park</i>                            | <i>3.00</i>     |
| <i>Tom Statham Park</i>                       | <i>5.15</i>     |
| <i>W. W. James Park</i>                       | <i>40.17</i>    |
| <i>William J. Manzo Memorial Prk</i>          | <i>2.37</i>     |
| <i>Total ALOS Park Acreage – North Area</i>   | <i>1,029.62</i> |

*Central Area*

**RECREATION AND OPEN SPACE ELEMENT**

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|   |                 |
|---|-----------------|
| <i>Cherie Down Park</i>                     | <i>6.99</i>     |
| <i>Cocoa West Recreation Area</i>           | <i>18.85</i>    |
| <i>Dolphin Park</i>                         | <i>.72</i>      |
| <i>F. Burton Smith Regional Park</i>        | <i>1,103.95</i> |
| <i>Harbor Point Park</i>                    | <i>.09</i>      |
| <i>Intracoastal Waterway Park</i>           | <i>8.50</i>     |
| <i>James G. Bourbeau Memorial Park</i>      | <i>194.54</i>   |
| <i>Kelly Park East</i>                      | <i>15.37</i>    |
| <i>Kelly Park West</i>                      | <i>40.93</i>    |
| <i>Kings Park</i>                           | <i>240.00</i>   |
| <i>Kiwanis Island Park</i>                  | <i>23.93</i>    |
| <i>Lee Wenner Park</i>                      | <i>11.55</i>    |
| <i>Leroy Wright Recreation Area</i>         | <i>55.56</i>    |
| <i>Lori Wilson Park</i>                     | <i>34.50</i>    |
| <i>Manatee Cove Park</i>                    | <i>29.52</i>    |
| <i>Margaret &amp; Danny Strickland Park</i> | <i>.25</i>      |
| <i>McLarty Park</i>                         | <i>19.85</i>    |
| <i>Mitchell Ellington Park</i>              | <i>114.15</i>   |
| <i>Osteen Park</i>                          | <i>3.60</i>     |
| <i>Pineda Park</i>                          | <i>4.52</i>     |
| <i>Pineview Park</i>                        | <i>3.77</i>     |
| <i>Riverwalk – A Family Park</i>            | <i>6.37</i>     |

**RECREATION AND OPEN SPACE ELEMENT**

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|   |                 |
|---|-----------------|
| <i>Robert P. Murkshe Memorial Park</i>        | <i>2.50</i>     |
| <i>Rotary Park Merritt Island</i>             | <i>37.90</i>    |
| <i>Silver Pines Park</i>                      | <i>3.77</i>     |
| <i>Ulumay Wildlife Sanctuary</i>              | <i>436.53</i>   |
| <i>Veterans Memorial Park</i>                 | <i>68.66</i>    |
| <i>Watts Park</i>                             | <i>2.07</i>     |
| <i>Woody Simpson Park</i>                     | <i>8.91</i>     |
| <i>Beach Access Sites</i>                     | <i>3.64</i>     |
| <i>Total ALOS Park Acreage – Central Area</i> | <i>2,501.49</i> |

| <i>South Area</i>                    |              |
|--------------------------------------|--------------|
| <i>Bonsteel Park</i>                 | <i>2.34</i>  |
| <i>Brevard Zoo Linear Park</i>       | <i>37.03</i> |
| <i>Ganovva Beach Park</i>            | <i>9.10</i>  |
| <i>Christenson's Landing</i>         | <i>3.92</i>  |
| <i>Goconut Point Park</i>            | <i>36.90</i> |
| <i>Eau Gallie Causeway Boat Ramp</i> | <i>1.40</i>  |
| <i>Erna Nixon Park</i>               | <i>53.93</i> |
| <i>First Street Boat Ramp</i>        | <i>.64</i>   |
| <i>Fisherman's Landing</i>           | <i>7.48</i>  |

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|  |               |
|--|---------------|
| <i>Flutie Athletic Complex</i>               | <i>36.49</i>  |
| <i>Howard E. Futch Memorial Park</i>         | <i>12.39</i>  |
| <i>Irene H. Canova Park</i>                  | <i>3.95</i>   |
| <i>John Jorgensen's Landing</i>              | <i>1.01</i>   |
| <i>Juan Ponce de León Landing Park</i>       | <i>13.66</i>  |
| <i>Judith Resnick Memorial Park</i>          | <i>10.06</i>  |
| <i>Kiwanis Park at Geiger Point</i>          | <i>7.00</i>   |
| <i>Lake Shepard Boat Ramp</i>                | <i>.12</i>    |
| <i>Lake Washington Park</i>                  | <i>26.83</i>  |
| <i>Long Point Park</i>                       | <i>84.50</i>  |
| <i>Max K. Rodes Park</i>                     | <i>134.38</i> |
| <i>Mieco Park</i>                            | <i>9.27</i>   |
| <i>Pineda Causeway</i>                       | <i>.97</i>    |
| <i>POW/MIA Park</i>                          | <i>4.90</i>   |
| <i>Police Foundation Park</i>                | <i>6.34</i>   |
| <i>Rotary Park at Suntree</i>                | <i>10.36</i>  |
| <i>Sarno Lakes</i>                           | <i>41.25</i>  |
| <i>Seagull Park</i>                          | <i>1.60</i>   |
| <i>South Beach Community Park</i>            | <i>65.65</i>  |
| <i>South Mainland Community Center—Mieco</i> | <i>10.38</i>  |
| <i>South Patrick Community Park</i>          | <i>8.12</i>   |
| <i>Spessard Holland North Beach Park</i>     | <i>9.25</i>   |
| <i>Spessard Holland South Beach Park</i>     | <i>5.25</i>   |

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|  |                  |
|--|------------------|
| <i>S.P.R.A. Park</i>   | <i>.83</i>       |
| <i>Viera Regional Park</i>                                       | <i>124.62</i>    |
| <i>Wickham Park</i>  | <i>476.27</i>    |
| <i>Beach Access Sites</i>  | <i>5.57</i>      |
| <i>Total ALOS Park Acreage—South Area</i>                        | <i>—1,270.87</i> |
| <i>Total ALOS Park Acreage<br/>Unincorporated Brevard County</i> | <i>—4,801.98</i> |

**RECREATION AND OPEN SPACE ELEMENT**

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**CHAPTER PART IV**

**HISTORIC PRESERVATION ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### GOAL HP

Identify, protect, preserve, recognize, and mitigate impacts upon the resources which are significant in terms of historic, archaeological, architectural, and cultural values; and serve as reminders of Brevard County's heritage.

### Historical Resource Inventory

#### Objective HP 1

Brevard County will continue to develop and maintain an inventory of the resources which are significant in local, sState, and national history.

#### Policy HP 1.1

A survey of historic resources will continue to be supported and conducted by Brevard County.

##### Criteria:

- A. As a first priority, areas should be surveyed that are experiencing or are anticipated to experience pressures for development.
- B. Both reconnaissance or intensive survey efforts shall be conducted by professionals with expertise in historic resource survey work.
- C. The public should be encouraged to participate in these survey efforts; by submitting known locations of historic resources to increase public support for preservation and to reduce survey costs.
- D. Information on those resources identified as historically significant shall be submitted to the Florida Division of Historical Resources for inclusion in the Florida Master Site File. Sites or properties deemed significant or potentially significant should be proposed for listing in the National Register of Historic Places.
- E. Information obtained from these surveys shall be utilized in the development of appropriate historic preservation measures for Brevard County.

#### Policy HP 1.2

Historic sites and landmarks should be identified and evaluated for significance in local, sState, and national history utilizing the minimum criteria below:

##### Criteria:

- A. Character, interest, or value as part of the development, heritage, or cultural characteristics of an area;

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- B. Location or site of a significant historic event;
- C. Identification with a person or persons of historical fame; or who have significantly contributed to the culture and development of an area;
- D. Exemplification of the cultural, economic, social, or historic heritage of an area;
- E. Portrayal or exemplification of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- F. Embodiment of distinguishing characteristics of an architectural type or specimen;
- G. Identification as the work of an architect or master builder whose individual work has influenced the development of an area;
- H. Embodiment of elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation or style;
- I. Relationship to other distinctive structures, properties, or areas that are eligible for preservation according to a plan based on a historical, cultural, or architectural motif;
- J. Unique location or singular physical characteristic representing an established and familiar visual feature of an area;
- K. Religious properties deriving primary significance from architectural or artistic distinction; or historical importance;
- L. A building or structure removed from its original location, but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event;
- M. A birthplace marker or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her life;
- N. A cemetery which derives its primary significance from graves of persons of historic importance, from age, from distinctive design features, or from association with historic events;

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- O. A reconstructed building when accurately executed in a suitable environment and/or presented in a dignified manner as part of a restoration master plan, and no other building or structure with the same association has survived;
- P. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional importance;
- Q. A property achieving significance within the past fifty years if it is of exceptional importance; and
- R. A property, structure, or group of structures that represent the qualities and characteristics of a particularly fine or unique example of a utilitarian purpose; and having a high level of architectural integrity or significance. Examples include, but are not limited to, farmhouses, barns, citrus packing houses, gasoline stations, and other commercial structures.

**Policy HP 1.3**

Archaeological resources shall be identified and evaluated for significance utilizing the minimum criteria below:

**Criteria:**

- A. An important historical event, person, or group of people was associated with the site;
- B. The quality of the site or the data recoverable from the site is of sufficient significance that it would provide unique information on prehistoric or historical events;
- C. The site was the focus of discrete types of activities such as habitation, religious practice, burial, fortification, etc.;
- D. The site was the location of historic or prehistoric activities during a particular period of time; and
- E. The site maintains a sufficient degree of environmental integrity to reflect some aspect of the relationship of the site's original occupants to the environment.

**Policy HP 1.4**

Maintain a Local Register of Historic Places to recognize those historic resources that may be ineligible for State or national listing but are significant in Brevard County's history.

**Criteria:**

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- A. The criteria for determining historic and archaeological significance, as listed under Policies HP 1.2 and 1.3 of this Element, should be used to guide the selection of properties for the Local Register.
- B. The County Historical Commission should coordinate this effort with the County Historic Preservation Officer, municipalities, local historical societies, local arts councils, and museums.
- C. Official listing on the Local Register shall be at the will of the property owner; however, serious efforts shall be taken to encourage property owners to include their properties on the Local Register. Property owners shall retain the right to remove their property from the Local Register, providing no public financial or other incentives have been received for the preservation of the historic resource on that property.

**Policy HP 1.5**

Develop a computerized inventory of the buildings, structures, districts, sites, objects, and places in the County which are designated as being historically significant.

**Criteria:**

- A. Resources listed on the National Register of Historic Places, the Florida Master Site File, and the Local Register of Historic Places shall be included in the inventory.
- B. Locally significant historic resources should be included to recognize those not eligible for national or State recognition in and of themselves.
- C. Historic resources should be classified according to their period, functions, and characteristics, to aid in proper and adequate information filing, storage, and retrieval.

**Policy HP 1.6**

Maintain a campaign to encourage property owners to provide information for the Florida Master Site File, and to prepare nomination forms for historic resources that may be eligible for listing in the National Register of Historic Places or the Local Register of Historic Places.

**Criteria:**

- A. Technical assistance in the completion of the nomination forms should be provided by the Florida Bureau of Historic Preservation, the County Historical Preservation Officer, and the County Historical Commission.
- B. The municipalities, private businesses and industries, local historical societies, local arts councils, schools, and museums should be encouraged to participate in this campaign, which will strengthen community pride,

**HISTORIC PRESERVATION ELEMENT**

increase tourism opportunities, and enhance the preservation of the historic resources.

**Policy HP 1.7**

The identification and evaluation of all historic resources shall be coordinated with the Florida Division of Historical Resources to ensure that these efforts are conducted in an appropriate and efficient manner.

**Policy HP 1.8**

Brevard County shall coordinate the collection, preservation, and maintenance of historical records, in accordance with federal and State standards, as may be applicable.

**Preservation of Historical Resources**

**Objective HP 2**

Brevard County should adopt and implement measures for the protection and preservation of the historic resources in the County.

**Policy HP 2.1**

The County should facilitate the adoption of a historic preservation ordinance to provide appropriate protection for significant historic resources.

**Criteria:**

- A. The ordinance should provide protection for the resources listed on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places, and those to be discovered in the future.
- B. The ordinance should outline standards for the identification and evaluation of historic resources.
- C. The ordinance should establish a review board to be responsible for evaluating development proposals for their impact on historic resources. Representatives should be appointed to this board based upon their knowledge in dealing with both historical structures and archaeological sites. A County Historic Preservation Officer should be designated to serve as staff to this board.
- D. The ordinance should establish procedures for the review of all development and redevelopment proposals, including those for infrastructure, for the impact upon designated historic resources. Alterations to these resources should also be reviewed prior to approval. The Standards for Rehabilitation of the Secretary of the U.S. Department of the Interior should be used in the review of alterations to historic buildings.

**Policy HP 2.2**

Upon adoption of the historic preservation ordinance, Brevard County shall pursue certification of the ordinance from the U.S. Department of the Interior.

**Policy HP 2.3**

All public and private development and redevelopment proposals, including those for infrastructure, should be reviewed for the impact upon designated historic resources.

**Criteria:**

- A. The resources designated as being historically significant are those on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places, and those to be discovered in the future.
  
- B. If a determination is made that there will be a potentially negative impact to a historic resource, the County shall notify the Florida Division of Historical Resources and the County Historic Preservation Officer.
  
- C. Every effort shall be taken to preserve the resource. Where preservation is not a feasible alternative, the resource shall be relocated, information regarding the resource shall be recorded, or elements of the resource shall be salvaged for further study.

**Policy HP 2.4**

Public and private development and redevelopment activities, including those for infrastructure, shall cease where artifacts of historical or archaeological significance are discovered to allow for an evaluation of historical significance.

**Criteria:**

- A. Immediately upon discovery, notification shall be given to the Florida Division of Historical Resources and the County Historic Preservation Officer.
  
- B. Ground disturbing activities shall be suspended within 20 feet of the discovery for up to 30 days from the day of notification to allow for an initial evaluation of significance. If the resource is found to be potentially significant, activities shall be further suspended for up to 30 days to allow for further evaluation. Ground disturbing activities shall be undertaken with caution in the surrounding area. Efforts shall be taken to evaluate the site in a timely and reasonable manner. The property owner should be allowed to hire a professional archaeologist to evaluate the site.
  
- C. Where the discovery is determined to be historically significant, every effort should be taken to preserve the resource. Where preservation is not a feasible alternative the resource should be relocated, information regarding the resource should be recorded, or elements of the discovery should be

**HISTORIC PRESERVATION ELEMENT**

salvaged for further study. Funding for these efforts should be supported by the public sector, where financially feasible, and through voluntary support from the private sector. The County should encourage private participation in these efforts through incentives.

**Policy HP 2.5**

Develop a transfer of development rights program that would encourage the protection of historic resources from the potential impacts of development and redevelopment.

**Policy HP 2.6**

Brevard County shall utilize the Standards for Rehabilitation of the Secretary of the U.S. Department of the Interior, as amended, for all rehabilitation projects subsidized by public funds and should facilitate proposals that encourage their use in private rehabilitation efforts through investment tax credits or other incentives.

**Criteria:**

- A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on

conjectural designs or the availability of different architectural elements from other buildings or structures.

- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- J. Whenever possible, new additions or alterations to structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**Policy HP 2.7**

Support modifications to the State enabling legislation to encourage the rehabilitation of historic buildings by the private sector.

**Policy HP 2.8**

Efforts should be taken to protect the designated historic resources from vandalism and destruction.

**Criteria:**

- A. Exact locations of known archaeological resources shall not be publicized to protect these resources from harm.
- B. Publicly-owned or maintained resources should be protected with appropriate security devices and private property owners should be encouraged to do the same.

**Policy HP 2.9**

The responsibilities of the County Historical Commission should be expanded to more fully involve the Commission in the implementation of the directives of this Element.

**Criteria:**

- A. The Board of County Commissioners should appoint three members to the Historical Commission for each district. Members should be appointed based upon their knowledge in dealing with historic and archaeological

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resources. Expertise in the fields of anthropology, archaeology, architecture, civil engineering, history, law, and planning should be considered.

- B. The Historical Commission should be provided adequate office space and access to County staff as necessary. All actions of the Historical Commission shall be coordinated through the County Historic Preservation Officer.
- C. The Historical Commission shall be responsible for the preparation of an annual report of their activities for presentation to the Board.

**Policy HP 2.10**

Encourage the private sector to utilize easements or deed restrictions, or to donate property to assist in the protection of historic resources.

**Policy HP 2.11**

Brevard County shall support efforts to encourage the municipalities within the County to adopt historic preservation ordinances or other preservation measures.

**Policy HP 2.12**

Brevard County should pursue Certified Local Government status from the State and the U.S. Department of the Interior in recognition of the County's commitment to historic preservation.

**Policy HP 2.13**

Brevard County shall work with and support the efforts of the Federal, State, and local agencies and organizations involved in historic preservation.

**Criteria:**

- A. Federal agencies and organizations include the U.S. Department of the Interior, National Park Service, National Aeronautics and Space Administration, National Trust for Historic Preservation, and the Society of Professional Archaeologists.
- B. State agencies and organizations include the Division of Historical Resources of the Florida Department of State, Florida Trust for Historic Preservation, Florida Archaeological Council, Florida Historical Society, Florida Anthropological Society, Florida Folklore Society, and the Florida Academy of Sciences.
- C. Local agencies and organizations include the County Historical Commission, Grant Historical Society, South Brevard Historical Society,

Indian River Anthropological Society, Brevard Museum, and the Brevard Arts Council.

## **Public Awareness**

### **Objective HP 3**

Brevard County shall increase the public's knowledge and appreciation of the County's historic resources and preservation activities.

### **Policy HP 3.1**

Facilitate the preparation and distribution of information or materials that increase the public's knowledge and appreciation of the County's heritage.

#### **Criteria:**

- A. Information should be provided on the County's history.
- B. A variety of resources should be considered including pamphlets, brochures, newspaper articles, photo exhibits, video tapes, cassette tapes, and radio and television broadcasts.
- C. Information should be made available to the public in a variety of locations including the Brevard County Service Complexes, County libraries, Tourist Development Office, schools, colleges and universities, recreational facilities, senior centers, museums, Brevard Arts Council, Brevard Economic Development Council Office, chambers of commerce, and city halls.

### **Policy HP 3.2**

Maintain and support a local historic landmark program to recognize the significant historic resources in Brevard County.

#### **Criteria:**

- A. Landmarks should recognize the resources listed on the National Register of Historic Places, Florida Master Site File, and Local Register of Historic Resources. However, exact locations of known archaeological resources should not be identified where proper security cannot be provided.
- B. Informational materials should be prepared and made available to the public to promote the local historic landmark program. The materials should identify contact persons if further information is desired.
- C. The landmark program should be coordinated with the municipalities, local historical societies, local arts councils, museums, private businesses and industries, and interested individuals.

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**Policy HP 3.3**

Brevard County should provide information regarding the County's historic preservation programs to interested groups and organizations in an effort to increase public awareness of the County's heritage and commitment to preservation.

**Policy HP 3.4**

A collection of historic preservation publications should be developed, maintained, and made available to the public.

**Criteria:**

- A. The collection should be centrally located and administered by the County Historic Preservation Officer.
  
- B. Copies of selected publications should also be provided to the County libraries.

**Public and Private Partnerships**

**Objective HP 4**

Brevard County should increase the level of funding for historic preservation through mechanisms that involve both the public and private sectors.

**Policy HP 4.1**

Brevard County shall pursue the Federal and State Historic Preservation Grants-in-Aid funding to support the efforts to identify, evaluate, protect, and preserve its historic resources and support public education programs.

**Policy HP 4.2**

As a part of the "Historic Brevard!" campaign, seek contributions from private businesses, industries, foundations, and civic organizations to support the historic preservation efforts throughout the County.

**Policy HP 4.3**

Utilize volunteers, where feasible, in all aspects of the historic preservation program to involve interested individuals with knowledge of local historic resources.

**Policy HP 4.4**

Allocate portions of the Tourist Development Tax funding to support the County's historic preservation efforts, in recognition of the positive impact of historic preservation upon tourism.

## **Historical Homes**

### **Objective HP 5**

Brevard County shall increase the knowledge and appreciation of the historically significant housing in Brevard County through measures which identify, preserve, protect, and educate the community about the heritage of such housing.

### **Policy HP 5.1**

Brevard County should continue to implement the policies of the Historic Preservation eElement of the Comprehensive Plan regarding the identification, evaluation, protection, and preservation of the housing which is historically significant, including those listed within the following databases when established:

#### **Criteria:**

- A. National Register of Historic Places;
- B. Florida Master Site File; or
- C. Local Register of Historic Places

### **Policy HP 5.2**

Brevard County should provide technical assistance to owners of historically significant housing or other individuals that are interested in preservation activities.

#### **Criteria:**

- A. Assistance to be provided should include, but not be limited to, that for the preparation of National Register and Florida Master Site File nomination forms, preparation of grant applications, and the identification of historic resources.
- B. Assistance should also be provided in the interpretation and application of the Historic Preservation eElement of this Comprehensive Plan and any regulations prepared pursuant to that eElement.

### **Policy HP 5.3**

Pursue available Ffederal, State, and local funding sources to support efforts to preserve or protect historically significant housing.

#### **Criteria:**

- A. At a minimum, applications should be made for the Historic Preservation Grants-in-Aid program administered by the Division of Archives, History and Records Management of the Florida Department of State.
- B. Appropriate activities eligible for grant funding are classified as Acquisition and Development or Survey and Planning activities (Chapter 1A-34, F.A.C.). Emphasis should be placed on surveys and evaluations of historic resources, research efforts to study the effectiveness of preservation

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### **IV-12**

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programs and techniques, and on community relations and education programs.

**CHAPTER PART V**

**HOUSING ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### GOAL HOU 1

To produce and preserve affordable homeownership and multifamily housing. To benefit very-low, low, and moderate-income residents of Brevard County.

#### Affordable Housing

##### Objective HOU 1.1

Brevard County should act within its authority to substantially increase the supply of affordable housing through implementation of programs that meet the needs of eligible households. Eligible households are determined by [the U.S. Department of Housing and Urban Development \(HUD\)](#) and [the State of Florida](#), as adjusted for family size.

##### Policy HOU 1.1.1

Brevard County has established the following as the definitions of for affordable and workforce housing:

###### Criteria:

- A. ~~Brevard County defines Affordable Housing as a single or multi-family owner occupied or rental housing unit that has a gross household income at or below 120% of the Area Median Income (AMI), as adjusted for family size; Affordable Housing means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent (20 percent for Affordable Workforce Housing) of that amount which represents the percentage of the median adjusted gross annual income for the households categorized as “extremely low-income persons”, “low-income persons”, “moderate-income persons”, or “very-low-income persons” as further described in sSection 420.0004 F.S. Housing costs include: contract rent and utilities; and payment of principal, interest, taxes, and insurance for owner-occupied units.~~
- B. ~~Brevard County defines Workforce Housing as a single or multi-family owner occupied or rental housing unit that has a gross household income at or below 140% of the Area Median Income (AMI), as adjusted for family size. Workforce housing means a single-family owner occupied, or multi-family owner occupied, or rental unit, that has a mortgage or rental payment, including utilities, not exceeding 20 percent of the annual gross income of households at or below 140 percent of the area median income (AMI), as adjusted for family size. Affordable Workforce Housing means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase prices as determined in the Florida~~

## HOUSING ELEMENT

Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center. {Ref Section 380.0651(1)(h), F.S.}

- C. Housing costs include: contract rent and utilities; and payment of principal, interest, taxes and insurance for owner-occupied units. Extremely-Low-Income Persons, as defined in sSection 420.0004, F.S., means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the sState. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.
- D. Low-Income Persons, as defined in sSection 420.0004, F.S., means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the sState, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Brevard County, whichever is greater.
- E. Moderate-Income Persons, as defined in sSection 420.0004, F.S., means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the sState, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Brevard County, whichever is greater.
- F. Very-Low-Income Persons, as defined in sSection 420.0004, F.S., means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the sState, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Brevard County, whichever is greater.

#### **Policy HOU 1.1.2**

Newly constructed dwelling units shall comply with the requirements of the 5<sup>th</sup>-Edition 2014 Florida Building Code as published by the Southern Building Code Congress International, as amended from time to time.

### **HOUSING ELEMENT**

**Policy HOU 1.1.3**

Brevard County should increase the supply of affordable housing within the County by utilizing the following strategies for eligible households based upon available funding:

**Criteria:**

- A. Utilize federal, ~~s~~State, and local sources of funding, ~~when available~~, to enable ~~low income families~~ eligible households to purchase their first homes through down-payment assistance, interest buy-downs, and/or other financing.
- B. Provide housing counseling assistance to prospective first time homebuyers.
- C. Provide counseling to homeowners who are in danger of mortgage default or who may require special assistance in obtaining other aid, ~~as funding allows~~.
- D. Ensure that homes purchased through Brevard County Purchase ~~Assistance~~ Assistance Program are in compliance with applicable building codes or standards.
- E. Encourage mortgage lenders to invest in housing for low and very ~~low~~ income families.
- F. Encourage mortgage lenders to investigate and utilize existing programs, such as Fannie Mae, for ~~low~~ income homebuyers.
- G. Forge public-private partnerships to facilitate a community based first time homebuyers' program.
- H. Increase developer awareness of federal and ~~s~~State sources of loans and grants for rental property rehabilitation and construction.
- I. Provide technical assistance to owners, developers, and potential developers of affordable housing.
- J. Recruit, identify, and develop partnerships with non-profits to develop capacity for successful rehabilitation/construction; and management of affordable units.
- K. Review the County's permitting process on a continual basis and conduct pre-application meetings with affordable housing developers.
- L. Continue to utilize a joint review of development plans at scheduled meetings to expedite the permitting process.

- M. Establish and maintain the Affordable Housing Council Advisory Committee, pursuant to Florida Statute Section 420.9076, F.S., as part of the process by which each new proposed regulation will be reviewed for its impact upon housing.

**Policy 1.4**

~~———— Brevard County shall define 'significant economic impact(s)' which result from regulation, and require each new proposed regulation to be reviewed and evaluated accordingly. Brevard County shall include the Housing and Human Services Department, Affordable Housing Council, Planning and Development and other Departments as needed in the process by which each new proposed regulation will be reviewed for impact of cost upon housing. The Affordable Housing Council will weigh that cost impact against the quality of life aspects of the regulations' intent and purpose.~~

**Policy HOU 1.1.54**

The Housing and Human Services Department should focus on the development and rehabilitation of housing which is affordable to low-income households.

**Policy HOU 1.1.65**

Brevard County shall continue to identify and establish, as appropriate, a local funding source sources to assist in the provision of very low income housing, including affordable housing for eligible households and housing for households with special housing needs. This funding source shall be a stable, consistent, and broad-based financial resource.

**Criteria:**

- A. ~~The following funding~~ Funding sources, when available, ~~should~~ include, but are not be limited to:
1. Public Housing Authorities
  2. Community Development Block Grant Program
  3. Community Reinvestment Act
  4. State Housing Initiatives Partnership (SHIP) Program
  5. Rural Development
  6. HOME Investment Partnership Program
  7. Florida Housing Finance Corporation
  8. Brevard County Housing Finance Authority
  9. Non-profit Organization
  10. Tax Increment Financing
  11. Interest on Real Estate Escrow Accounts
  12. General Obligation Bonds
  13. Housing Finance Authority Reserves
  14. Private Investments
  15. Tax Credit Program
  16. Local Option Sales Tax

**HOUSING ELEMENT**

17. Property Tax Relief

**Policy HOU 1.1.76**

Identify public or private vacant lands or structures that would be suitable for the location of housing affordable to very-low-income households or to meet the needs of the homeless and identify the funding sources for an acquisition and development program.

**Criteria:**

- A. Suitable locations should be conveniently located to the essential public facilities and services, employment centers, shopping, mass transit, schools, health services, and other community services.
- B. Such locations should be residential in character, with a variety of locations being available throughout the County so as not to cluster this development in limited locations.

**Policy HOU 1.1.87**

Housing and Human Services Department will ~~support and provide input to collaborate with~~ entities that provide services to the homeless in order to determine the need for temporary shelters and transitional housing so as to target ~~available~~ funding, ~~when available~~, to these areas.

**Policy HOU 1.1.98**

As a part of Development of Regional Impact (DRI) reviews, Chapter 380, F.S., Brevard County should review these proposals with respect to the impact upon the need for affordable housing for very-low and low-income households within the County and East Central Florida Region.

**Policy HOU 1.1.109**

Brevard County encourages ~~Developments of Regional Impact (DRI's)~~ to incorporate affordable and workforce housing within the boundaries of the project. Developers will be encouraged to meet with County staff to discuss opportunities for including affordable and workforce housing in their project through a Community Benefits Agreement for the provision of such housing.

**Policy HOU 1.1.110**

Brevard County shall continue to encourage the use of the Affordable and Workforce Housing Incentives sections of the County Land Development Regulations.

**Policy HOU 1.1.1211**

The Board of County Commissioners and respective County departments and agencies recognize that affordable/workforce housing is a vital component of the local economy and will participate in solution-oriented efforts to facilitate, preserve, and increase affordable and workforce housing inventory.

**Policy HOU 1.1.1312**

The County, when funding is available, will continue to offer down payment assistance to ~~very low, low and moderate income homebuyers~~ income-eligible households.

**Policy HOU 1.1.1413**

The County shall use the existing Workforce and Supportive Housing Trust Fund; and proceeds from Board of County Commissioners authorized dedicated funding sources; to generate revenues for the provision of affordable/workforce housing by the private and non-profit sectors.

**Policy HOU 1.1.1514**

The County shall continue to provide local regulatory incentives through the ~~State Housing Initiatives Partnership (SHIP)~~ Local Housing Assistance Plan (LHAP) and other programs and opportunities for affordable housing; and eliminate disincentives that negatively affect housing costs and supply in the private and non-profit sectors, consistent with ~~s~~State statutes. These incentives shall be annually reviewed by the Affordable Housing ~~Council~~ Advisory Committee; and forwarded with any recommendations to the Board of County Commissioners.

**Policy HOU 1.1.1615**

The County shall review its Building Code; and Land Development and Zoning Regulations to identify, modify, or eliminate those regulations and/or procedures that unnecessarily increase the cost of housing.

**Policy HOU 1.1.1716**

The County shall analyze the effect impact fees and concurrency will have on affordable housing and evaluate, if appropriate, methods that could be used to reduce identified adverse impacts.

**Policy HOU 1.1.1817**

The County shall further evaluate, and if appropriate adopt, local regulatory incentives in the Zoning and Land Development Regulations, including, but not limited to, transfer of development rights, density bonuses, and other similar incentives.

**Policy HOU 1.1.1918**

The County shall maintain, develop, and review procedures to expedite review of affordable housing developments and housing for essential employees and special needs groups within its Land Development Regulations.

**Housing Programs Awareness**

**Objective HOU 1.2**

Brevard County shall increase the public's awareness of housing programs and activities, especially those which target very-low-income households through effective marketing of available programs.

**Policy HOU 1.2.1**

The Housing and Human Services Department should maintain a list of the various housing programs and opportunities that are available from the public and private sectors and ensure that this information is readily available to the public.

**Policy HOU 1.2.2**

A Housing Resource webpage and brochure will be available to provide information; on the housing assistance programs.

**Policy HOU 1.2.3**

The Housing and Human Services Department should maintain information on trends and needs in the housing market to assist the participants in the housing delivery system in the provision of housing which meets the physical, economic, and social needs of the residents.

**Criteria:**

- A. At a minimum, information should be maintained and distributed on general housing and population characteristics, housing units by type, residential building permits by type and general location, housing vacancy rates, and land use acreage.
- B. This information should be updated in coordination with the 5-Year Consolidation Plan where possible.

**Policy HOU 1.2.4**

The County, when funding is available, shall provide and maintain a comprehensive and effective education program, using existing programs and resources, to prepare low-income families for homeownership and long term affordability. This program should include the following components: homebuyer education, homebuyer counseling, and mortgage default prevention counseling.

**Policy HOU 1.2.5**

The County shall continue to meet quarterly and coordinate County housing assistance programs with other municipal, regional, State, and Federal programs that are designed to provide housing opportunities for very\_low, low, and moderate\_income groups.

**Policy HOU 1.2.6**

Brevard County will encourage, whenever possible, the use of Section 3 certified and Minority Business Enterprise/Women Business Enterprise (MBE/WBE) contractors pursuant to Section 3 of the Housing and Urban Development Act of 1968 and 24CFR Part 85.36(e)(1), respectively.

**Policy HOU 1.2.7**

Brevard County will affirmatively further fair housing, pursuant to Section 808(e)(5) of the Fair Housing Act (42 U.S.C. 3608(e)(5)).

**Equal Housing Opportunities**

**Objective HOU 1.3**

Brevard County shall seek to achieve a housing market with mechanisms to ensure that the market is fair and balanced, and provides equal housing opportunity for all residents of the County.

**Policy HOU 1.3.1**

All housing, community development, and redevelopment activities of Brevard County shall be administered in accordance with Title VIII of the Civil Rights Act of 1968, the Florida Fair Housing Act, Chapter Sections 760.20 – 760.37, F.S., and a local fair housing ordinance if adopted.

**Adequate Residential Choices**

**Objective HOU 1.4**

Brevard County shall continue to provide plan for adequate lands for residential land uses in a wide variety of housing types, housing price levels, and broad geographic choices to meet the needs of all existing and anticipated residents in the County.

**Policy HOU 1.4.1**

Land dDevelopment rRegulations and Comprehensive Plan policies shall continue to designate adequate lands for residential development which allows for a variety of housing types, while providing residents with choices in residential locations. The following criteria shall apply:

**Criteria:**

- A. Land dDevelopment rRegulations shall continue to designate lands for single-family, multi-family, manufactured, and mobile home residential

development in a range of densities consistent with the service sectors, Future Land Use Map, and this Comprehensive Plan.

- B. Land ~~d~~Development ~~r~~Regulations shall continue to designate lands for residential development where the public facilities and services are available at the adopted levels of service in this Comprehensive Plan. Where public facilities are not available, residential development should only be permitted at densities which allow for self-sufficiency for water and sewer service.
- C. Land ~~d~~Development ~~r~~Regulations should continue to provide for a variety of minimum lot sizes, minimum floor areas, setbacks, and residential land use mixes that allow for choice in housing types, designs, and price levels.
- D. Land ~~d~~Development ~~r~~Regulations shall continue to provide for appropriate land use relationships to be considered in the review of development proposals to ensure land use compatibility between residential and surrounding uses.

**Policy HOU 1.4.2**

The Land Development Regulations should ~~allow for~~ enable affordable supportive and workforce housing which is affordable to very low, low, and moderate income households; to be located conveniently to major employment centers, mass transit corridors, shopping, schools, health centers, and other community facilities and services.

**Policy HOU 1.4.3**

The County shall update, as needed, the location evaluation matrix and needs analysis methods in the ~~t~~Land ~~d~~Development ~~r~~Regulations to aid in determining favorable locations for ~~affordable/workforce~~ affordable supportive and workforce housing development and determining eligibility for funding and incentives. Current mapping resources and programs may be adopted into the Comprehensive Plan and ~~t~~Land ~~d~~Development ~~r~~Regulations to help evaluate and guide in the location and development of ~~affordable/workforce~~ affordable supportive and workforce housing .

**Policy 4.4**

~~The County will study accessory units as a method for use by private families and individuals in the provision of affordable/workforce housing opportunities and solutions on their own properties, in areas with established infrastructure. The County will consider land development regulations and other ordinances as needed that would regulate their use as permitted by state statute.~~

**Policy HOU 1.4.4**

In response to a recommendation by the Affordable Housing Advisory Committee, the County will study the use of accessory dwelling units in single-family residential areas for the provision of affordable housing; and no later than 2026, the County may consider revising its Land Development Regulations to streamline the permitting of these affordable housing options.

**Policy HOU 1.4.5**

The County will study and determine the opportunities for the co-location and joint use of County-owned lands and facilities to provide affordable/workforce housing and discuss these opportunities with other government agencies in the County.

**Policy HOU 1.4.6**

As an incentive and resource, the County, before eliminating residential density on County-owned lands, will consider allowing a transfer of a portion of the residential development rights to an eligible receiver site, or the housing trust fund unit mitigation bank.

**Policy HOU 1.4.7**

The County shall, as needed, utilize the Affordable Housing/Workforce Team, per County Ordinance 62-6302(1), to monitor building and demolition permit applications, and monitor the number of housing units attributable to new construction, conversions, mobile home replacements, and removals. The Affordable Housing/Workforce Team shall include staff from the following offices and departments and include, but is not limited to: Land Development, Planning and Zoning, Natural Resources Management, Housing and Human Services, Traffic Engineering, and Space Coast Transportation Planning Organization (SCTPO).

**Residential Environments**

**Objective HOU 1.5**

~~Brevard County shall reduce the degree of~~ continue to administer housing and land use regulations to promote improved housing stock and eliminate ~~substandard housing conditions, improve residential environments, and ensure for relocation housing or assistance to ensure that adequate housing and suitable residential neighborhoods are available for all residents of the County.~~

**Policy HOU 1.5.1**

A local minimum housing code shall be adopted, enforced, and amended as necessary; to ensure the construction and maintenance of sound, safe, and sanitary housing for the public health, safety, and welfare.

**Criteria:**

- A. The ~~Standard Minimum Housing Code~~ Florida Building Code shall be adopted as the local minimum housing code. Amendments may be made to this Code to meet unique circumstances in its administration in Brevard County.
  
- B. The ~~following codes~~ National Electric Code should also be adopted and enforced, with regard to housing construction and maintenance, and maintained through adoption of subsequent revisions:
  - 1. ~~National Electric Code~~
  - 2. ~~Standard Building Code~~
  - 3. ~~Standard Plumbing Code~~
  - 4. ~~Standard Swimming Pool Code~~
  - 5. ~~Standard Mechanical Code~~
  - 6. ~~Standard Gas Code~~
  - 7. ~~Standard Aluminum Code~~

**Policy HOU 1.5.2**

Portions of available funding in compliance with applicable regulations should be allocated to rehabilitation, reconstruction, and/or demolition of residential structures as well as to the provision, renovation, and/or reconstruction of public facilities and services which target income-eligible households and neighborhoods.

**Criteria:**

- A. These funds shall be dedicated to improve the housing conditions and residential environments of income-eligible households and neighborhoods.
  
- B. Public education measures shall be strengthened through affirmative outreach efforts to low-income households to ensure that the persons or neighborhoods eligible for such assistance are aware of its availability and procedures for obtaining such assistance. Public workshops should be held in areas where these needs are demonstrated.

**Policy HOU 1.5.3**

Redevelopment plans supported by Brevard County should provide for a variety of housing types and price levels, while ensuring that such provisions do not reduce the supply of housing which is affordable to very-low, low, and moderate-income households.

**Criteria:**

- A. Redevelopment plans which will result in the displacement of households shall make advance written determination of the extent of displacement and shall provide a relocation plan with strategies for mitigation. Provisions for notice and hearing should be included.

- B. The provisions of sSection 421.55, F.S., and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, shall be used to guide mitigation.

**Policy HOU 1.5.4**

Residents who are displaced as a result of redevelopment, demolition, or other public projects shall be provided prompt equitable compensation to affected property owners or assistance in locating comparable relocation housing for displaced tenants.

**Criteria:**

- A. Relocation housing should be comparable to the existing dwelling as much as possible, with an emphasis on the number of rooms, size of living space, and location to commercial and public facilities and place of employment; and shall be within the financial means of the displaced household. Relocation housing shall be a sound, safe, and sanitary dwelling meeting all locally adopted minimum housing codes.
- B. Relocation housing or equitable compensation shall be provided prior to the time displacement occurs.
- C. The provisions of sSection 421.55, F.S., and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, shall direct the fulfillment of this policy.

**Policy HOU 1.5.5**

In order to assist in the preservation of affordable housing unit inventory, the County may require that solution-oriented relocation efforts are made by property owners; and, when needed and as permitted by law, pursue mitigation solutions for the loss of affordable housing units.

**Policy HOU 1.5.6**

The County encourages the use and application of the Affordable and Workforce Housing Incentives Section of the County Land Development Regulations to aid in mitigation solutions related to housing displacement.

**Policy HOU 1.5.7**

~~The County, as needed, will study manufactured housing, mobile home parks and subdivisions that provide affordable/workforce~~ will continue to identify ways to increase the affordable supportive and workforce housing inventory, and will consider creating solutions to help upgrade these uses while maintaining affordability. The County recognizes and will abide by the preemptions in sSection 723.004, F.S., that limit local government's regulation of mobile homes. The Affordable/Workforce Housing Team, the Affordable Housing ~~Council~~ Advisory Committee, and/or Legal staff will evaluate existing

policies and regulations, as needed, and develop recommendations and options for consideration by the Board of County Commissioners.

**Policy HOU 1.5.8**

Every five (5) years, the Housing and Human Services Department shall survey and report affordable housing needs through a 5 Year Consolidated Plan.

**Residential Types**

**Objective HOU 1.6**

Brevard County shall integrate care facilities, group homes, child and adolescent care facilities, and retirement homes into residential areas of the County; and provide the opportunity for these facilities to be located in a variety of urban and rural locations.

**Policy HOU 1.6.1**

The Group Homes Ordinance of the Land Development Regulations shall continue to allow for the location of group home facilities in all residential and other areas of the County as a permitted or conditional use, to ensure that the facility residents have access to normal residential settings.

**Policy HOU 1.6.2**

The Group Homes Ordinance of the Land Development Regulations shall be reviewed continually to ensure its effectiveness in integrating care facilities, group homes, child and adolescent care facilities, and retirement homes into a variety of urban and rural residential locations.

**Policy HOU 1.6.3**

The County Code shall continue to require compliance with Chapter 553, Florida Statutes F.S., which requires special exterior and interior design in the construction of dwelling units to make them accessible for persons with physical or developmental disabilities and senior citizens.

**Policy HOU 1.6.4**

The County shall continue to support transitional housing programs and developments which will enable homeless people to live as independently as possible. The Board of County Commissioners may utilize at their discretion the reasonable accommodation standards and procedures and temporary use agreements sections of the County Code to evaluate and permit transitional and emergency housing facilities.

## **Public and Private Partnerships**

### **Objective HOU 1.7**

Brevard County shall increase the coordination between the public and private sector entities involved in the provision of housing, community development, and redevelopment activities.

#### **Policy HOU 1.7.1**

Brevard County Housing and Human Services Department shall coordinate with applicable private agencies and assist them in obtaining housing information, preparing recommendations, and implementing programs and activities that would target the housing needs for the very-low-income households.

#### **Policy HOU 1.7.2**

The Planning and Development Department should be responsible for ensuring the review of housing, community development, and redevelopment proposals or activities for consistency with this Comprehensive Plan.

#### **Policy HOU 1.7.3**

Brevard County should initiate efforts to standardize all building and housing codes utilized by Brevard County and the municipalities within the County for efficiency in the development process.

#### **Policy HOU 1.7.4**

Review of amendments to the Housing Element of the Comprehensive Plan will be conducted by the Affordable Housing/Workforce Housing Team and representatives of the Affordable Housing Council.

## **GOAL HOU 2**

To identify, preserve, and protect historically significant housing.

### **Historic Housing Preservation**

#### **Objective HOU 2.1**

Brevard County shall encourage preservation of historically significant housing.

#### **Policy HOU 2.1.1**

Brevard County shall, in coordination with the Florida Division of Historical Resources, continue to identify and encourage the preservation of historically significant housing in accordance with the Historic Preservation Element of the Brevard County Comprehensive Plan.

## **HOUSING ELEMENT**

**BREVARD COUNTY COMPREHENSIVE PLAN**

**CHAPTER PART VI**

**POTABLE WATER ELEMENT**

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## **POTABLE WATER ELEMENT**

### **GOALS, OBJECTIVES, AND POLICIES**

#### **GOAL PW 1**

Brevard County shall pursue a potable water supply which does not deplete the freshwater resource and is safe, environmentally sound, and efficient.

#### **Identify and Correct Existing Deficiencies**

##### **Objective PW 1**

Brevard County shall identify and correct existing water facility deficiencies within its water system.

##### **Policy PW 1.1**

Development shall continue to meet the County's design and construction requirements as specified in current criteria, policies, and ordinances as approved by the Board of County Commissioners.

##### **Policy PW 1.2**

The evaluation of utility service area expansions shall be coordinated with the Future Land Use Element and Housing Element and the Planning and Development Department and Housing and Human Services Department to meet current and future demands.

##### **Policy PW 1.3**

In order to receive water service from County facilities, new development must be located within the County's existing water service area.

##### **Policy PW 1.4**

Brevard County shall evaluate all fees and rates to ~~assure~~ ensure adequate funds are available to fund all current and future projects included in the Schedule of Potable Water and Sanitary Sewer Improvements in the Capital Improvements Element.

##### **Policy PW 1.5**

Brevard County shall provide adequate water treatment plant capacity to maintain the adopted level of service standard contained in the Capital Improvements Element.

#### **Utilize Potable Water Efficiently**

##### **Objective 1 PW 2**

Brevard County shall strive to utilize potable water more efficiently on a per capita basis.

**Policy 1.1 PW 2.1**

Brevard County shall maintain efforts to increase public awareness and acceptance of water conservation techniques including wastewater reclamation.

**Policy 1.2 PW 2.2**

The County shall include the following provisions within Land Development Regulations as they pertain to subdivision and site plan reviews in an effort to reduce per capita consumption:

- A: ~~New irrigation systems shall be designed to use non-potable water or reclaimed water as the source when a reclaimed water supply source is available in accordance with Potable Water Element Policy 1.4~~
  
- B: ~~New industrial or commercial development that does not require water meeting potable water quality standards shall be designed to use non-potable water or reclaimed water when a non-potable water or reclaimed water supply source is available in accordance with Potable Water Element Policy 1.4~~
  
- C: ~~New irrigation systems shall utilize micro-irrigation techniques to the greatest extent practical.~~
  
- D: ~~Landscaping for new development shall utilize waterwise landscaping principles including limits on the use of landscaping that requires irrigation.~~
  
- E: ~~Brevard County shall maintain at a minimum, but not limited to, the following practices and provisions:~~
  - a: ~~Showerhead exchange program;~~
  - b: ~~Toilet rebate program;~~
  - c: ~~Water main replacement program;~~
  - d: ~~Require low flow plumbing fixtures;~~
  - e: ~~Require dual piping for reclaimed water in reclamation areas;~~
  - f: ~~Provision of leak detection/water conservation kits;~~
  - g: ~~Provision of water conservation and restriction messages on utility bills.~~

**Policy 1.3**

~~The County shall strengthen and enforce the provisions found in the Brevard County Water Source Heat Pump Ordinance in an effort to protect water resources.~~

**Policy 1.4**

~~The County shall identify additional reclamation zones and implement the provisions found in the Brevard County Wastewater Reuse Ordinance.~~

**Policy 1.5 PW 2.3**

~~Brevard County shall continue to collaborate with SJRWMD and consider land development regulations aimed at conserving water and reducing demand of potable water. Maximize reuse of treated wastewater and water conservation techniques while maintaining an adequate reuse level of service to recover and diminish the demand for potable water.~~

**Policy 1.6**

~~Brevard County's Utility Services Department shall maintain a rate schedule of connection and service fees at an adequate level to provide necessary annual operation and maintenance funds, capital improvements, and renewal and replacement funds, for all County operated potable water systems.~~

**Policy 1.7 PW 2.4**

Brevard County shall conserve water by continually seeking ways to improve efficiency and resiliency in the design, maintenance, and operation of its public water facilities.

**Policy 1.8**

~~Brevard County shall cooperate with SJRWMD during declared water shortage emergencies by conserving water resources and assisting SJRWMD with enforcement of water shortage emergency declarations, orders, and plans (Rule 40C-21, F.A.C., SJRWMD water shortage plan).~~

**Policy 1.9**

~~Brevard County shall continue to implement its Water Conservation Plan submitted to SJRWMD as part of the consumptive use permitting process.~~

**Water Quality Standards**

**Objective 2-PW 3**

All Brevard County ~~Utilities~~ [Utility Services](#) Department public water supply systems serving Brevard County residents shall be maintained at accepted water quality standards to protect the health of the users of potable water.

**Policy 2.1 PW 3.1**

~~Brevard County shall meet or exceed the ensure water quality standards found in Chapter 62-550, F.A.C. to provide a safe and efficient water supply for its consumers.~~

**Policy 2.2**

~~Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) to ensure that the appropriate purveyor of potable water shall notify the users of the public water supply systems when violations of water quality standards occur by following, at a minimum, the procedure found in Chapter 17-22, F.A.C.~~

**POTABLE WATER ELEMENT**

**Policy 2.3**

Brevard County, municipalities, the School Board, and all primary and support agencies designated within the Brevard County Comprehensive Emergency Management Plan (GEMP), being governed by the authority of Public Law 93-288, Chapter 62-22, F.A.C., Chapter 252, F.S. and the St. Johns River Water Management District Water Shortage Plan (40C-21, F.A.C.), shall ensure the provision of potable water supplies to users of potable water within Brevard County during or after natural or man-made catastrophes.

**Policy 2.4**

Anyone proposing a new public water supply well shall comply with the policies contained in the Conservation Element.

**Accessibility to Potable Water**

**Objective 3 PW 4**

Ensure that the present and future population has access to potable water that is consistent with the service sectors defined in the Future Land Use Element of this Comprehensive Plan.

**Policy 3.1**

The following acceptable level of service standards (LOS) are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development within the respective service areas. Potable water service areas are those areas depicted in Map 1.

| POTABLE WATER                       |                                       |
|-------------------------------------|---------------------------------------|
| SERVICE AREA                        | LEVEL OF SERVICE STANDARD             |
| BCUSD                               | 200 gal/ERG/day                       |
| Barefoot Bay Water & Sewer District | 150 gal/ERG/day                       |
| City of Cocoa                       | 340 gal/ERG/day or 122 gal/capita/day |
| City of Melbourne                   | 100 gal/capita/day                    |
| City of Palm Bay                    | 225 gal/ERG/day                       |
| City of Titusville                  | 96.4 gal/capita/day                   |
| City of West Melbourne              | 210 gal/ERG/day                       |

**Policy PW 4.1**

Brevard County shall provide adequate water treatment plant capacity to maintain the adopted level of service standard in the Capital Improvements Element of the County's Comprehensive Plan. ~~The level of service standard for planning purposes is 220 gallons per day per equivalent residential connection (ERG) in all areas of the County potable water service area except for Barefoot Bay Water and Sewer District, which will be 150 gallons per day per ERG.~~

**POTABLE WATER ELEMENT**

**Policy 3.2 PW 4.2**

Brevard County's ~~Water and Wastewater Division~~ Utility Services Department shall develop and implement a procedure to monitor the potable water system's level of service (~~LOS~~) status; and to determine the impact of a requested development order on available potable water capacity. ~~Consistency with the established LOS determines approval of the development order as it pertains to the Potable Water Element as it pertains to the Potable Water Element.~~ The gallons per day criteria for residential and non-residential consumption as established by the individual water suppliers shall be used as the criteria to measure the available capacity of the applicable water treatment plant.

**Policy 3.3**

Recognizing that acceptable level of service standards may not be achieved in practice and to avoid the possibility of curtailment of potable water service, the Brevard County water service agency shall initiate action (including introduction into the Capital Improvement Element), utilizing a lead time based on a calculated number of years before the design capacity has been reached using the following formulas to ensure additional capacity is on-line within five years:

$$\frac{\text{design capacity} - \text{actual capacity}}{\text{growth rate}} = \text{# of years to design capacity}$$

$$\frac{\text{\# years to design capacity} - 5 \text{ years}}{\text{growth rate}} = \text{\# of years before necessary inclusion within the CIE}$$

$$\text{growth rate} = \text{percentage capacity increase per year}$$

**Policy 3.4 PW 4.3**

Potable water facilities and services intended to serve future development needs that are not located in the 0-20 year future potable water service area (~~see Map 1~~) shall not be permitted or provided unless the potable water service area is amended in the Potable Water Element of the Comprehensive Plan or a non-governmental entity is the provider of the potable water facilities, so long as the private potable water service is consistent with the Brevard County Comprehensive Plan; and the Water Supply Facilities Work Plan of the County, the St. Johns River Water Management District, the City of Cocoa, the City of Melbourne, the City of Palm Bay, the City of Titusville, and the City of West Melbourne. Nothing in this element will prevent a private property owner from utilizing on-site water sources, such as a well, for individual and personal potable water use.

**Necessary Facilities Provided to Meet Projections**

**Objective 4 PW 5**

Provide the facilities necessary to meet the projected needs of the County-operated public water supply system for ~~the next twenty~~ a minimum of ten years.

**Policy 4.1**

~~Brevard County shall continue to implement a wellfield expansion program in order to provide an adequate and dependable water supply source to meet the current and future needs of the County-operated water system.~~

**Policy 4.2 PW 5.1**

Brevard County shall continue cooperative efforts with other governmental entities, both within the County and outside of the County, including regional, sState and federal agencies, for the planning, implementation, and management of water resources and supplies. The County's Utility Services Department shall coordinate needs for potable water expansion with the Future Land Use Element and Housing Element.

**Policy 4.3**

~~For potable water uses, Brevard County should utilize the highest quality water source, whenever economically and environmentally feasible.~~

**Policy 4.4**

~~Brevard County shall continue to participate in the development of updates to the St. Johns River Water Management District Central Springs / East Coast Regional Water Supply Plan and any other water supply development-related initiatives facilitated by the District that would affect the County.~~

**Policy 4.5 PW 5.2**

The County will monitor and participate, as necessary, in its water service providers' water supply planning process to ensure that these entities account for and meet the County's current and future water needs for the respective unincorporated areas.

**Policy 4.6 PW 5.3**

The County shall maintain a Water Supply Facilities Work Plan (~~Work Plan~~) (WSFWP) that is coordinated with ~~SJRWMD's~~ the St. Johns River Water Management District's Central Springs/ East Coast Regional Water Supply Plan (CSEC RWSP) Regional Water Supply Plan (RWSP). ~~The Work Plan~~ WSFWP and related comprehensive plan policies will be updated, as necessary, within 18 months of an update of the ~~CSEC RWSP~~ that affects the County.

**Policy 4.7 PW 5.4**

The County's Water Supply Facilities Work Plan (2023-2035) is incorporated into the comprehensive plan as Appendix A of the Potable Water Element. In case of any conflict, the level of service standard identified in the Capital Improvements Element shall control.

**Policy 4.8 PW 5.5**

The Water Supply Facilities Work Plan shall identify the traditional and alternative water supply projects and programs, along with the water conservation and reuse practices, necessary to meet existing and future water demands.

**POTABLE WATER ELEMENT**

**Policy 4.9 PW 5.6**

The Water Supply Facilities Work Plan shall identify those projects (if any) contained in the CSEC RWSP and selected by the County for implementation (if any).

**Maximize Use of Existing Potable Water**

**Objective 5 PW 6**

Brevard County shall maximize the use of existing potable water supplies to discourage urban sprawl and encourage efficient, sustainable development and re-development.

**Policy 5.1 PW 6.1**

The development and use of County-owned potable water facilities and systems shall be for the overall public benefit by providing potable water for public consumption; maximizing the efficient and effective provision of potable water; and minimizing construction, operation, and maintenance costs.

**Policy PW 6.2**

The County shall prohibit private potable water treatment systems.

# POTABLE WATER ELEMENT APPENDIX A: BREVARD COUNTY WATER SUPPLY FACILITIES WORK PLAN

February 2024

Prepared for:



Prepared by:

**BONNIE LANDRY**  
& ASSOCIATES Professional Planning Services

**Kimley»Horn**  
Expect More. Experience Better.

Updated February 20, 2024



**EXECUTIVE SUMMARY**

The purpose of the Water Supply Facilities Work Plan (WSFWP) is to establish future water demands and potential water sources and facilities to meet those demands for the 2035 planning horizon. Brevard County’s WSFWP has been prepared in accordance with Section 163.3177 and Section 373.709, F.S.

Unincorporated Brevard County is served by several potable water suppliers, including the Brevard County Utility Services Department (BCUSD), the utilities of the Cities of Cocoa, Melbourne, Palm Bay, Titusville, and West Melbourne, and a number of neighborhood-scale plants. BCUSD and Municipal utilities draw and treat groundwater as well as surface water from Lake Washington and Taylor Creek Reservoir.

Brevard County’s unincorporated population is projected to rise 17% to 261,809 by 2035. Most of this population growth is projected to be served by municipal water utilities and Domestic Self-Supply (DSS).

| Brevard County            | 2020     | 2035     | Delta    | % Increase |
|---------------------------|----------|----------|----------|------------|
| Unincorporated Population | 223,591  | 261,809  | 38,218   | 17.1%      |
| BCUSD Population          | 17,769   | 20,806   | 3,037    | 17.1%      |
| BCUSD Water Demand        | 1.30 MGD | 1.74 MGD | 0.44 MGD | 34.2%      |

Recent historical production data from BCUSD’s three Water Treatment Plants (WTP) – Mims, Barefoot Bay, and San Sebastian - shows that current potable water consumption falls well within adopted Level of Service (LOS) standards, design capacities, and Consumptive Use Permit (CUP) allocations. Further, there is adequate CUP allocation and capacity to serve projected BCUSD customer demand through 2035.

|                          |                                | 2020  | 2025   | 2030   | 2035   |
|--------------------------|--------------------------------|-------|--------|--------|--------|
| <b>Mims WTP</b>          | <b>Population</b>              | 7,958 | 8,548  | 8,989  | 9,318  |
|                          | <b>Permitted Surplus (MGD)</b> | 0.26  | 0.16   | 0.08   | 0.03   |
|                          | <b>Design Surplus (MGD)</b>    | 1.46  | 1.36   | 1.28   | 1.23   |
| <b>Barefoot Bay WTP</b>  | <b>Population</b>              | 9,665 | 10,382 | 10,917 | 11,317 |
|                          | <b>Permitted Surplus (MGD)</b> | 0.34  | 0.25   | 0.18   | 0.13   |
|                          | <b>Design Surplus (MGD)</b>    | 0.40  | 0.31   | 0.24   | 0.19   |
| <b>San Sebastian WTP</b> | <b>Population</b>              | 146   | 157    | 165    | 171    |
|                          | <b>Permitted Surplus (MGD)</b> | 0.033 | 0.032  | 0.031  | 0.030  |
|                          | <b>Design Surplus (MGD)</b>    | 0.027 | 0.025  | 0.024  | 0.024  |

The St. Johns River Water Management District’s (SJRWMD) most recent 2020 Regional Water Supply Plan (RWSP) finds that traditional groundwater supply is insufficient to meet projected increasing demands region-wide. This plan highlights conservation and reuse policies to mitigate local demand.

As required by statute, this plan lists and amends as necessary Comprehensive Plan policies which coordinate the WSFWP with all applicable Elements and the SJRWMD RWSP, and also includes adopted and proposed potable and reuse water Capital Improvement Plan (CIP) projects.

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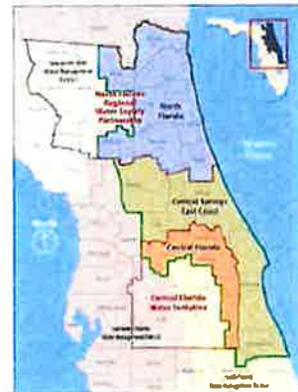
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## PURPOSE

The purpose of this document is to assess and plan for adequate water supply for the County's future unincorporated population. This Water Supply Facilities Work Plan (WSFWP) has been prepared in accordance with Chapter 163, Part II, Florida Statutes (F.S.) and 373.709, F.S. The F.S. requires local governments to maintain a WSFWP to assess the water supply sources and facilities necessary to meet existing and projected water use demands for a minimum planning period of 10 years in coordination with the Regional Water Supply Plan (RWSP) of their Water Management District(s). This WSFWP addresses projected supply and demand for the years 2020-2035.

## INTRODUCTION

An important role of the St. Johns River Water Management District is to ensure there are adequate and sustainable water supplies to meet future needs while protecting the environment. In addressing water supply, the District divided its water supply planning into three plan areas: Central Florida Water Initiative (CFWI); Central Springs/East Coast (CSEC) Planning Area and North Florida Regional Water Supply Partnership. Brevard County is in the CSEC Regional Water Supply Plan (RWSP) area which includes all or part of six counties — Volusia, Lake, Marion, Brevard (excluding the City of Cocoa, which is included in the CFWI), Indian River and Okeechobee counties. This plan is coordinated with the CSEC 2020 RWSP and the CFWI 2020 RWSP to assess all of Brevard County including the City of Cocoa. There are six public providers of potable water for Brevard County's unincorporated areas: the Cities of Cocoa, Melbourne, Palm Bay, Titusville and West Melbourne, and Brevard County.



## PLANNING PERIOD

The Planning Horizon for the Brevard Water Supply Facilities Work Plan (WSFWP) is 2020-2035. Florida Statutes require local governments plan to a 10-year horizon at minimum.

RWSPs are based on available data at the time of plan development. The base year for both the CSEC and CFWI RWSPs is 2015, which was the most current year with population and water use data available at the time the projections were developed. RWSP demand projections were based on actual use data over the 2011-2015 period to incorporate per-capita trends. For BCUSD's own Water Treatment Plants (WTP), demand projections were based on more current actual use data (2018-2023).

Pursuant to Chapter 163, F.S., local governments are required to update their WSFWP and Comprehensive Plan every 5 years, within 18 months of an update to their related Water Management District RWSP. For governments comprised of more than one RWSP area, updates must be made within 18 months of the most recent RWSP update. Brevard County is included in two RWSP areas: the CSEC, covering all of Brevard except for the City of Cocoa, and the CFWI, covering the City of Cocoa.

## STATUTORY REQUIREMENTS

### FLORIDA REGULATIONS FOR WATER SUPPLY AND FACILITY PLANNING

Brevard County is required by Florida Statutes to adopt a Water Supply Facilities Work Plan that complies with the following regulations for water supply and facility planning and related Comprehensive Elements:

- I. {163.3177(4)(a), F.S.}: Coordinate with the St. Johns River Water Management District Coordinate aspects of the comprehensive plan with the associated regional water supply plan and adjacent utilities.
- II. {163.3177(6)(a), F.S.}: Ensure the Future Land Use Plan is based upon availability of adequate water supplies and public facilities and services. Data and analyses demonstrating adequate water supplies and public facilities available to meet project growth demands. **(Future Land Use)**
- III. {163.3180(2), F.S.}: Consult with the water supplier, ensure adequate water supplies and potable water facilities are available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. **(Future Land Use)**
- IV. {163.3177(6)(c), F.S.}: Work plan will cover at least a 10-year planning period to meet existing and projected demand. The work plan must address those facilities that provide service within the local government jurisdiction and include any facilities needed to develop alternative water supplies. The work plan must also identify conservation and reuse measures to meet future needs identified in the RWSP. **(Potable Water)**
- V. {163.3177(3)(a)4, F.S.}: Identify water supply capital projects over next 5 years for which the county is responsible (both publicly and privately funded) needed to achieve and maintain adopted levels of service. The projects would include funded and unfunded projects. If unfunded include the level of priority for funding. **(Capital Improvements)**
- VI. {163.3177(6)(d)3, F.S.} & {163.3167(9), F.S.}: Assess current and projected water needs and sources for at least a 10-year planning period considering existing levels of water conservation, use and protection, and applicable policies of the water management district. Address water supply sources for existing and projected water use demand. **(Conservation)**
- VII. {163.3177(6)(h)1}: Ensure internal consistency between the Comprehensive Plan and the Water Supply Plan. **(Intergovernmental Coordination)**

**DATA & ANALYSIS**

**SOURCES AND METHODS**

Population projection trends are derived from the most recent 2023 University of Florida Bureau of Economic Business Research (BEBR) reports. The Unincorporated County population is based on 2022 UF BEBR data. County-wide water demand projections are sourced from the SJRWMD CSEC 2020 RWSP and CFWI 2020 RWSP. Brevard County Utilities Services Department (BCUSD) WTP population and water demands are based on 5-year analyses of Monthly Operation Reports (MORs).

**WATER SUPPLY FACILITIES WORK PLAN SCHEDULES**

Municipal water utilities are planned for and managed in accordance with their respective WSFWPs. The dates of the most current Work Plan (at the time this plan was drafted) are summarized in **Table 1** below.

**TABLE 1 – WATER SUPPLY FACILITIES WORK PLAN DATES**

| <b>Municipal Utility</b> | <b>Last WSFWP</b> |
|--------------------------|-------------------|
| City of Cocoa            | 2009              |
| City of Melbourne        | 2021              |
| City of Palm Bay         | N/A               |
| City of Titusville       | 2023              |
| City of West Melbourne   | N/A               |

Due to recent changes in state law requiring regular 5-year updates to all WSFWPs, Brevard County anticipates that the less recent municipal Work Plans will be updated within the next Fiscal Year.

**WATER INFRASTRUCTURE**

Potable water is provided to unincorporated Brevard County by several large and small suppliers, including three (3) BCUSD Water Treatment Plants (WTP), five (5) municipal utilities, and eight (8) other suppliers comprised of mostly smaller, neighborhood-specific plants. The majority of potable water is supplied by BCUSD and Municipal utilities. Maps of the existing BCUSD and Municipal potable water utility service areas, as well as the proposed BCUSD potable water area expansion, are included in this report.

The BCUSD potable water distribution facilities include more than 121 miles of pipe ranging from smaller than 4 inches to 24 inches in diameter. Throughout the potable water service areas identified, the existing water mains are composed mostly of PVC pipe. There are also small areas of BCUSD water mains constructed of ductile iron, asbestos, or high-density polyethylene (HDPE).

Descriptions of the potable water infrastructure maintained by the municipal suppliers to unincorporated Brevard County are included in their respective Work Plans.

**POPULATION**

By 2035, the population of unincorporated Brevard County is projected to rise by 38,218 (+17.1%) to a total of 261,809. This population analysis can be found later in **Tables 7 and 8** of this document. This plan addresses these trends in the population projections and anticipated demands, identifying conservation initiatives to accommodate additional users while conserving water supply.

**DEMAND AND LOS**

The SJRWMD RWSPs analyze prior actual use data against BEBR population projections to estimate demand into the future. The most recent RWSPs estimate demand through 2040 based on use data from 2011-2015. These figures represent projections for total Public Supply demand and use rates in Gallons/Capita/Day in Brevard County, served by BCUSD, Municipal, and other large public supply utilities.

**TABLE 2 - RWSP PUBLIC SUPPLY POPULATION, DEMAND, AND RATE 2020-2035**

| <b>Planning Area</b>              | <b>2020</b> | <b>2025</b> | <b>2030</b> | <b>2035</b> |
|-----------------------------------|-------------|-------------|-------------|-------------|
| CSEC – Brevard PS Population      | 419,811     | 441,484     | 455,304     | 472,027     |
| CSEC – Brevard PS Demand (MGD)    | 37.51       | 39.00       | 39.95       | 41.07       |
| <i>CSEC – Brevard Rate (GPCD)</i> | <i>89</i>   | <i>88</i>   | <i>88</i>   | <i>87</i>   |
| CFWI – Cocoa PS Population*       | 190,375     | 199,285     | 206,178     | 211,309     |
| CFWI – Cocoa PS Demand (MGD)*     | 25.13       | 29.91       | 30.82       | 31.49       |
| <i>CFWI – Cocoa Rate (GPCD)*</i>  | <i>132</i>  | <i>150</i>  | <i>149</i>  | <i>149</i>  |

*Sources: CSEC and CFWI 2020 RWSP; \*Cocoa’s utility included as it serves some unincorporated County*

Level of Service (LOS) standards are adopted by Brevard County to ensure sufficient water supply for existing and future development. LOS standards are used in land use decisions to estimate increased demand from development; and they are an important measure for estimating the necessity of utility expansion. Brevard County proposes to amend its LOS standards in the Potable Water Element and Capital Improvements Element to align with current rate resolutions, shown below in **Table 3A**. Service areas are proposed to be reorganized into two groups, one comprising the Barefoot Bay Water and Sewer District service area, which also includes the San Sebastian WTP, and the other comprising all other BCUSD potable water facilities.

**TABLE 3A – PROPOSED BCUSD POTABLE WATER LEVEL OF SERVICE STANDARDS**

| <b>Service Area</b>                   | <b>LOS</b>    |
|---------------------------------------|---------------|
| BCUSD (Countywide)                    | 200 GPD / ERC |
| Barefoot Bay Water and Sewer District | 150 GPD / ERC |

*Source: BCUSD Rate Resolutions*

To calculate per-capita rates for the following updated demand projection analysis, proposed LOS are divided by the current BEBR Average Household Size for Brevard (2.33), resulting in a per-capita LOS of 86 GPCD for BCUSD and 64 GPCD for Barefoot Bay.

Municipal Utility per capita LOS are included per their respective Comp Plans, shown in **Table 3B**.

**TABLE 3B – MUNICIPAL POTABLE WATER LEVEL OF SERVICE (LOS)**

| Service Area           | LOS (Avg Daily Demand)    | LOS (Max Daily Demand) |
|------------------------|---------------------------|------------------------|
| City of Cocoa          | 340 GPD / ERC<br>122 GPCD | 510 GPD / ERC          |
| City of Titusville     | 96.4 GPCD                 | -                      |
| City of Melbourne      | 100 GPCD                  | -                      |
| City of Palm Bay       | 225 GPD / ERC             | -                      |
| City of West Melbourne | 210 GPD / ERC             | 575 GPD / ERC          |

*Source: Comprehensive Plans of City of Cocoa, City of Titusville, City of Melbourne, City of Palm Bay, and City of West Melbourne*

Because Brevard County cannot manage municipal utility LOS, it relies upon intergovernmental coordination to ensure sufficient facilities for unincorporated Brevard County within municipal utility service areas. Brevard County maintains agreements with municipalities for potable and wastewater services and maintains Comprehensive Plan policies outlining concurrency analysis for development decisions in municipal service areas. As specified in Intergovernmental Coordination and Capital Improvements Elements, Brevard County requires (1) written acknowledgement of sufficiency within a municipal water service area prior to permits and (2) requires availability of water service at levels within the adopted LOS prior to issuance of certificate of occupancy.

**TABLE 4 – POTABLE WATER AGREEMENTS BETWEEN BREVARD COUNTY AND MUNICIPAL UTILITIES**

| Agreement With         | Type                       | Established | Expiration | Recommendation |
|------------------------|----------------------------|-------------|------------|----------------|
| City of Cocoa          | Merritt Island Agreement   | 1982        | -          | Maintain       |
| City of Melbourne      | Franchise Agreement        | 2000        | 2030       | Maintain       |
| City of Melbourne      | Joint Settlement Agreement | 2001        | -          | Maintain       |
| City of Palm Bay       | Joint Settlement Agreement | 2001        | -          | Maintain       |
| City of Titusville     | Interconnect ILA           | 1997        | -          | Maintain       |
| City of West Melbourne | Joint Settlement Agreement | 2001        | -          | Maintain       |

**WATER USE PERMIT INFORMATION**

The SJRWMD issues Consumptive Use Permits (CUPs) authorizing withdrawal of ground and surface waters for public supply within Brevard County.

**Table 5** below is a summary of the primary BCUSD and Municipal potable water utilities serving unincorporated Brevard County and their source allocations.

**TABLE 5 – PUBLIC WATER PROVIDERS TO UNINCORPORATED BREVARD COUNTY**

| <b>Provider</b>               | <b>CUP Allocation (MGY)</b> | <b>Source</b>   | <b>Permit #</b> | <b>Permit Expiration</b> |
|-------------------------------|-----------------------------|---|-----------------|--------------------------|
| <b>Barefoot Bay WTP*</b>      | 291.72                      | Groundwater from surficial aquifer, with backup from Upper Floridan Aquifers (UFA)                      | 236             | 2029                     |
| <b>Mims WTP*</b>              | 383.3                       | Groundwater from surficial aquifer  | 233             | 2038                     |
| <b>San Sebastian WTP*</b>     | 29.15                       | Groundwater from surficial aquifer  | 1742            | 2031                     |
| <b>City of Titusville</b>     | 2,193.65                    | Groundwater from surficial aquifer  | 10647, 99052    | 2031                     |
| <b>City of Palm Bay</b>       | 6,267.05                    | Groundwater from surficial aquifer and Floridan Aquifers  | 202             | 2029                     |
| <b>City of Melbourne</b>      | 8,592.23                    | Surface water from Lake Washington and groundwater from the brackish Upper Floridan aquifer (UFA)       | 50301           | 2049                     |
| <b>City of West Melbourne</b> | 1,372.40                    | Groundwater from the Upper Floridan Aquifers (UFA).   | 173509          | 2041                     |
| <b>City of Cocoa</b>          | 14,537.95                   | Surface water from the Taylor Creek Reservoir, Groundwater from the intermediate aquifer system and UFA | 50245           | 2052                     |

Source: OCULUS, FL Department of Environmental Protection (DEP) 2023 Current consumptive use permits

\* = BCUSD Facilities

INVENTORY OF EXISTING WATER SUPPLY & FACILITIES

BCUSD WATER TREATMENT PLANTS

MIMS WATER TREATMENT PLANT (WTP) (FACID: 3050834, CUP PERMIT #: 233)

The Mims WTP is a 1.05 million gallon per day (MGD) annual average daily flow (AADF) permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located in the Mims area through aeration, lime softening, secondary clarification, tertiary filtration, and high-level disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 383.3 MGY, with source water obtained from the surficial aquifer. This WTP is permitted by SJRWMD through 2038 to serve a population of 9,700.

BAREFOOT BAY WATER TREATMENT PLANT (WTP) (FACID: 3050057, CUP PERMIT #: 236)

The Barefoot Bay WTP is a 0.8 MGD AADF permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located in Barefoot Bay through softening, filtration, and primary disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 291.72 MGY, with source water obtained from the surficial aquifer and Upper Floridian aquifer as a backup. This WTP is permitted by SJRWMD through 2029 to serve a population of 10,600.

SAN SEBASTIAN WATER TREATMENT PLANT (WTP) (FACID: 3054170, CUP PERMIT #: 1742)

The San Sebastian WTP is a 0.08 MGD AADF permitted potable water treatment facility. The facility treats raw water from surficial aquifer wells located at the facility through aeration and disinfection to generate potable water meeting all FDEP and Potable Water criteria requirements. It has a SJRWMD CUP authorization limit of 29.15 MGY, with source water obtained from the surficial aquifer. This WTP is permitted by SJRWMD through 2031 to serve a population of 330.

**MUNICIPALLY OWNED WATER TREATMENT PLANTS (WTP):**

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CITY OF TITUSVILLE (CUP PERMIT #: 10647)

The City of Titusville owns 61 wells. It has a SJRWMD CUP authorization of 6.01 MGD (2,193.65 MGY) of groundwater from the surficial aquifer system and the Floridan aquifer. The city is permitted by SJRWMD through 2031 to serve a population of 63,369.

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CITY OF PALM BAY (CUP PERMIT #: 202)

The City of Palm Bay owns 59 wells. It has a SJRWMD CUP authorization of 4.9 MGD of groundwater from the surficial aquifer system and 12.27 MGD of groundwater from the Floridan aquifer (6267.05 MGY total). The city is permitted by SJRWMD through 2029 to serve a population of 144,867.

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CITY OF MELBOURNE (CUP PERMIT #: 50301)

The City of Melbourne owns 12 wells. It has a SJRWMD CUP authorization of 23.54 MGD (8,592.1 MGY) of surface water from Lake Washington and groundwater from the brackish Upper Floridan aquifer (UFA). The city is permitted by SJRWMD through 2049 to serve a population of 233,937.

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CITY OF WEST MELBOURNE (CUP PERMIT #:173509)

The City of West Melbourne owns 5 wells. It has a SJRWMD CUP authorization of 3.76 MGD (1372.4 MGY) of groundwater from the Upper Floridan Aquifer (UFA). The city is permitted by SJRWMD through 2041 to serve a population of 41,570.

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CITY OF COCOA (CUP PERMIT #: 50245)

The City of Cocoa owns 63 wells. It has a SJRWMD CUP authorization of 8.83 MGD of surface water from the Taylor Creek Reservoir, 3 MGD of groundwater from the intermediate aquifer system and 28 MGD of groundwater from the Upper Floridan Aquifer (UFA) (14,537.95 MGY total). The city is permitted by SJRWMD through 2052 to serve a population of 256,385.

**OTHER LARGE AND SMALL PUBLIC SUPPLY UTILITIES SERVING UNINCORPORATED COUNTY**

Portions of unincorporated Brevard County are served by other CUP-permitted suppliers listed in **Table 6**, the majority of which are neighborhood-scale providers.

Some larger utilities are located primarily outside Brevard County, but have service territory extensions within the unincorporated County. Farmton Services LLC is not yet active, but it will serve a portion of northwest Brevard County within the “Farmton Local Plan”. Similarly, Deseret Ranches extends into western Brevard County from Orange and Osceola Counties, though the majority of its public-supply use allocation is for seasonal camp residents primarily outside of Brevard County.

SJRWMD defines “Large” suppliers as those producing at least 0.1 MGD and “Small” suppliers as those producing less than 0.1 MGD potable water. CUP allocations below reflect quantities for public supply type use only; some CUPs have additional allocations for non-potable uses such as irrigation.

**TABLE 6 – OTHER POTABLE WATER SUPPLIERS TO BREVARD COUNTY**

| Utility  | Size  | CUP PS Allocation (MGY) | Source   | Permit # | Permit Expiration |
|--|-------|-------------------------|--|----------|-------------------|
| Farmton Services LLC*  | Large | 5.0 MGD                 | Groundwater from the Floridan aquifer                | 127579   | 2034              |
| CSWR-Florida Utility Operating Company, LLC (aka Aquarina Utilities) | Large | 156.7                   | Groundwater from the Upper Floridan aquifer          | 1719     | 2039              |
| South Brevard County Utilities (aka South Brevard Water CO-OP)       | Large | 46.355                  | Groundwater from the Upper Floridan aquifer          | 1606     | 2041              |
| South Shores Utility Assoc   | Small | 29.2                    | Groundwater from the Floridan aquifer                | 1749     | 2032              |
| East Central Florida Services Inc (aka Deseret Ranches)              | Small | 16.41                   | Groundwater from the surficial and Floridan aquifers | 3426     | 2032              |
| Pelican Bay Communities LLC  | Small | 10.95                   | Groundwater from the surficial aquifer               | 1738     | 2042              |
| River Grove mobile Home Village 1 & 2                                | Small | 10.22                   | Groundwater from the surficial aquifer               | 1804     | 2024              |
| Sebastian Inlet State Park   | Small | 6.95                    | Groundwater from the Upper Floridan aquifer          | 1807     | 2041              |
| Summit Cove Condo Assoc  | Small | 3.25                    | Groundwater from the surficial aquifer               | 1808     | 2043              |

Source: Current SJRWMD CUPs; \* Farmton Services LLC is not yet active and has varying annual allocations of varying sources for varying uses. 5.0 MGD is the maximum public supply type use allocation.

UNINCORPORATED BREVARD COUNTY POPULATION ANALYSIS

As required by all Comprehensive Plan amendments, the WSFWP must be based upon data relevant to Brevard County. Per Section 163.3177, F.S., comprehensive plans shall be based upon permanent and seasonal population estimates. However, RWSPs are based on the University of Florida’s Bureau of Economic and Business Research (BEBR) “medium” projections as required by 373.709(2)(a)1a, F.S., and as such they do not include seasonal or other types of temporary residents.

The CSEC and CFWI RWSPs identify the “Public Supply Population” as a discrete portion of the overall population, since not all developments receive public water services. Table 7 provides the estimated Public Supply Population in the RWSPs across the 2020 – 2035 planning horizon including customers for all BCUSD, Municipal, and other large and small public water suppliers. These projections were based on BEBR publications from 2016-2017, which were the most up-to-date reports available at that time. Note that CFWI - City of Cocoa includes a Public Supply Population larger than the municipal population, due to its utility’s service to non-Cocoa areas, including portions of unincorporated Brevard County.

TABLE 7 – 2020 RWSP PUBLIC SUPPLY POPULATION PROJECTIONS 2020-2035

| Public Supply Population | 2020    | 2025    | 2030    | 2035    |
|--------------------------|---------|---------|---------|---------|
| CSEC (Brevard)           | 421,797 | 443,557 | 457,385 | 474,114 |
| CFWI (City of Cocoa)     | 190,375 | 199,285 | 206,178 | 211,309 |
| Total Brevard - All RWSP | 612,172 | 642,842 | 663,563 | 685,423 |
| % Growth 5-Year          |         | + 5.0%  | + 3.2%  | + 3.3%  |
| % Growth over 2020       |         | + 5.0%  | + 8.4%  | + 12.0% |

Source: CSEC 2020 RWSP Appendix B; CFWI 2020 RSWP Appendices

To account for known increases in population growth trends over time since the publication of the RWSP, more recent BEBR projections are used in this WSFWP. Table 8 provides the “Medium” BEBR growth trend projections released in April 2023 for Brevard County through 2035 and associated projections for unincorporated County population. These increased growth rates are used in the BCUSD demand projections later in this WSFWP to estimate future demand more accurately.

TABLE 8 - 2023 BEBR POPULATION PROJECTIONS 2020-2035

| Brevard County            | 2020    | 2025    | 2030    | 2035    |
|---------------------------|---------|---------|---------|---------|
| Total Population          | 606,612 | 651,600 | 685,200 | 710,300 |
| % Growth 5-Year           |         | + 7.4%  | + 5.2%  | + 3.7%  |
| % Growth over 2020        |         | + 7.4%  | + 13.0% | + 17.1% |
| Unincorporated Population | 223,591 | 240,173 | 252,558 | 261,809 |

Sources: BEBR: Projections of Florida Population by County, 2025–2050, Medium, (April 2023)

**BCUSD WTP POTABLE WATER PER CAPITA DEMAND**

Monthly Operation Reports (MOR) covering January 2018 – April 2023 from each Water Treatment Plant (WTP) were used to establish the rates of water demand across the populations served in each service area. These figures were based on the actual water produced by each WTP by month and include the populations served by each.

MORs were analyzed for both Average and Maximum monthly production to project both typical and maximum demands over the planning horizon.

**Tables 9A and 9B** analyze MOR data for each BCUSD WTP to establish Average and Maximum demand per capita per day.

**TABLE 9A - AVERAGE DEMAND PER DAY FROM MOR DATA (2018-2023)**

| WTP           | Average Month Demand (GPM) | Average Total WTP GPD | Average Per Capita GPD | Population Served | AADF Permitted (GPD) |
|---------------|----------------------------|-----------------------|------------------------|-------------------|----------------------|
| Mims          | 23,723,071                 | 780,261               | 99                     | 7,947             | 1,050,000            |
| San Sebastian | 1,417,650                  | 46,612                | 320                    | 146               | 80,000               |
| Barefoot Bay  | 13,998,466                 | 461,569               | 48                     | 9,636             | 800,000              |
| <b>TOTAL</b>  | <b>39,139,187</b>          | <b>1,288,442</b>      | <b>73</b>              | <b>17,729</b>     | <b>1,930,000</b>     |

**TABLE 9B - MAXIMUM DEMAND PER DAY FROM MOR DATA (2018-2023)**

| WTP           | Maximum Month Demand (GPM) | Max Total WTP GPD | Max Per Capita GPD | Population Served | Design Capacity (GPD) |
|---------------|----------------------------|-------------------|--------------------|-------------------|-----------------------|
| Mims          | 28,907,000                 | 932,484           | 118                | 7,947             | 2,400,000             |
| San Sebastian | 2,270,000                  | 73,226            | 502                | 146               | 100,000               |
| Barefoot Bay  | 18,244,000                 | 588,516           | 62                 | 9,636             | 1,000,000             |
| <b>TOTAL</b>  | <b>49,421,000</b>          | <b>1,594,226</b>  | <b>91</b>          | <b>17,729</b>     | <b>2,700,000</b>      |

*\*Tables 9A & 9B were calculated using maximum demand per day from January 2018-April 2023 MOR data for each BCUSD WTP.*

The per capita use rates were calculated by determining both the average and maximum volume of potable water produced by the BCUSD WTPs from January 2018 to April 2023 and dividing it by the population served. Using this method, the Mims WTP averaged 99 GPD per capita (GPCD) with a max day of 118 GPCD; the Barefoot Bay WTP averaged 48 GPCD with a max day of 62 GPCD; and the San Sebastian WTP averaged 320 GPCD with a max day of 502 GPCD. Overall, the total demand across the three BCUSD WTPs averaged 73 GPCD with a max day of 91 GPCD.

**BCUSD WTP LEVEL OF SERVICE (LOS)**

Brevard County has adopted Level of Service (LOS) standards to ensure sufficient water quantity for current and future development. Per the County’s Comp Plan, LOS considers maximum daily demand. There are separate LOS standards for Mims and South Brevard. Mims’ LOS varies across Residential and Non-Residential uses, ranging from 400 gallons per Residential Unit per day for residential uses to 250 gallons per Equivalent Unit per day for non-residential uses. Because the scope of this Work Plan contemplates per capita consumption, Brevard’s per-capita LOS can be calculated using BEBR Average Household Size for Brevard (2.33), resulting in a per-capita LOS of 172 GPCD. South Brevard LOS is a standard 125 GPCD. This Work Plan defines the South Brevard region as comprising the Barefoot Bay and San Sebastian WTPs combined.

TABLE 10 - CURRENT DEMAND LEVEL OF SERVICE COMPARISON

| BCUSD Service Area | Average GPCD | Max GPCD | Current Level of Service GPCD | Meets LOS? |
|--------------------|--------------|----------|-------------------------------|------------|
| Mims               | 99           | 118      | 172                           | Yes        |
| South Brevard      | 52           | 68       | 125                           | Yes        |

*\*This table was calculated using maximum demand per day over 5 years of MOR data from each BCUSD WTP. LOS from Brevard County Comp Plan, adjusted with BEBR average Household Size of 2.33*

As shown, current maximum daily demand falls well below adopted LOS for both regions. It is recommended that the Comprehensive Plan be amended to revise LOS standards to reflect current ERC rate resolutions for BCUSD and Barefoot Bay Water and Sewer District.

**BCUSD POTABLE WATER PROJECTIONS**

BEBR population figures and projections were used to establish overall growth rates in 5-year increments through 2035. These rates as shown previously in **Table 7** are applied to each current BCUSD WTP service area population.

The projected demand is calculated by multiplying the current GPCD average and max use rates from **Tables 9A & 9B** for the existing population as of 2020 and multiplying all incremental population by adopted LOS for each service area as shown in **Table 3A**. Because LOS standards are used for concurrency planning, it is appropriate to plan for new users at those standards while assuming existing users are likely to consume at historical rates.

MIMS WTP FUTURE WATER DEMAND

FIGURE 1 - MIMS WTP FUTURE DAILY WATER DEMAND

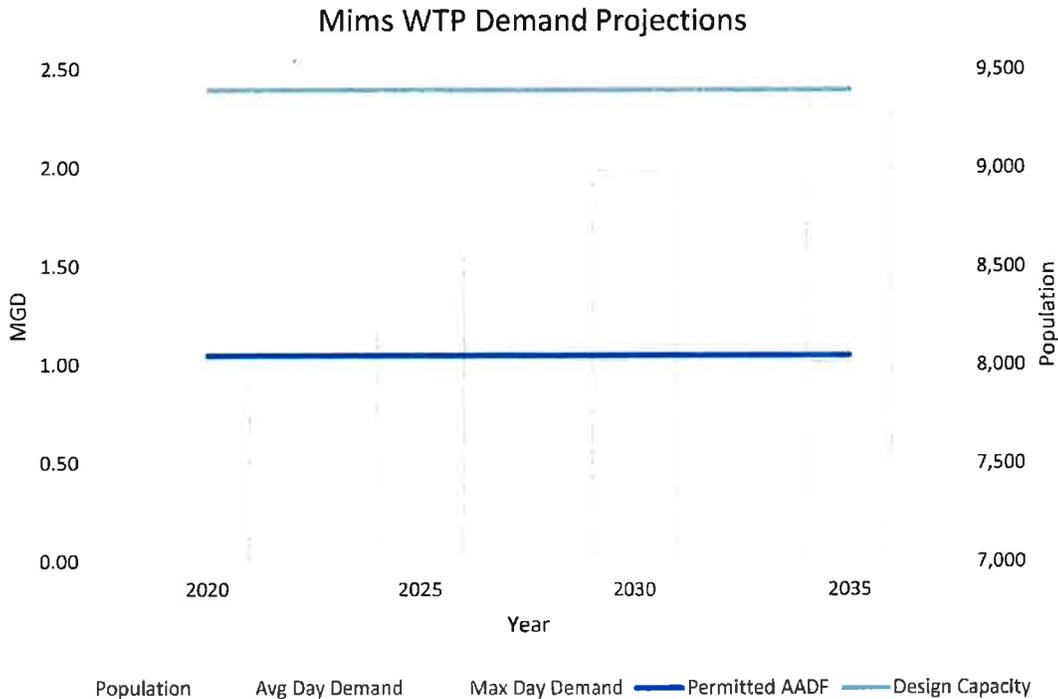


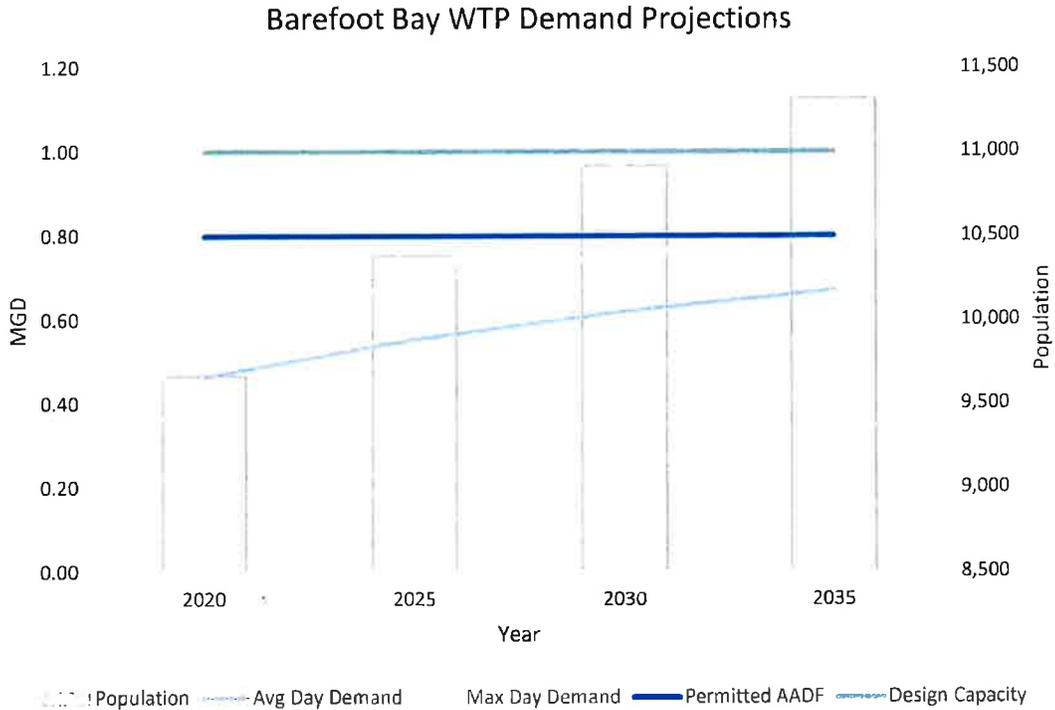
TABLE 11 - MIMS WTP FUTURE POTABLE WATER DEMAND (2020-2035)

| Year | Total Population Estimated | Average Gal. Per Capita (GPCD) | Average Day Demand (MGD) | Maximum Gal. Per Capita (GPCD) | Maximum Day Demand (MGD) | Permitted Surplus on Average Day (MGD) | Design Surplus on Max. Day (MGD) |
|------|----------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------|--|----------------------------------|
| 2020 | 7,958                      | 99                             | 0.79                     | 118                            | 0.94                     | 0.26                                   | 1.46                             |
| 2025 | 8,548                      | 104                            | 0.89                     | 122                            | 1.04                     | 0.16                                   | 1.36                             |
| 2030 | 8,989                      | 107                            | 0.97                     | 124                            | 1.12                     | 0.08                                   | 1.28                             |
| 2035 | 9,318                      | 110                            | 1.02                     | 126                            | 1.17                     | 0.03                                   | 1.23                             |

As shown in **Table 11**, Mims WTP is projected to have an average daily demand of 1.02 MGD and a maximum daily demand of 1.17 MGD across 9,318 customers by 2035. With 1.05 MGD CUP allocation through 2038 and 2.4 MGD design capacity, it is estimated to be able to accommodate estimated demand through 2035.

**BAREFOOT BAY WTP FUTURE WATER DEMAND**

**FIGURE 2 - BAREFOOT BAY WTP FUTURE DAILY WATER DEMAND**



**TABLE 12 - BAREFOOT BAY WTP FUTURE POTABLE WATER DEMAND (2020-2035)**

| Year | Total Population Estimated | Average Gal. Per Capita (GPCD) | Average Day Demand (MGD) | Maximum Gal. Per Capita (GPCD) | Maximum Day Demand (MGD) | Permitted Surplus on Average Day (MGD) | Design Surplus on Max. Day (MGD) |
|------|----------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------|--|----------------------------------|
| 2020 | 9,665                      | 48                             | 0.46                     | 62                             | 0.60                     | 0.34                                   | 0.40                             |
| 2025 | 10,382                     | 53                             | 0.55                     | 66                             | 0.69                     | 0.25                                   | 0.31                             |
| 2030 | 10,917                     | 57                             | 0.62                     | 69                             | 0.76                     | 0.18                                   | 0.24                             |
| 2035 | 11,317                     | 59                             | 0.67                     | 71                             | 0.81                     | 0.13                                   | 0.19                             |

As shown in **Table 12**, the Barefoot Bay WTP is projected to have an average daily demand of 0.67 MGD and a maximum daily demand of 0.81 MGD by 2035, serving 11,317 customers. As it is currently permitted for 0.8 MGD through 2029 with a design capacity of 1.0 MGD, Barefoot Bay is projected to be able to satisfy demand through the expiration of its CUP and beyond, assuming maintained allocation.

SAN SEBASTIAN WTP FUTURE WATER DEMAND

FIGURE 3 - SAN SEBASTIAN WTP FUTURE DAILY WATER DEMAND

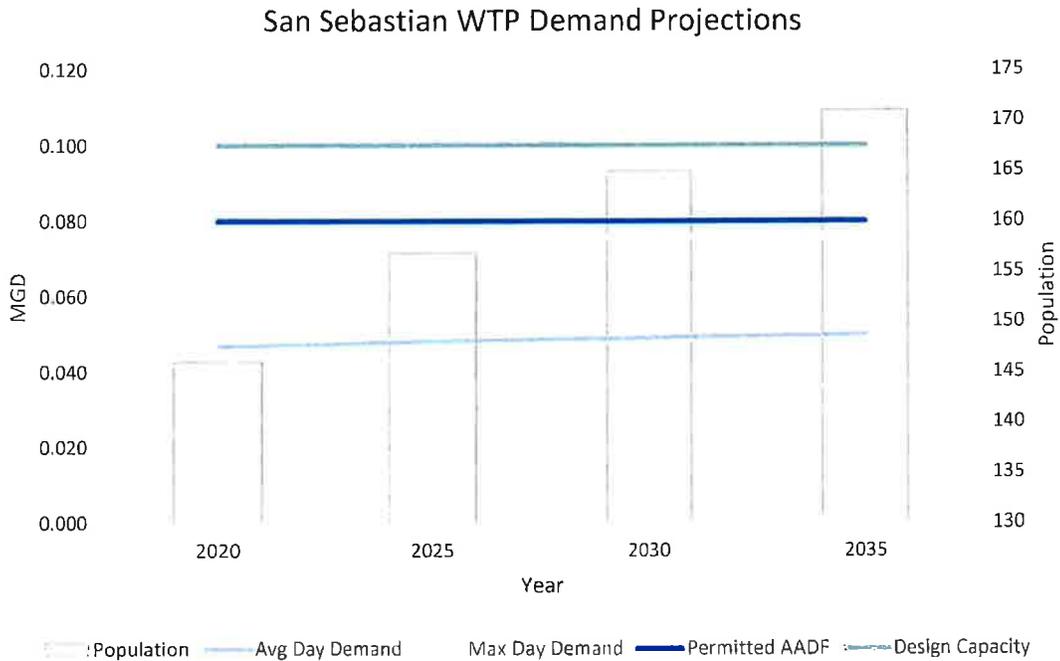


TABLE 13 - SAN SEBASTIAN WTP FUTURE POTABLE WATER DEMAND (2020-2035)

| Year | Total Population Estimated | Average Gal. Per Capita (GPD) | Average Day Demand (MGD) | Maximum Gal. Per Capita (GPD) | Maximum Day Demand (MGD) | Permitted Surplus on Average Day (MGD) | Design Surplus on Max. Day (MGD) |
|------|----------------------------|-------------------------------|--------------------------|-------------------------------|--------------------------|--|----------------------------------|
| 2020 | 146                        | 320                           | 0.047                    | 502                           | 0.073                    | 0.033                                  | 0.027                            |
| 2025 | 157                        | 307                           | 0.048                    | 476                           | 0.075                    | 0.032                                  | 0.025                            |
| 2030 | 165                        | 298                           | 0.049                    | 459                           | 0.076                    | 0.031                                  | 0.024                            |
| 2035 | 171                        | 292                           | 0.050                    | 447                           | 0.076                    | 0.030                                  | 0.024                            |

As shown in **Table 13**, the San Sebastian WTP is projected to have an average daily demand of 0.050 MGD and a maximum daily demand of 0.076 MGD by 2035, serving a projected 171 residents. As it is permitted for 0.08 MGD through 2031 with a design capacity of 0.10 MGD, it can accommodate projected future demands through the expiration of its CUP and beyond, assuming maintained allocation.

San Sebastian currently exceeds South Brevard LOS. Despite the relatively small size of the San Sebastian WTP service territory, its per capita consumption is significantly higher than other BCUSD areas and in the region. This may be due to irrigation of large single-family lots, or other non-potable or non-residential uses. Water conservation measures are recommended.

**POTABLE WATER SERVICE AREA BOUNDARIES AND DOMESTIC SELF-SUPPLY**

This WSFWP addresses demands for potable water within the established planning horizon of 2020-2035. Demand is driven by general population growth trends and changes to utility service area boundaries. For the purposes of this Work Plan, BCUSD demand projections assume static service area boundaries. As Brevard County does not govern municipal utilities, it is possible that unincorporated areas near current municipal utility service areas may be provided service within this planning horizon. However, any service expansion is properly accounted for during the plan review process by capacity verification prior to issuance of permit and certificate of occupancy.

Portions of Brevard County do not receive potable water service by public or small utilities and are instead served by Domestic Self-Supply (DSS). These include both unincorporated and incorporated municipal areas. Per the SJRWMD Central Springs/East Coast (CSEC) 2020 RWSP, there was a DSS population of more than 41,242 in 2020 with an estimated water use of 2.80 MGD. There were no DSS attributable to Brevard County in the SJRWMD Central Florida Water Initiative (CFWI) 2020 RWSP. The projected DSS growth rate is similar to the RWSP public supply population growth rate, but it is anticipated to be reduced due to new state regulation of septic systems and extension of utilities.

TABLE 14 – BREVARD COUNTY DOMESTIC SELF-SUPPLY POPULATION AND DEMAND 2020-2035

| <b>CSEC 2020 RWSP –<br/>Brevard County</b> | <b>2020</b> | <b>2025</b> | <b>2030</b> | <b>2035</b> |
|--|-------------|-------------|-------------|-------------|
| <b>DSS Population</b>                      | 41,242      | 43,305      | 44,946      | 46,130      |
| <b>DSS Pop 5-Year Growth Rate</b>          | -           | + 5.0%      | + 3.8%      | + 2.6%      |
| <b>DSS Water Use (MGD)</b>                 | 2.80        | 2.94        | 3.06        | 3.14        |
| <b>DSS Use Rate (GPCD)</b>                 | 67.9        | 67.9        | 68.1        | 68.1        |

Source: SJRWMD CSEC 2020 RWSP Appendix B – Population and Water Demand Projections

The Indian River Lagoon Protection Program (IRLPP), established in 2023, will impact BCUSD and unincorporated County DSS. The IRLPP sets deadlines for sewer hookup or septic system upgrade within IRL Basin Management Action Plan areas, which include much of the unincorporated area surrounding existing BCUSD service territories. As such, BCUSD will begin master planning in FY 2024 to respond to this regulation. Significant service area expansions are anticipated, which will include coordination with SJRWMD for new and revised permitting.

**CONSERVATION MEASURES**

Although not necessary to meet projected potable water demand through 2035, Brevard County has established and continues to develop a variety of conservation programs including outreach and educational programs, irrigation restrictions, leak detection audits, and water reuse.

BCUSD’s reuse water systems help to significantly offset unnecessary use of potable water for non-potable uses such as landscape irrigation. The following table displays the reuse capacity permitted for BCUSD’s

wastewater treatment facilities and 10-year average daily reuse. Note that reuse demand varies by season; average daily reuse figures do not fully communicate seasonal demand highs. In dry season, demand exceeds available reuse supply.

TABLE 15 - BCUSD WASTEWATER FLOW AND REUSE INFORMATION

| Wastewater Treatment Facility           | Permitted Reuse (MGD) | Average Daily Flow (MGD) | Average Daily Reuse (MGD) | Reuse % |
|---|-----------------------|--------------------------|---------------------------|---------|
| Barefoot Bay                            | 1.041                 | 0.700                    | 0.538                     | 77%     |
| Mims (North Brevard) aka John D. Wright | 2.000                 | 0.330                    | 0.271                     | 82%     |
| Port St. John                           | 0.606                 | 0.470                    | 0.368                     | 78%     |
| South Beaches                           | 3.000                 | 6.400                    | 1.446                     | 48%*    |
| South Central                           | 10.700                | 4.003                    | 4.003                     | 81%     |
| Sykes Creek                             | 4.500                 | 1.466                    | 1.466                     | 43%     |

Source: OCULUS, FL Department of Environmental Protection (DEP) 2023

\*South Beaches reuse % based on permitted rather than total flow.

#### SJRWMD 2020 RWSP PROJECT OPTIONS

One important aspect of the SJRWMD RWSP updates is to organize water resource development project options, water supply development project options, and water conservation project options for the various public and large private water users in the planning regions. The Water Supply Facilities Work Plan process requires local governments include all projects identified in the RWSP that correspond to the government listed as an implementing entity.

According to the most recent CSEC 2020 RWSP, Brevard County is listed as an implementing entity for one water resource development project option: the “Brevard County Abandoned Artesian Well Plugging Program (FY 2020 – FY 2022)”. This project, in partnership with the SJRWMD, provides for abandonment of artesian wells throughout Brevard County resulting in an additional water resource capacity of 4.5 MGD. This project was completed as of FY 2022.

#### CAPITAL IMPROVEMENTS

The County established funding plans for potable and reuse water infrastructure in the annual Capital Improvement Plan (CIP) for Fiscal Year 2022-2023 to Fiscal year 2026-2027. It is a requirement that the WSFWP include all potable water, reuse, and water conservation CIP projects. **Table 16** includes applicable BCUSD capital improvement projects included in the County’s CIP and proposed projects to meet future water demand.

TABLE 16 - 5-YEAR CAPITAL IMPROVEMENT PLAN THROUGH FY 2027 – POTABLE AND REUSE WATER PROJECTS

| Timeline               | Project Cost | Program Name                      | Project Name   | Project Description  | Funded Program | District |
|------------------------|--------------|-----------------------------------|--|--|----------------|----------|
| Oct 2019-<br>Sept 2027 | \$11,229,439 | County Water and Wastewater       | Mims: Watermain Asbestos Cement Pipe   | This project will replace the asbestos cement and thin-walled PVC pipe in the Mims water distribution system and includes changing over the water service connections to the new pipes.  | 6980111        | 1        |
| Oct 2019-<br>Sept 2024 | \$3,200,500  | County Water and Wastewater       | Mims: Plant Additional Wells   | This project consists of installing new water wells to the Mims water system. Current wells have been underperforming in their water withdrawal resulting in the installation of new wells to meet customer water demand.  | 6983105        | 1        |
| Oct 2019-<br>Sept 2024 | \$1,600,000  | County Water and Wastewater       | South Central: Additional Plant Reject Pond  | Install additional reject pond and pumping system north of the two existing storage ponds needed to optimize reclaimed water production at SCWWTF and provide additional capacity.   | 6540423        | 4        |
| Oct 2019-<br>Sept 2024 | \$992,741    | County Water and Wastewater       | Sykes: Reclaimed Water Improvements  | This is phase 1 of 3 providing necessary improvements to the reclaimed water production facility to meet future demands of a growing population in the north Merritt Island region.  | 6300236        | 2        |
| Aug 2023-              | \$50,000,000 | Barefoot Bay Water and Wastewater | *PROPOSED: New Water Treatment Plant in South Brevard                                  | This proposed project will build a new water treatment facility in South Brevard to serve customers in the Barefoot Bay and San Sebastian service areas.   | N/A            | 3        |
| Aug 2023-              | \$65,000,000 | Barefoot Bay Water and Wastewater | *PROPOSED: Barefoot Bay: South Brevard Advanced WWTP (SF 1410) (HF 1586)               | This proposed project will build an advanced wastewater treatment facility to serve customers in the Barefoot Bay service area so they may switch from septic tanks to a centralized system as required by subparagraph 403.067(7)(a)9. a. of the Florida Statutes. The County has received \$1,500,000 in state allocations for this project. | N/A            | 3        |
| Aug 2023-              | \$45,000,000 | County Water and Wastewater       | *PROPOSED: Mims Water: North WTP Expansion and Potable Water Wells (SF 1629) (HF 1040) | This proposed project consists of expanding the Mims Water Treatment Plant (WTP) and installing new potable water wells in order to increase plant capacity and be able to accommodate future demand after the desired expansion of the WTP's service area. The County has received \$1,500,000 in state allocations for this project.         | N/A            | 1        |

\*Proposed projects related to eventual expansion of BCUSD WTPs and service areas, not obtained from Brevard County Annual CIP

#### RELEVANT REGIONAL WATER SUPPLY ISSUES

The SJRWMD 2020 Central Springs/East Coast (CSEC) Regional Water Supply Plan (RWSP) does foresee water quality issues impacting traditional supply region-wide, primarily due to aquifer saltwater intrusion. District UFA monitoring wells in addition to public utility well water quality monitoring reports show increasing salinity concentrations, especially along the Indian River Lagoon, likely due to lateral intrusion as well as to vertical intrusion. Lateral intrusion is mostly due to coastal geography and sea-level rise, whereas vertical intrusion is due to excessive withdrawal. The District estimates that many of these wells already do or will exceed Secondary Drinking Water Standard chloride limits by 2040, its RWSP planning horizon. While this is unlikely to result in impacts to most municipal utilities due to existing Reverse Osmosis (RO) water treatment infrastructure, increasing withdrawals may compromise water quality for neighboring DSS systems and BCUSD WTP surficial wells.

Data from Surficial Aquifer System (SAS) public supply wells show that while saltwater intrusion is increasingly compromising this resource overall, adoption and adherence to wellfield protection plans are demonstrated to reduce and even reverse chloride concentration trends, as has been demonstrated around the Titusville wellfield protection area.

Brevard County is encouraged to consider investigation of alternative water supply projects including Reverse Osmosis treatment, and to continue to adopt and expand water conservation policies, wellfield protection plans, land conservation for groundwater recharge, Low-Impact Design (LID) and Green Stormwater Infrastructure (GSI) incentives or requirements, and reuse projects in line with the SJRWMD recommendations.

#### CONSERVATION, REUSE, AND SOURCE PROTECTION MEASURES

Although additional measures are not necessary to meet projected potable water demand through 2035 as demonstrated previously, Brevard County has established and continues to develop a variety of water conservation, reuse, and source protection practices and programs, some of which are enabled by Comprehensive Plan policies.

## WATER CONSERVATION

Water conservation is important to ensure water supply is used in a sustainable way. The County's water conservation practices include the following:

- Implementation of the BCUSD Water Conservation Plans submitted to SJRWMD as part of the Consumptive Use Permit process.
- Increasing public awareness and acceptance of water conservation techniques
- Requiring that certain irrigation systems utilize micro-irrigation techniques.
- Requiring new development to utilize waterwise landscaping principles.
- Implementation of various water conservation-related programs including the following:
  - Showerhead exchange program
  - Toilet rebate program
  - Water main replacement program
  - Requiring low flow plumbing fixtures
  - Provision of leak detection/water conservation kits
  - Provision of water conservation and restriction messages on utility bills
- Development of a water conservation program in the Code of Ordinances including plumbing feature requirements and water shortage emergency regulations
- Implementing a conservation rate structure in the Mims/North Brevard service area
- Promoting information on water conservation strategies via the BCUSD website

## REUSE

Utilization of non-potable (reuse) water is important to reduce potable water demand. The County's reuse practices include the following:

- Maximizing reuse water to reduce the demand of potable water.
- Implementation of the wastewater reuse ordinance
- Requiring certain irrigation systems to be designed to use reuse water.
- Requiring dual piping for reclaimed water

## SOURCE PROTECTION

Water source protection is important to ensure the sustainability of the County's water supplies. The County water source protection practices include the following:

- Implementing an aquifer protection ordinance
- Coordination with the City of Titusville on aquifer protection
- Conducting public education on importance of protecting the surficial and Floridan aquifers
- Regulating septic tanks, underground storage tanks, hazardous materials and other substances in certain aquifer recharge areas

**CONCLUSION AND RECOMMENDATIONS**

Unincorporated Brevard County’s population is expected to increase by more than 17% cumulatively by 2035. This population will be served primarily by public supply utilities including BCUSD and municipal utilities. The BCUSD potable water customer population is expected to increase to an estimated 20,806 customers, and overall water demand will increase 34% to 1.74 MGD on average, by 2035.

|                           | 2020     | 2035     | Delta    | % Increase |
|---------------------------|----------|----------|----------|------------|
| <b>BCUSD Population</b>   | 17,769   | 20,806   | 3,037    | 17.1%      |
| <b>BCUSD Water Demand</b> | 1.30 MGD | 1.74 MGD | 0.44 MGD | 34.2%      |

Current CUP allocations and infrastructure are projected to be sufficient to accommodate future water demands through 2035 for all three BCUSD WTPs. Portions of unincorporated Brevard County served by municipal potable water utilities are planned for in those respective WSFWPs. Concurrency for all unincorporated County development, whether served by BCUSD or other utilities, is managed during the development review process as verification of facility capacity is required prior to permit and CO issuance.

|                          |                                   | 2020  | 2025   | 2030   | 2035   |
|--------------------------|-----------------------------------|-------|--------|--------|--------|
| <b>Mims WTP</b>          | <b>Population</b>                 | 7,958 | 8,548  | 8,989  | 9,318  |
|                          | <b>Potable Water Demand (MGD)</b> | 0.79  | 0.89   | .097   | 1.02   |
|                          | <b>CUP Allocation (MGD)</b>       | 1.05  | 1.05   | 1.05   | 1.05   |
|                          | <b>Design Capacity (MGD)</b>      | 2.40  | 2.40   | 2.40   | 2.40   |
| <b>Barefoot Bay WTP</b>  | <b>Population</b>                 | 9,665 | 10,382 | 10,917 | 11,317 |
|                          | <b>Potable Water Demand (MGD)</b> | 0.46  | 0.55   | 0.62   | 0.67   |
|                          | <b>CUP Allocation (MGD)</b>       | 0.80  | 0.80   | 0.80   | 0.80   |
|                          | <b>Design Capacity (MGD)</b>      | 1.00  | 1.00   | 1.00   | 1.00   |
| <b>San Sebastian WTP</b> | <b>Population</b>                 | 146   | 157    | 165    | 171    |
|                          | <b>Potable Water Demand (MGD)</b> | 0.047 | 0.048  | 0.049  | 0.050  |
|                          | <b>CUP Allocation (MGD)</b>       | 0.080 | 0.080  | 0.080  | 0.080  |
|                          | <b>Design Capacity (MGD)</b>      | 0.100 | 0.100  | 0.100  | 0.100  |

Current BCUSD potable water use falls within adopted LOS standards overall, however, despite its relatively low population, San Sebastian WTP customers exceed South Brevard LOS, where additional investigation and conservation measures are recommended. It is also recommended that Brevard County’s LOS standards be revised downward to reflect actual use trends, as well as amended to include non-residential per-ERC rates for the South Brevard region to plan for other land uses.

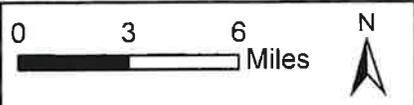
The Brevard County Comprehensive Plan includes policies which enable coordination and implementation of this WSFWP and the SJRWMD RWSP. Additional Comprehensive Plan amendments have been proposed with this WSFWP to ensure consistency.

The 2023 Indian River Lagoon Protection Program requires expedited utility extension to unincorporated County areas. BCUSD will begin master planning to address these and other new regulations in FY 2024.



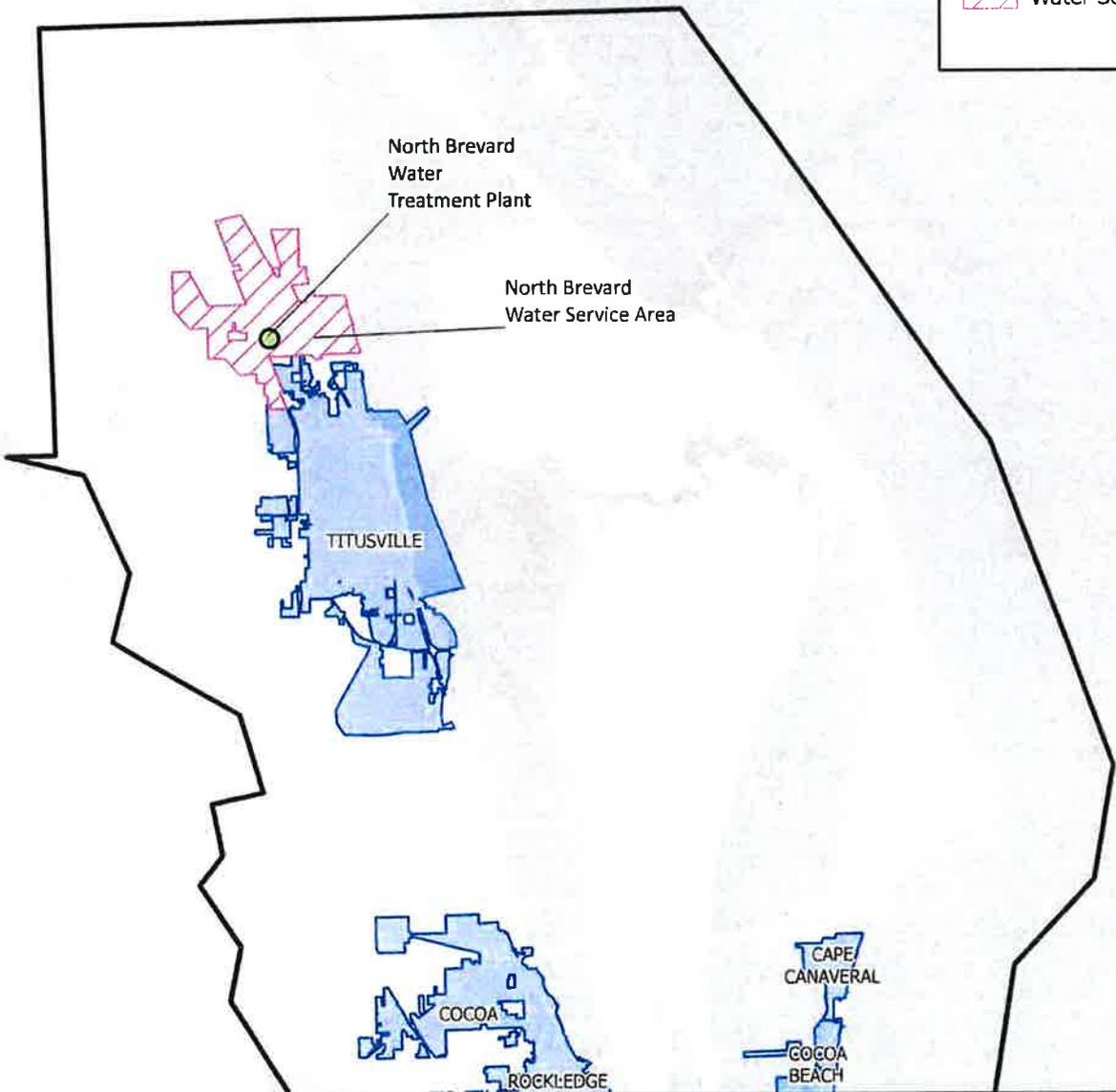
## **EXISTING WATER SERVICE AREA BOUNDARY MAPS**

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### Legend

- Brevard County Boundary
- Municipality Boundaries
- Water Treatment Plants
- Water Service Areas

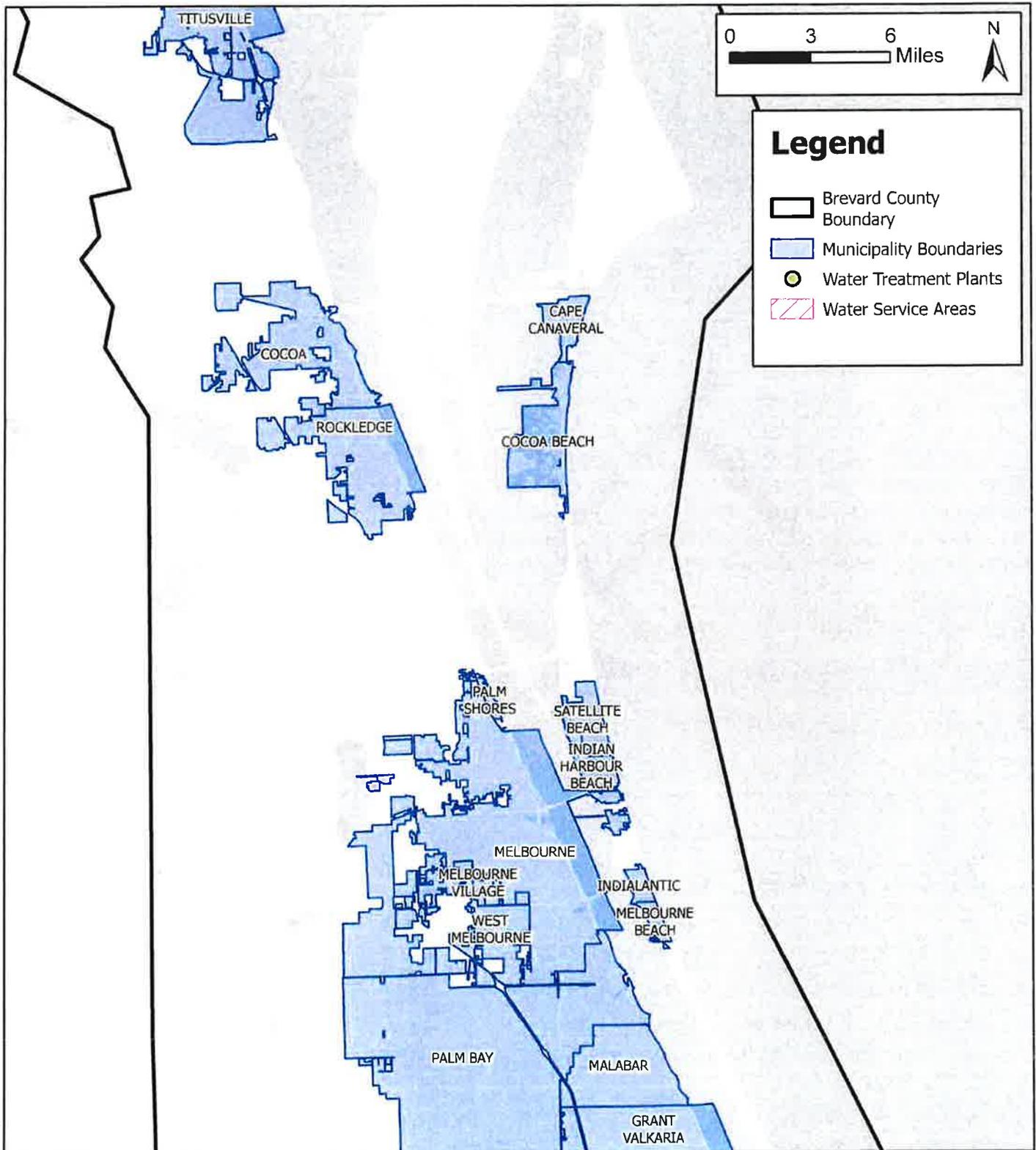


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Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

|  |   |               |  |
|--|---|---------------|--|
| <p>© 2022 Kimley-Horn and Associates, Inc.<br/>2619 Centennial Boulevard, Suite 200<br/>Tallahassee, FL 32308<br/>Phone (850) 553-3500<br/>www.kimley-horn.com</p> | <b>Existing Water Service Area Boundary (North)</b> |               |  |
|  | <b>Brevard County<br/>Utility Service Area Map</b>  |               |  |
| 1 inch = 4.7 miles   | PROJECT NUMBER: 140600003.1.300                     | FEBRUARY 2024 |  |

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Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



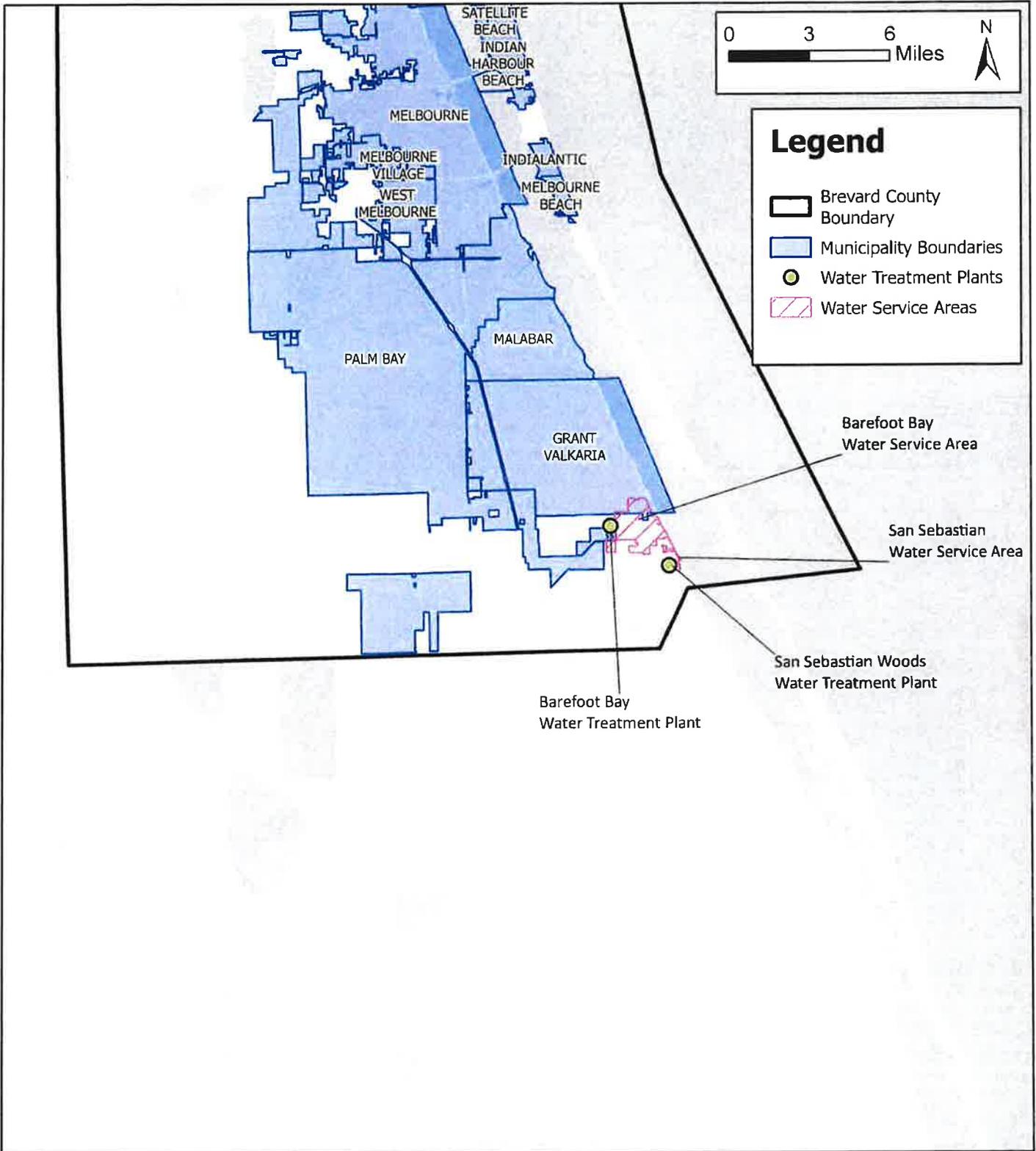
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**Existing Water Service Area Boundary (Central)**

**Brevard County  
Utility Service Area Map**

|                    |                                 |               |
|--------------------|---------------------------------|---------------|
| 1 inch = 4.7 miles | PROJECT NUMBER: 140600003.1.300 | FEBRUARY 2024 |
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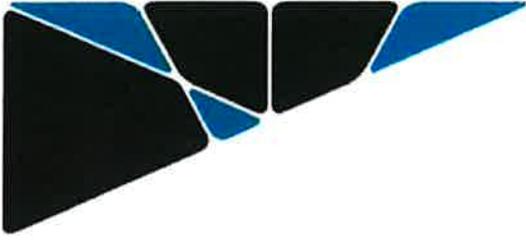
**Existing Water Service Area Boundary (South)**

**Brevard County  
 Utility Service Area Map**

1 inch = 4.7 miles

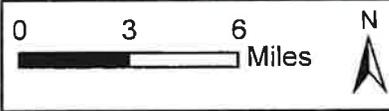
PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024



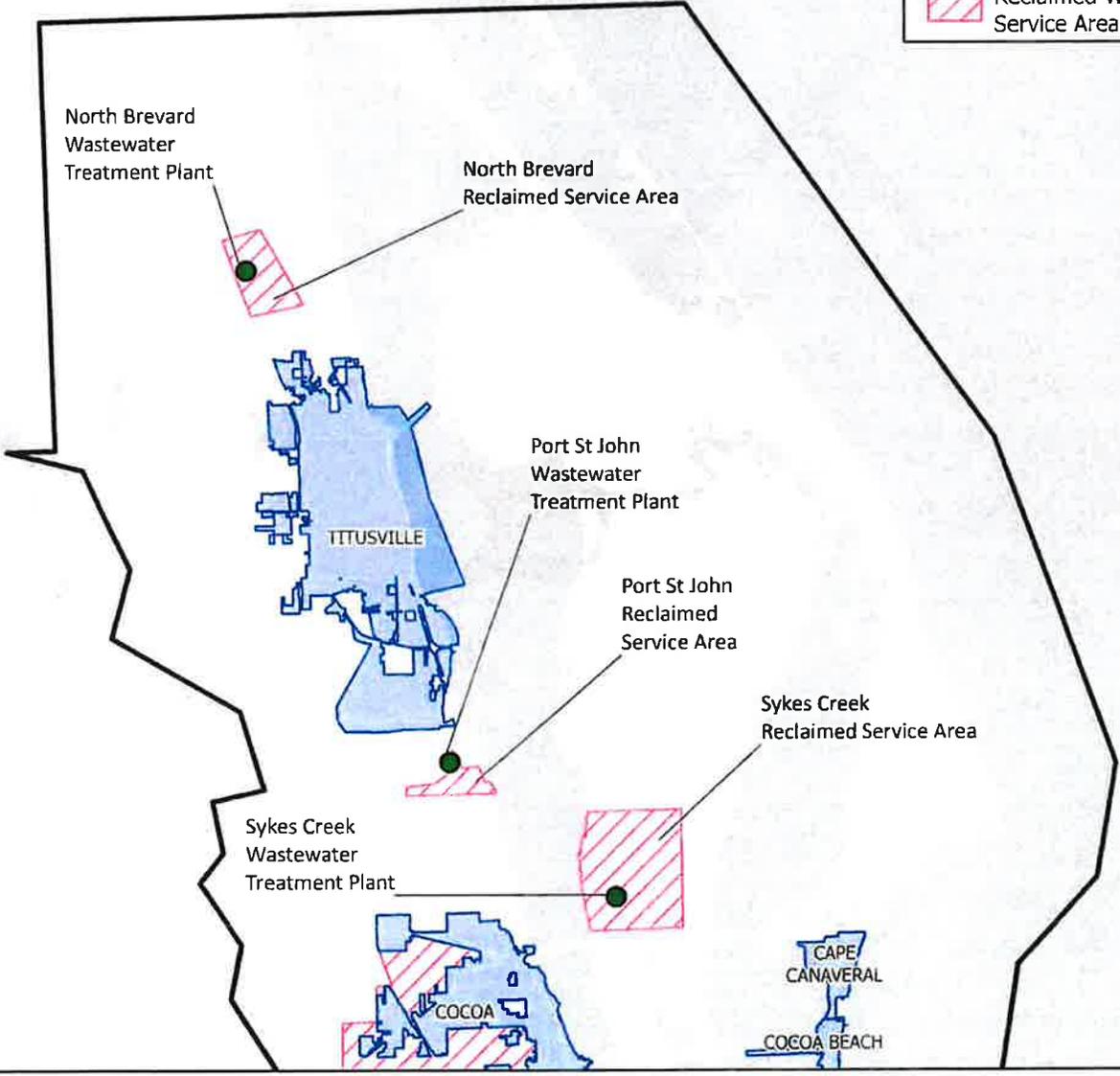
## **EXISTING RECLAIMED SERVICE AREA BOUNDARY MAPS**

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### Legend

- Brevard County Boundary
- Municipality Boundaries
- Wastewater Treatment Plant
- Reclaimed Water Service Area



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Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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**Existing Reclaimed Service Area Boundary (North)**

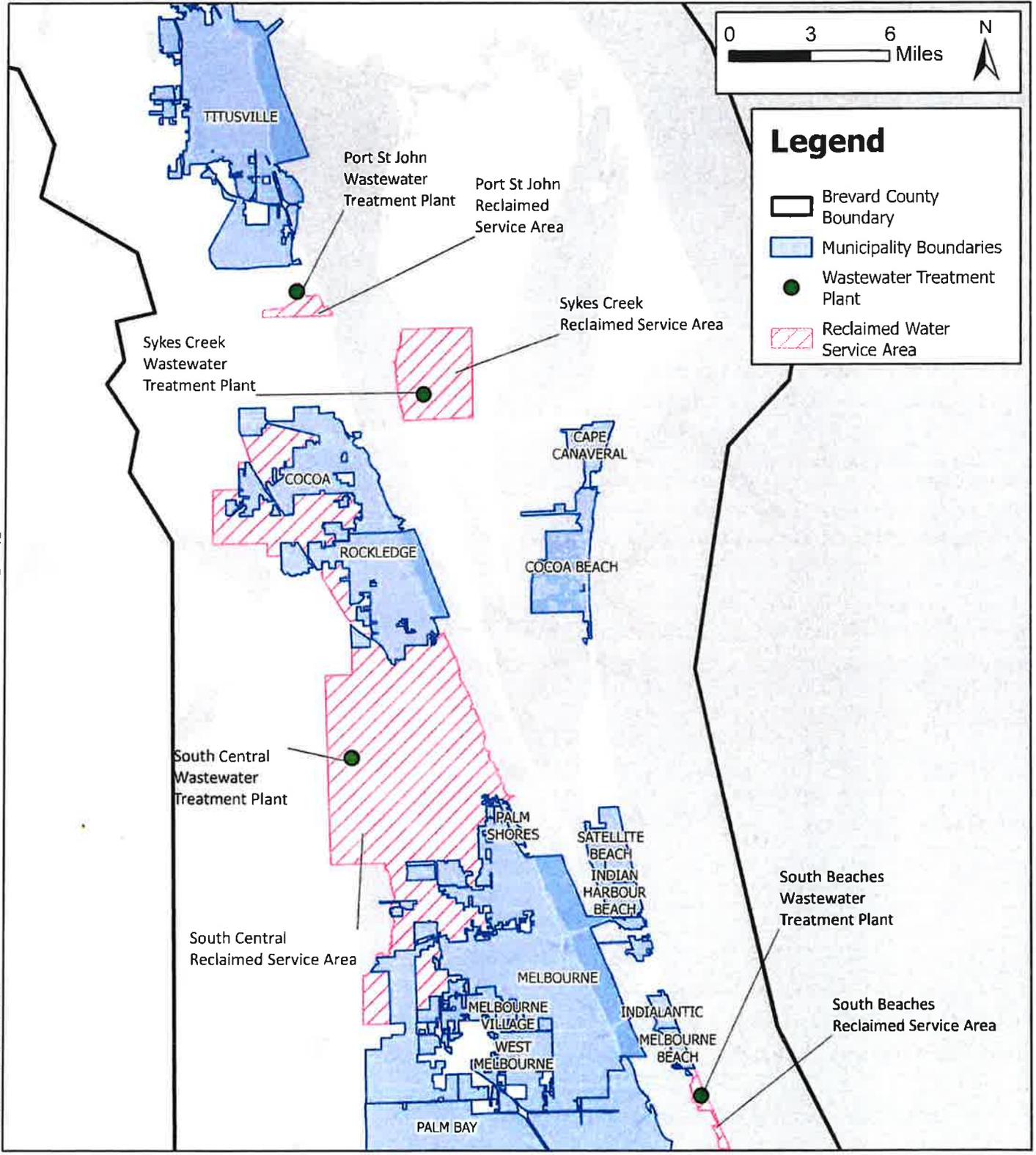
**Brevard County  
 Utility Service Area Map**

1 inch = 4.7 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024

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**Existing Reclaimed Service Area Boundary (Central)**

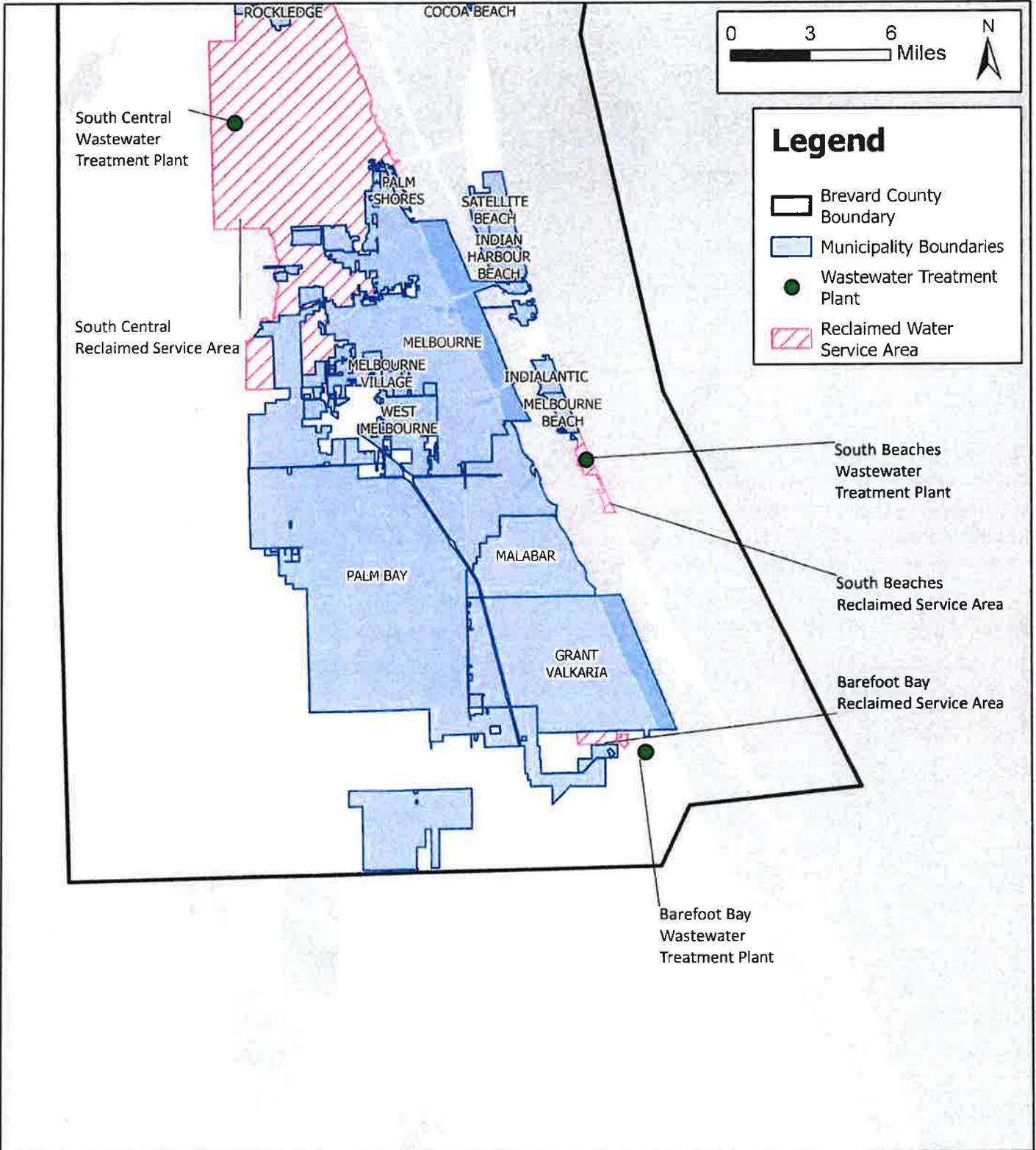
**Brevard County  
 Utility Service Area Map**

1 inch = 4.7 miles

PROJECT NUMBER: 14060003.1.300

FEBRUARY 2024

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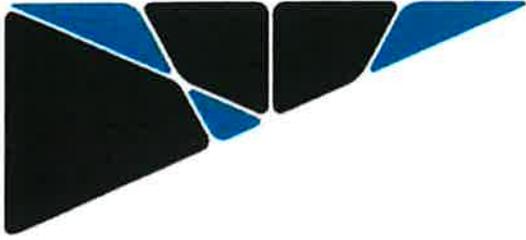
**Existing Reclaimed Service Area Boundary (South)**

**Brevard County  
 Utility Service Area Map**

1 inch = 4.7 miles

PROJECT NUMBER: 140600003.1.300

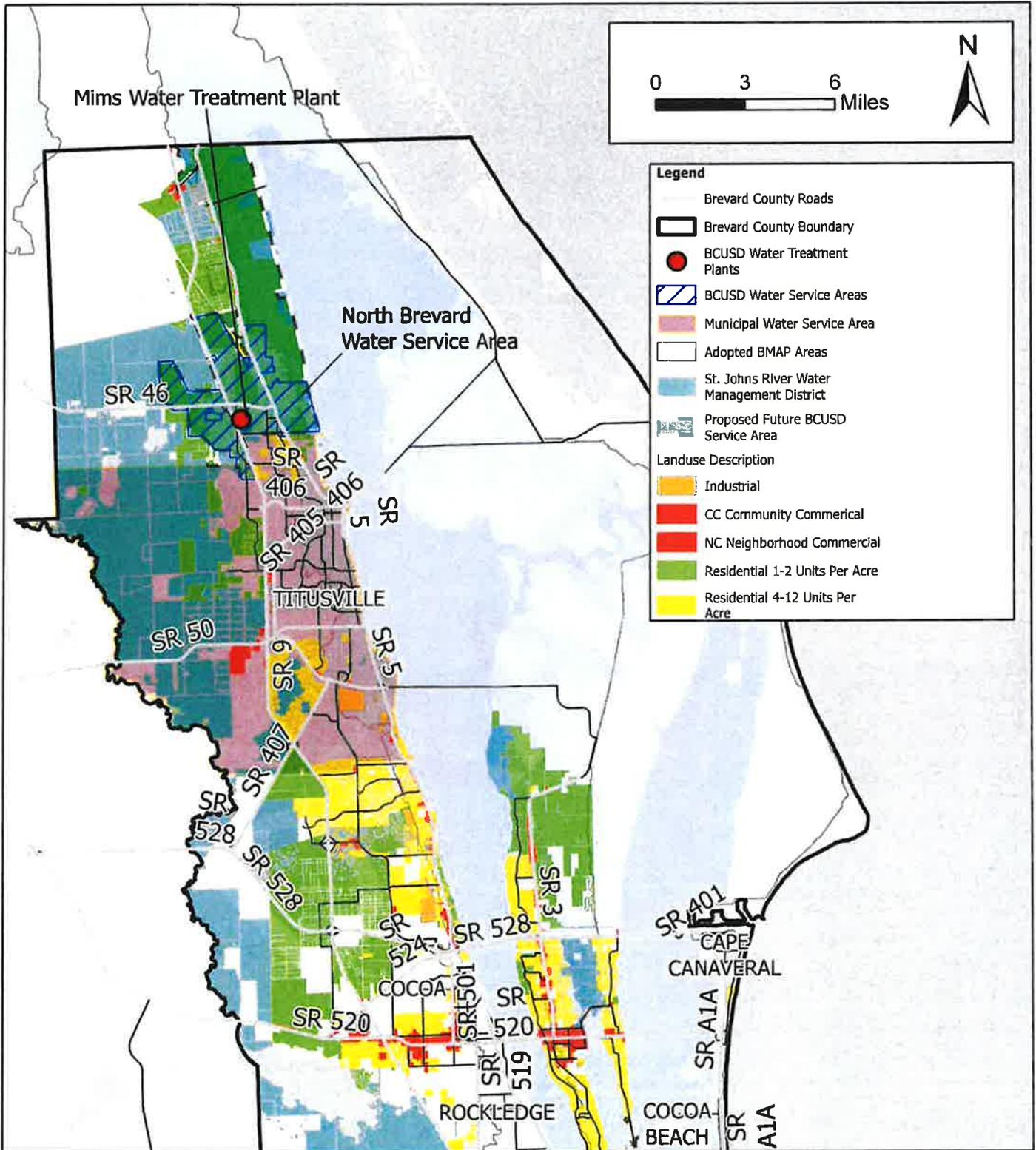
FEBRUARY 2024



# PROPOSED WATER SERVICE AREA BOUNDARY MAPS

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Source: ESRI, FDOT, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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**Future Water Service Area Boundary (North)**

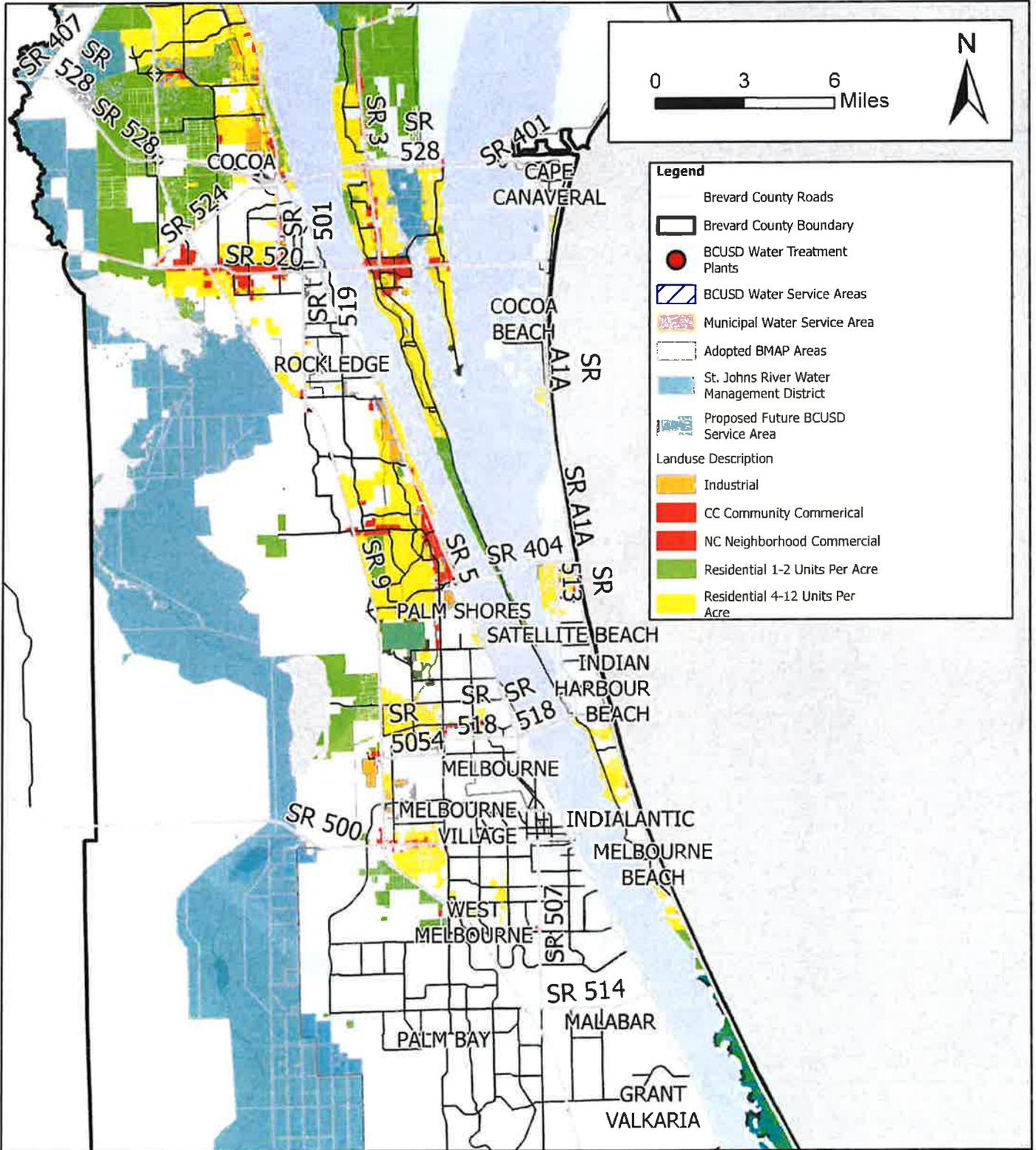
**Brevard County  
 Utility Service Area Map**

1 inch = 4.2 miles

PROJECT NUMBER: 140600003.1.300

FEBRUARY 2024

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**Future Water Service Area Boundary (Central)**

**Brevard County  
 Utility Service Area Map**

1 inch = 4.2 miles

PROJECT NUMBER: 140600003.1.300

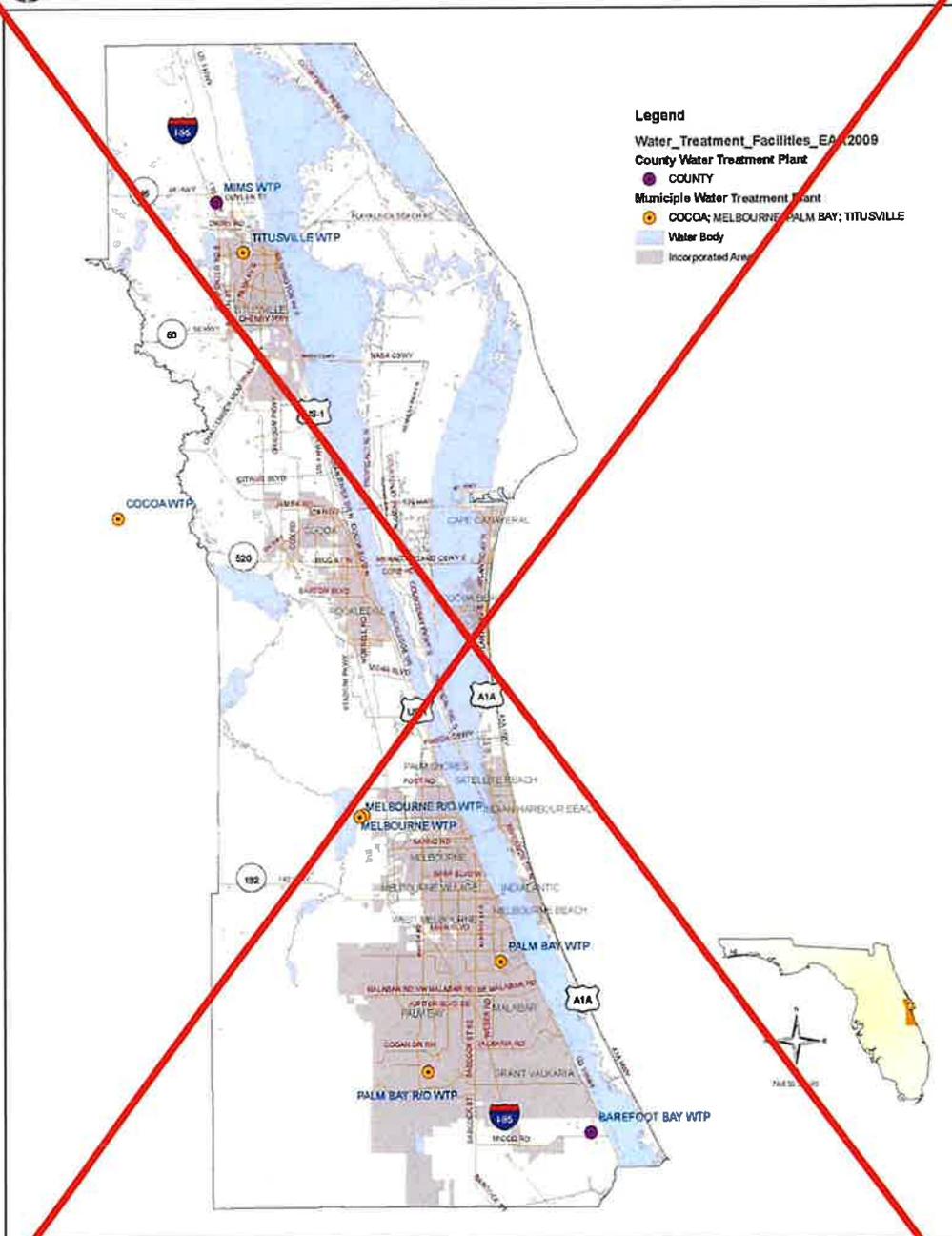
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## APPENDIX B

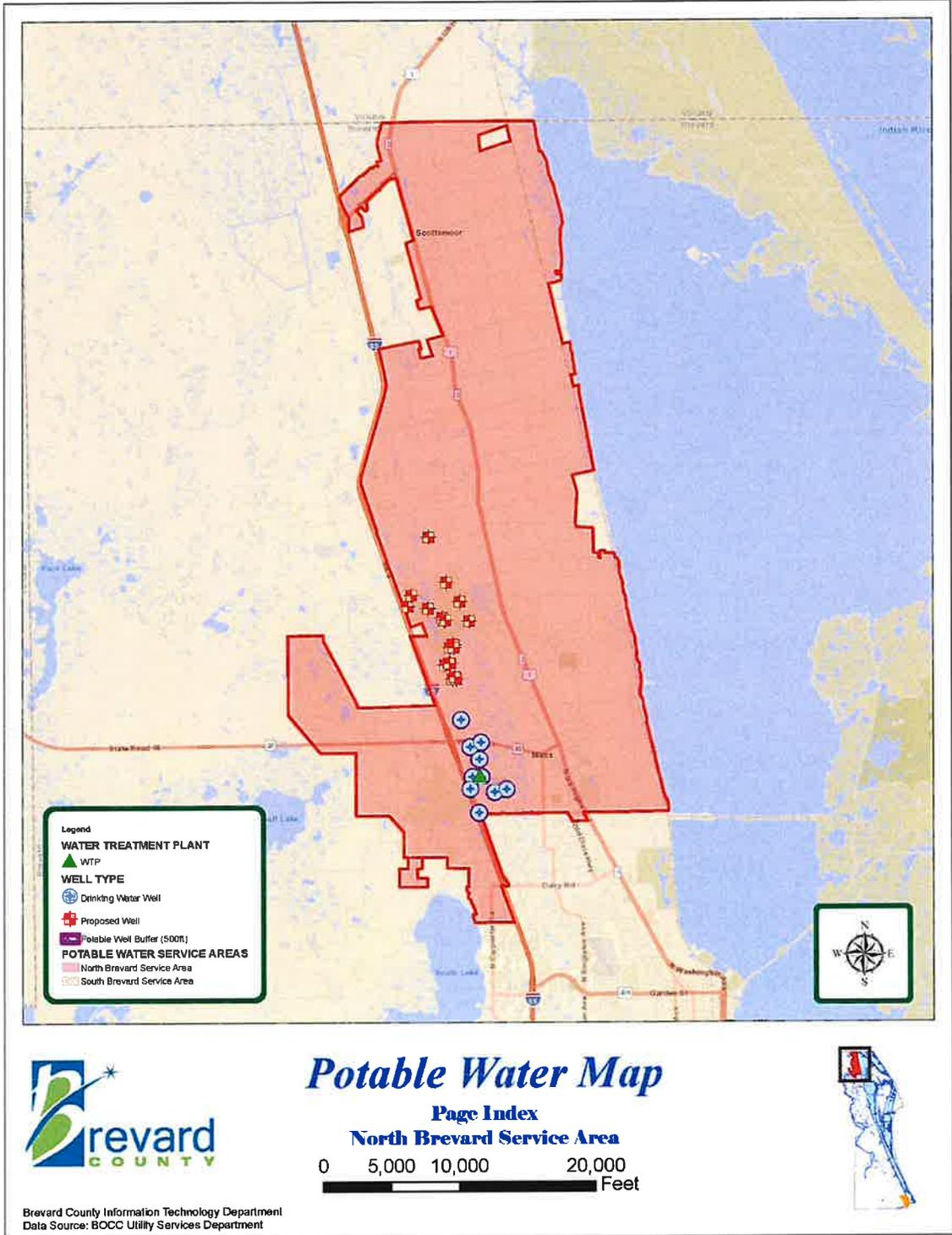
### LIST OF MAPS

| Map | Title  |
|-----|--|
| 1   | <del>Potable Water Treatment Plants</del> <a href="#">North Brevard Service Area</a>               |
| 2   | <del>Existing Potable Water Customers and Future</del> <a href="#">South Brevard Service Areas</a> |



Potable Water Element  
Potable Water Treatment Plants

POTABLE WATER ELEMENT

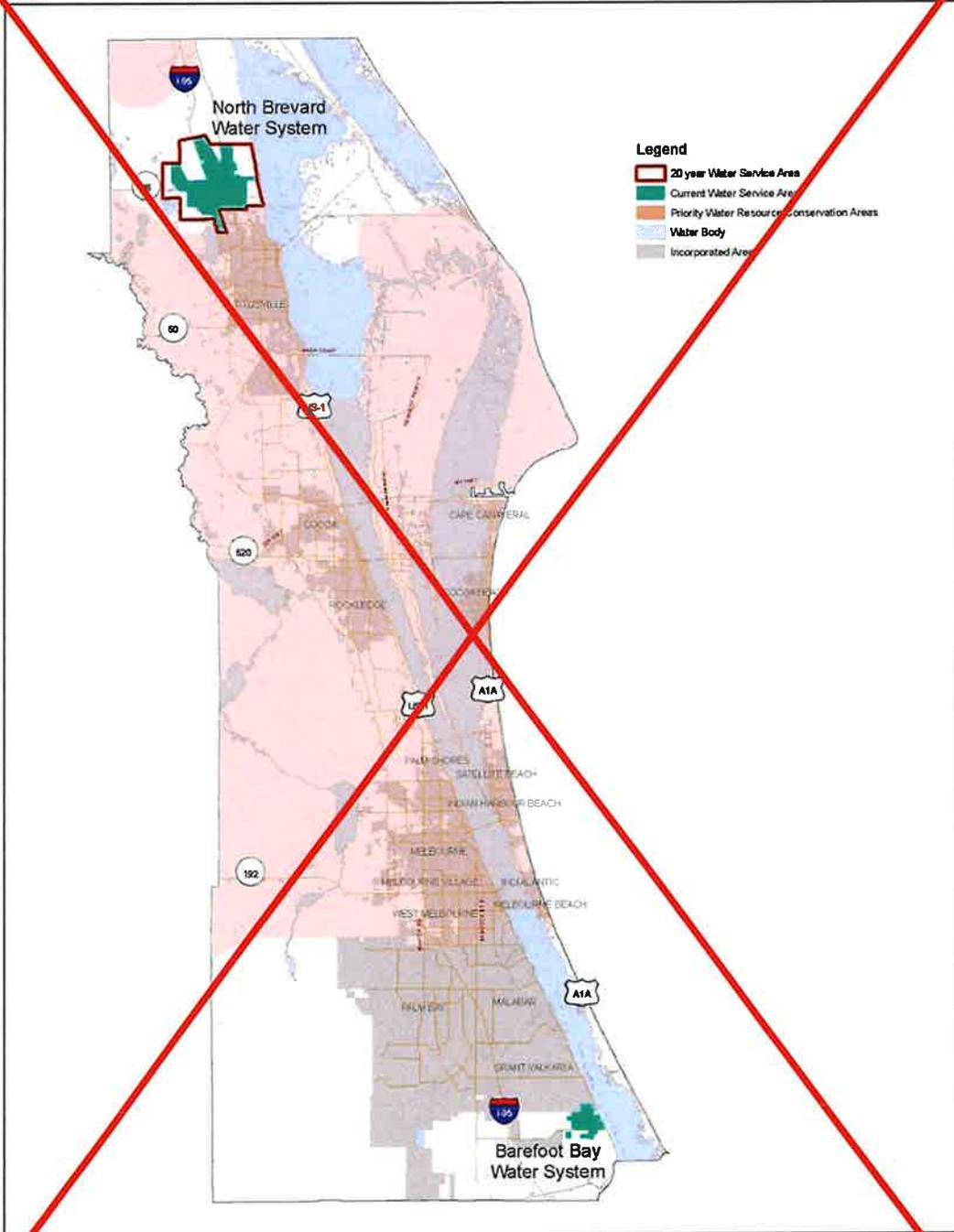


**POTABLE WATER ELEMENT**

**VI - 47**

July 17, 2025

1289



**Potable Water Element  
Existing Potable Water Customers and Future Service Areas**

**POTABLE WATER ELEMENT**



**CHAPTER PART VII**

**SANITARY SEWER ELEMENT**

## TABLE OF CONTENTS

|                                       |    |
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## GOALS, OBJECTIVES, AND POLICIES

### GOAL SS

Brevard County shall operate and maintain ~~an environmentally sound, and efficient wastewater~~ a sanitary sewer system, that includes collection, treatment, and disposal system ~~that protects the public health, in all matters that are required by the Florida Department of Environmental Protection.~~

### Operations and Maintenance

#### Objective SS 1

Brevard County shall operate and maintain its sanitary sewer system in a manner that protects the health of the public and the resource values of the natural environment as a top priority.

#### Policy SS 1.1

Brevard County's wastewater treatment and disposal systems shall, ~~at a minimum,~~ be operated consistent with all local, ~~s~~State, and federal standards.

#### Policy SS 1.2

Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies.

#### Policy SS 1.3

Untreated wastewater shall not be discharged into drainage ditches, surface waters, or aquifers.

#### Policy SS 1.4

~~Florida Department of Health in Brevard County shall~~ may permit the use of on-site sewage treatment and disposal systems to satisfy wastewater requirements only in areas where a sewer system is not available, ~~and then only when the system is consistent with the regulations found in Section 381, F.S. and Chapter 64E, F.A.C. and if permitted by the Florida Department of Health.~~

#### Policy 1.5

~~Guidance on the maintenance and operation of on-site sewage disposal systems shall be developed and monitored by Brevard County:~~

##### Criteria:

- A. ~~Brevard County shall continue public education programs on the proper use, inspection requirements, maintenance and abandonment of septic tanks:~~

## SANITARY SEWER ELEMENT

## **Planning and Evaluation**

### **Objective SS 2**

Brevard County shall identify and correct existing sewer facility deficiencies within its sewer system.

### **Policy SS 2.1**

Capital improvements planning should include comparative evaluation of the costs and benefits of upgrading, expanding, or modifying existing public facilities versus the costs of constructing new facilities.

### **Policy SS 2.2**

~~In cases where infrastructure is inadequate to meet the needs of new development, the developer shall be allowed to construct infrastructure improvements to provide the necessary capacity. Development shall continue to meet the County's design and construction requirements as specified in current criteria, policy, and ordinance as approved by the Board of County Commissioners.~~

### **Policy SS 2.3**

~~The utilization of County-owned sewer facilities should be maximized through innovative redesigns and improvements required where County-owned sewer facilities are available.~~

### **Policy SS 2.4**

Brevard County shall continue to evaluate its own sanitary sewer service areas in order to respond when needs are identified ~~assure ensure~~ that the level of service standard adopted in the Capital Improvements Element is achieved, ~~which is 220 gallons per day per equivalent residential connection (ERC) countywide and 150 gallons per day per ERC for Barefoot Bay.~~

### **Policy SS 2.5**

~~The evaluation of service area expansions shall be done in coordination with the Future Land Use Element and Housing Element and the Planning and Development Department and Housing and Human Services Department in order to meet current and future demands.~~

### **Policy 2.5 SS 2.6**

~~In order to reduce the number of package plants, Brevard County shall discourage new package treatment plants, except as provided in Policy 3.17, and encourage sewer connection prohibit private wastewater systems.~~

### **Policy 2.6 SS 2.7**

Brevard County shall continue to implement the Schedule of Potable Water and Sanitary Sewer Improvements in the Capital Improvements Program Element to correct existing deficiencies in the County-owned sewer facilities.

## **SANITARY SEWER ELEMENT**

**Policy 2.7**

~~The provision of public facilities and services shall be based on the most cost-effective method of production and delivery.~~

**Policy 2.8**

~~As a priority, Brevard County shall continue to implement its program to reduce or eliminate infiltration and inflow into the collection system.~~

**Service Provision and Expansion**

**Objective SS 3**

Brevard County shall ensure the provision of sewer service consistent with projected needs.

**Policy SS 3.1**

Promote the management of wastewater as a dual function that can protect public health and generate recovered water as a resource.

**Policy SS 3.2**

~~Promote~~ Prioritize the use of ~~best available technology in the collection, treatment, disposal and reuse of advanced wastewater treatment wherever economically feasible.~~

**Policy SS 3.3**

Encourage cooperation and coordination between the County, municipalities, and other entities to manage present and future sanitary sewer service needs.

**Policy SS 3.4**

Maximize reuse of treated wastewater and water conservation techniques while maintaining an adequate reuse level of service to recover and diminish the demand for potable water.

**Policy SS 3.5**

Brevard County shall ensure the provision of sanitary systems coordinated with other public facilities and services through the Schedule of Potable Water and Sanitary Sanitary Sewer Improvements in the Capital Improvements Program Element.

**Policy SS 3.6**

In order to ~~be provided~~ receive sewer service ~~by from~~ County-operated facilities, new development must be located within the existing or future sewer service areas utility service boundary as adopted in the Comprehensive Plan.

**Policy SS 3.7**

The "user pays" concept, which encourages the users of public facilities to be financially responsible for bearing any added, marginal costs of additional public facilities

**SANITARY SEWER ELEMENT**

created by new development, should be one of the primary revenue bases for financing expansion, operation and maintenance of all County-owned wastewater facilities and services. Brevard County shall evaluate all fees and rates to assure ensure adequate funds are available to fund all current and future projects included in the Schedule of Potable Water and Sanitary Sewer Improvements in the Capital Improvements Element.

**Policy ~~SS 3.8~~**

Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 200 gallons per day per equivalent unit, except in the South Central Service Area service area, where the equivalent unit per day will be 165 gallons per day level of service standard adopted in the Capital Improvements Element. Level of service standard for planning purposes is 220 gallons per day per equivalent residential connection (ERC) countywide and 150 gallons per day per ETC for Barefoot Bay.

**Policy 3.9**

~~Treatment and disposal system capacity should be available prior to expansion of the active collection system.~~

**Policy 3.10 ~~SS 3.9~~**

Brevard County shall evaluate whether adequate sanitary sewer facility capacity is available or will be available when needed to serve development.

**Policy 3.14 ~~SS 3.10~~**

Brevard County shall ~~insure ensure~~ that County-issued development orders do not cause municipal wastewater treatment systems to exceed their own established level of service standards.

**Policy 3.12 ~~SS 3.11~~**

Brevard County shall designate future sewer service areas ~~in 1-5 year and 6-15 year increments~~ based upon the location, health/environmental needs, and the needs of future growth. These future sewer service areas shall represent areas for which the County is committed only to make treatment plant capacity available within the designated period of time.

**Policy 3.13 ~~SS 3.12~~**

Coordinate the extension of sanitary sewer service areas with the Future Land Use Element and Housing Element of this Comprehensive Plan ~~and the Comprehensive Plans of all affected local governments and the Planning and Development Department and Housing and Human Services Department.~~ Priority will be given to areas that have a Future Land Use Map designation of four units per acre or higher.

**SANITARY SEWER ELEMENT**

**Policy SS 3.13**

Brevard County shall maintain land development regulations which encourage development to locate in areas within a designated sewer service area with adequate capacity and in the appropriate service sector for the future land use.

**Policy SS 3.14**

Brevard County shall continue to review and comment on wastewater infrastructure plans for developments connecting to the County owned sewer system for consistency with the County's Comprehensive Plan. Brevard County shall prioritize the elimination of septic systems consistent with the intent of the Save Our Indian River Lagoon program and as may be required by Florida Statutes.

**Policy SS 3.15**

All new development requiring a centralized sewer system within future sewer service areas shall connect to the public wastewater treatment plant if there is sufficient available capacity, or the building permit will be denied. Within the County's jurisdiction, for any development of more than fifty (50) residential lots, whether built or unbuilt, with more than one (1) onsite sewage treatment and disposal system (OSTDS) per one (1) acre, the County shall consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater treatment facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next twenty (20) years, including expected future new construction and connections of OSTDS to sanitary sewer; and a timeline for the construction of the sanitary sewer system. The County shall update its feasibility analysis as needed to account for future applicable developments. By September 30, 2025, the County shall include in the Five-Year Schedule of Capital Improvement, with an annual update as necessary, a list of projects for providing sanitary sewer to the development(s), as applicable. This analysis shall be conducted pursuant to Section 163.3177(c)3 of the Florida Statutes, incorporated by reference in this element.

**Policy 3.16**

~~All new development requiring a centralized sewer system outside of the 6-20 year future sewer service area shall choose one of the following options:~~

**Criteria:**

- ~~A. — Amend the Future Sewer Service area map and connect to the public sewage system if capacity is available; or~~
- ~~B. — Install a private treatment plant excepting that no new private treatment plants shall discharge to surface waters and all new private waste water treatment plants will meet the requirements outlined in Policy 3.17 of this element.~~

**Policy 3.17**

Private treatment plants shall be permitted subject to all of the following criteria:

**SANITARY SEWER ELEMENT**

**Criteria:**

A. Private treatment plants shall be permitted under any of the following circumstances:

1. When environmental conditions exist which preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment;
2. To serve commercial land uses located at interstate interchanges to accommodate regional traffic;
3. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius;
4. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area;
5. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses, and shall be of an overall project density no greater than that permitted in the density area.

B. Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan.

C. Private treatment plants shall meet the technical standards of the Florida Department of Environmental Protection.

D. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaim water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.

E. An agreement may be established for all new private treatment plants and such agreement will, at a minimum, address the following:

1. Execution of a closure agreement with a permanent service provider, such as a municipality or the County. The closure agreement shall identify the amount of and payment schedule for connection or impact fees, as may be applicable.
2. Terms of closure for the private treatment plant facility, including the ownership of the private treatment plant and land.

**SANITARY SEWER ELEMENT**

3. Escrow account for the purpose of funding the prepayment of connection charges for connecting units served by private treatment plants to the permanent service provider shall be made by the developer into the escrow account at the time of certificate of occupancy.
4. Other facility requirements and costs such as force mains, pump stations, a reuse needs analysis, and other related infrastructure needs.
5. Timing and conditions for connection to the permanent service provider.
6. Notification of ultimate owners within the project that the private treatment plant is temporary and will eventually be connected to a permanent system, subject to applicable fees, regulations and benefits.

**Policy 3.18**

Interim and/or “package-type” waste water treatment facilities shall be required, at the option of the County, to connect to the public centralized system when access to the system is made available.

**Policy 3.19**

When a private sanitary sewer facility is phased out and connected to the County sewer system, the cost of the connection to the system including impact fees shall be incurred solely by the owner.

**Policy 3.20**

All private sanitary sewer facilities may be permitted to expand their service beyond the project boundaries for which they are approved, only if they are consistent with the Future Land Use Map Series and all other applicable comprehensive plan elements and land development regulations:

**Criteria:**

- A. The expansion of sewer service areas, or facilities should be based on excess capacity availability and approved by the Board of County Commissioners.
- B. Any expansions shall require approval by the Board of County Commissioners after two public hearings.
- C. Expansions of the private treatment plant service area shall not be permitted to cross natural water bodies; such as the Indian River Lagoon and its tributaries, St. Johns River and its lakes, Mullet Creek and Sykes Creek.
- D. An application for expansion of the service area shall include the following, at a minimum:

**SANITARY SEWER ELEMENT**

1. ~~A financial statement certifying the current financial condition of the party responsible for the management and operation of the private treatment plant.~~
2. ~~Certification by the Florida Department of Environmental Protection (DEP) that the treatment plant meets current DEP operating requirements; and sufficient capacity exists to provide for existing and proposed development.~~

## **Maintaining a Public Benefit**

### **Objective 4**

Brevard County shall maximize the use of existing facilities to discourage urban sprawl.

#### **Policy 4.1**

~~Ensure that the Brevard County public sewer system is economically self-sustaining and that new growth pays its fair, full share of the total sewer infrastructural improvement costs.~~

#### **Policy 4.2**

~~The development and use of public facilities and systems shall be undertaken to maximize the overall public benefit while minimizing construction, operation and maintenance costs.~~

#### **Policy 4.3**

~~Brevard County shall maintain land development regulations which encourage development to locate in areas within a designated sewer service area with adequate capacity and in the appropriate service sector for the land use proposal.~~

## **Reclaimed Water System**

### **Objective 5 SS 4**

Develop and implement a system for the efficient reuse of treated wastewater to reduce demands on fresh water resources, conserve existing resources, and to reduce effluent disposal by deep well injection.

#### **Policy 5.1 SS 4.1**

Maximize the reuse of treated wastewater to reduce demand for fresh water and prioritize funding of reuse water lines in an effort to eliminate wasteful discharge of recyclable water.

#### **Policy 5.2 SS 4.2**

Brevard County shall continue to expand its wastewater reuse program, ~~where~~ feasible.

## **SANITARY SEWER ELEMENT**

**Policy 5.3**

~~Brevard County shall strive to reuse or otherwise reclaim 75 percent of the wastewater generated by public sewer systems operated by the County.~~

**Policy 5.4 SS 4.3**

All projects to be served by treatment plants should design and construct a reclaimed water system as part of the wastewater disposal system, where a supply of reuse is available.

**Policy 5.5 SS 4.4**

Brevard County should maximize economic benefits derived from the utilization of treated effluent and sludge without compromising public health or the environment.

**Policy 5.6 SS 4.5**

All new development in designated reuse areas shall provide reclaimed water lines to the specifications established by Brevard County.

**Policy 5.7**

~~In existing development within designated reclaimed water areas, Brevard County will budget for the installment of reclaimed water lines whenever the existing sewer lines are exposed for major replacement, or new sewer service is provided, where practical and economically feasible.~~

**Policy 5.8 SS 4.6**

Brevard County shall support and encourage the use of reclaimed water for industrial purposes through cooperative efforts with municipalities and other reuse water generators.

**Public Education**

**Objective SS 5**

Brevard County shall prioritize public outreach and education regarding on-site sewage treatment and disposal systems.

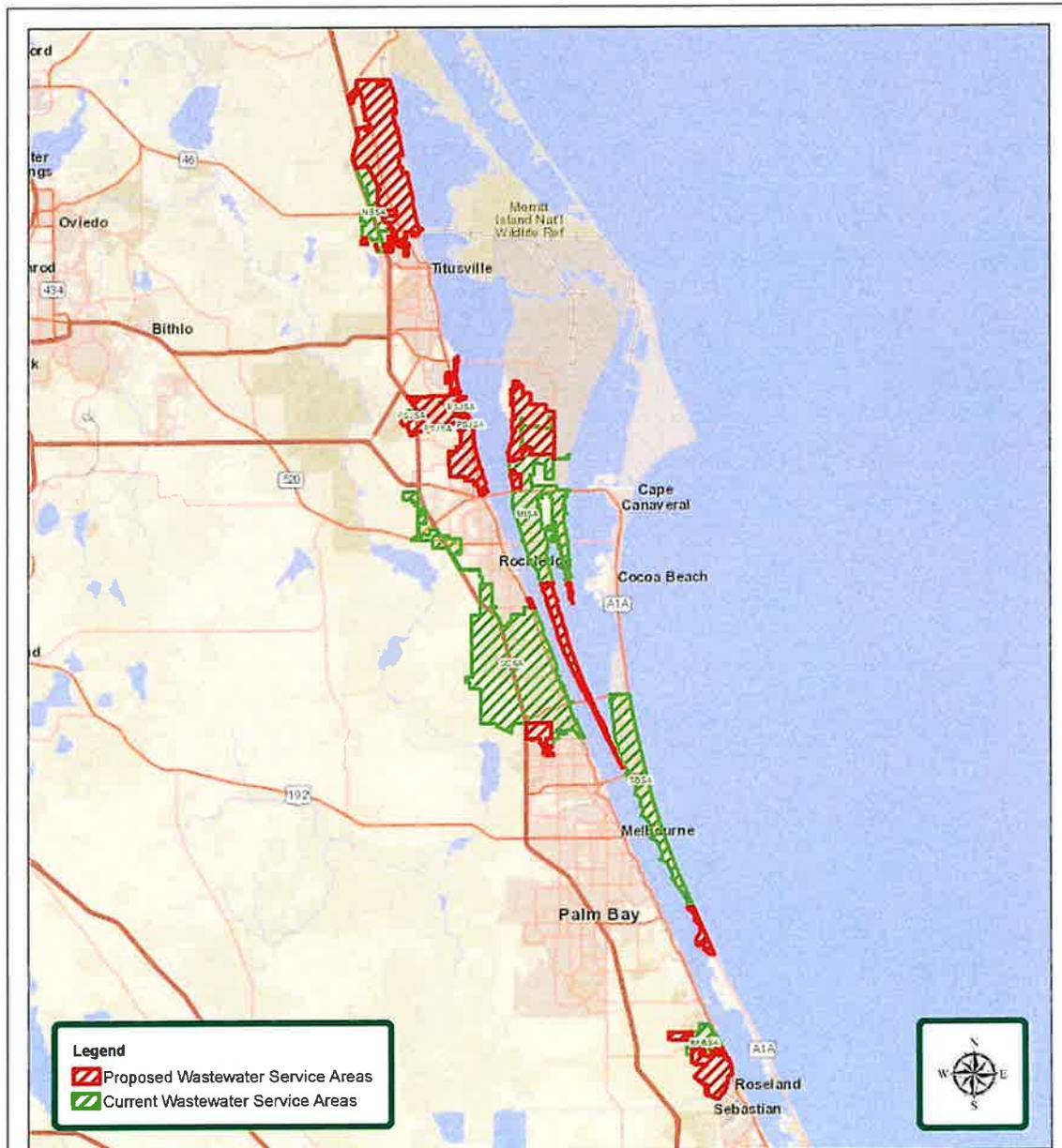
**Policy SS 5.1**

Brevard County shall continue to provide public education programs on the proper use, inspection requirements, maintenance, and abandonment of on-site sewage treatment and disposal systems.

## APPENDIX

### LIST OF MAPS

| <u>Map</u>   | <u>Title</u>   |
|--------------|--|
| 1            | <del>Existing Sewer Customers and Future Sewer Service Areas</del><br><u>Proposed Wastewater Service Areas</u> |
| <del>2</del> | <del>Waste Water Treatment Plants</del>  |
| <del>3</del> | <del>General Soil Association for Septic Tank Suitability</del>  |



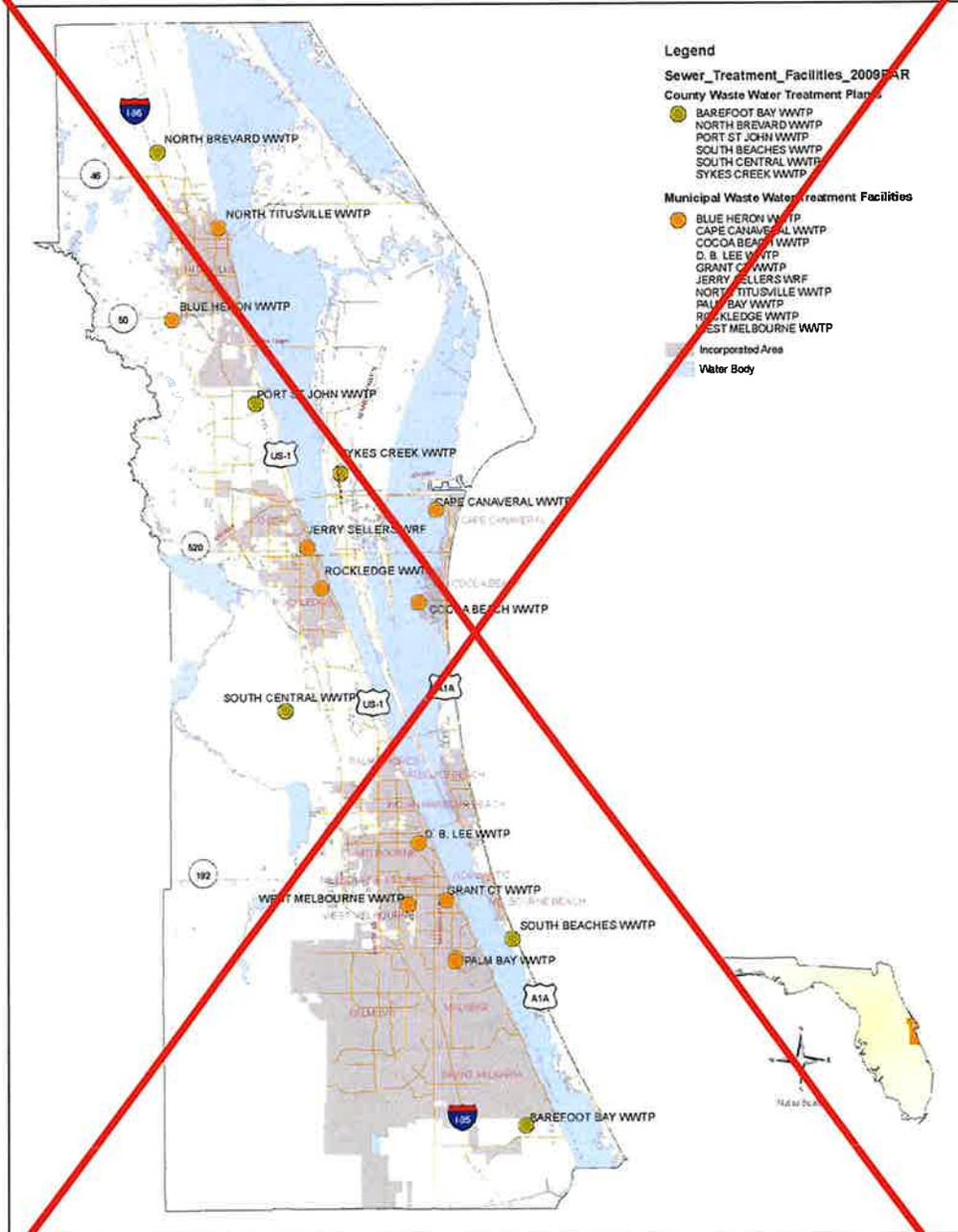
## Proposed Wastewater Service Areas Map



Brevard County Information Technology Department  
 Data Source: BOCC Utility Services Department

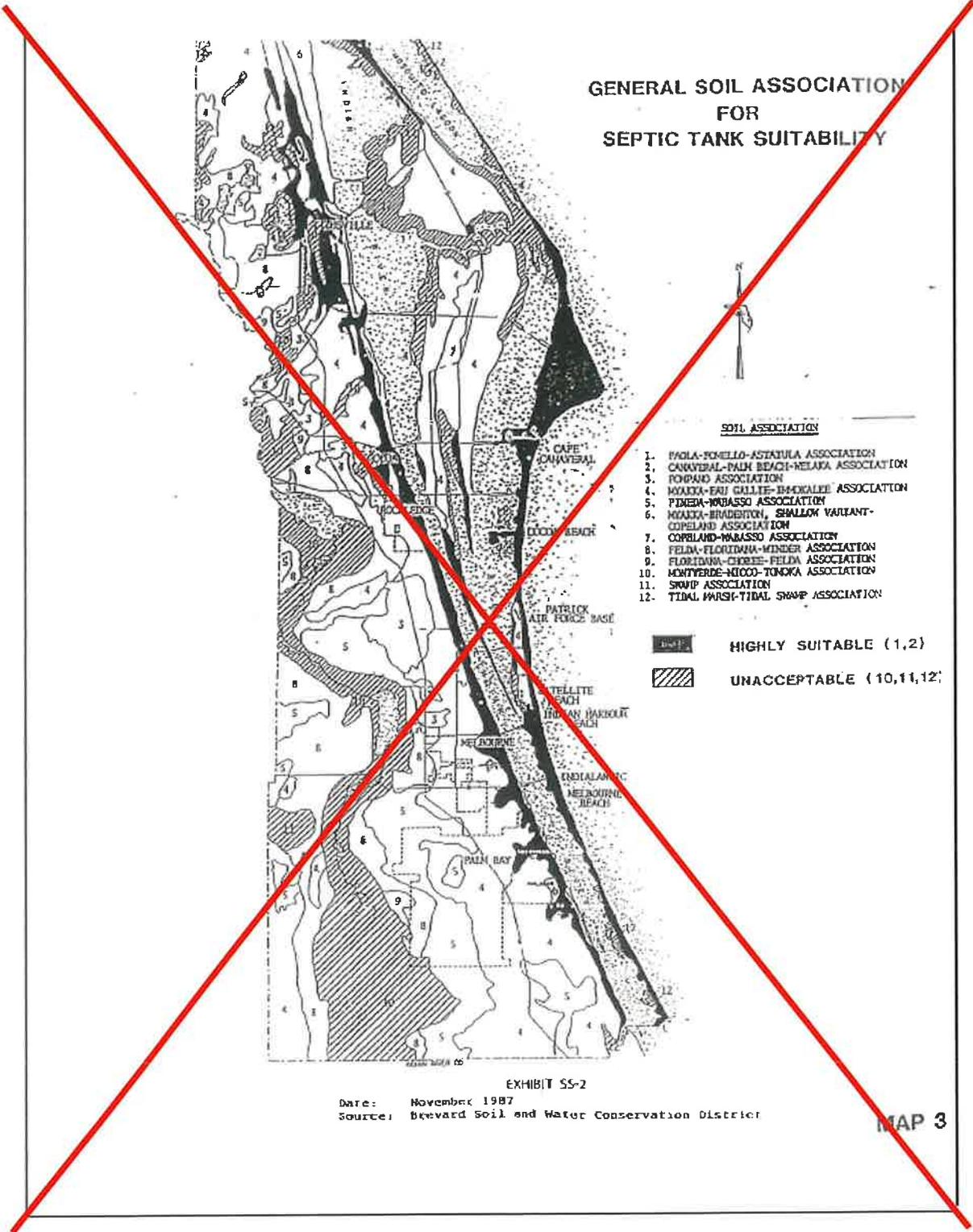


### SANITARY SEWER ELEMENT



**Sanitary Sewer Element  
Waste Water Treatment Plants**

**SANITARY SEWER ELEMENT**



**SANITARY SEWER ELEMENT**

July 17, 2025

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**CHAPTER PART VIII**

**SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### GOAL SWH 1

Brevard ~~county~~ County shall ~~ensure an~~ protect public health by providing an efficient and environmentally sound and efficient solid waste management system for Brevard County's customers which utilizes resource recovery, recycling, and source reduction.

### Environmentally Sound Operations

#### Objective SWH 1.1

The County shall ensure that the ~~solid waste management system~~ Solid Waste Management System is operated in an environmentally sound manner and is, at a minimum, consistent with federal and ~~s~~State requirements.

#### Policy SWH 1.1.1

Ensure that Brevard County's Solid Waste Management Facilities minimize impacts to groundwater, surface water, and air pollution from leachate, stormwater, and landfill gas management systems ~~minimize ground and surface water and air pollution by solid waste facilities.~~

### Efficiency

#### Objective SWH 1.2

Maintain or improve the existing efficiency of the ~~solid waste management system~~ Solid Waste Management System.

#### Policy SWH 1.2.1

All collection components of the system shall be conducted in a manner which is consistent with Chapter 94 of the Brevard County Code of Ordinances, as amended. Collection of solid waste shall also adhere to all sections of the current Solid Waste and Recycle Collection Contract.

#### Policy SWH 1.2.2

The ~~private franchised collectors~~ Contracted Collector(s) and County disposal operations shall be monitored annually to ensure that reasonable fees for the collection and disposal of solid waste are maintained.

#### Policy SWH 1.2.3

Brevard County shall ensure that the solid waste collection system has capacity to accommodate twice per week solid waste collection service to improved residential properties, including garbage, recycling, yard waste, and bulk/special waste collection.

**Policy SWH 1.2.4**

Brevard County shall provide for the disposal of all solid waste generated by Brevard County's population.

**Resource Recovery**

**Objective SWH 1.3**

The volume of solid waste disposed of in landfills shall be reduced through resource recovery programs; where environmentally sound and economically feasible.

**Policy SWH 1.3.1**

Brevard County shall monitor and assess resource recovery technology; and implement those programs that are determined to be most effective and efficient.

**Criteria:**

- A. Implement curbside collection program for the reuse and recycling of materials including, but not limited to glass, paper, plastic, aluminum, metal, and green waste.
- B. Maintain and enforce procedures for the removal and recycling of abandoned solid waste objects and materials as described in Chapter 705 and ~~s~~Section 403.413, F.S., and Chapter 94, Brevard County Code of Ordinances.
- C. Resource recovery feasibility assessments shall, at a minimum, include consideration of recycling, waste-to-energy, ~~and~~ renewable natural gas production, composting, and other viable alternative technologies.

**Policy SWH 1.3.2**

Brevard County shall educate and encourage consumers to reduce solid waste generation, participate in recycling programs, and avoid products which do not lend themselves to recycling through distribution of information via various media; and presentations given by County staff and private organizations to local groups and learning educational institutions.

**Proper Waste Disposal Activities**

**Objective SWH 1.4**

Implement programs and legislation that monitor and ensure proper waste disposal activities.

**Policy SWH 1.4.1**

Prohibit improper disposal of solid and hazardous waste by strict enforcement of the Brevard County Code and ensuring the County Code conforms to U.S. ~~EPA~~;

[Environmental Protection Agency](#) and Florida Department of Environmental Protection solid waste regulations.

**Policy SWH 1.4.2**

Brevard County shall develop programs, policies, and other measures to substantially reduce littering and unauthorized dumping.

**Concurrency Management**

**Objective SWH 1.5**

Provide the solid waste management facilities and services necessary to meet the projected disposal needs of residents and businesses of the County for the next twenty years by developing and implementing a Solid Waste Capital Improvements Program.

**Policy SWH 1.5.1**

Brevard County shall develop a financial plan to maintain a Solid Waste Capital Improvements Program and provide adequate funds for ~~renewal~~ repair and replacement of the solid waste system equipment and facilities and expansion of disposal capacity on an annual basis ~~to replace equipment and facilities as needed.~~

**Policy SWH 1.5.2**

Brevard County shall develop and implement Closure Plans (as required by Chapter 62-701, F.A.C.), for the Sarno Road Class III landfill, and the Central Disposal Facility Class I landfills, and the US192 Solid Waste Management Facility landfills.

**GOAL SWH 2**

Brevard County shall ensure a safe, environmentally sound, and efficient ~~e~~County-wide hazardous materials management system.

**Hazardous Waste**

**Objective 6 SWH 2.1**

Brevard County shall increase public awareness of the nature, harmful effects, source reduction, and proper disposal and recycling methods associated with hazardous wastes through ~~public information programs. Information on source reduction and recycling of hazardous wastes shall also be made available.~~

**Policy 6-1 SWH 2.1.1**

The County shall continue to disseminate information to the public and provide public ~~information~~ educational programs to residents and schools regarding its household hazardous waste collection program, and the County shall also continue to advise the commercial sector on the proper handling and disposal of hazardous wastes.

**SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT**

**Policy 6.2 SWH 2.1.2**

Brevard County shall research, compile, and disseminate hazardous waste information to homeowners and businesses to help facilitate source reduction and recycling of hazardous wastes, including, but not limited to, batteries, fluorescent lamps, mercury devices, paints, pesticides, oil, etc.

**Enforcement**

**Objective 7 SWH 2.2**

Brevard County shall establish and maintain programs and enforcement mechanisms to ensure that ~~all users of hazardous materials and generators of hazardous waste properly transport, store, and dispose of hazardous waste~~ is transported, stored, and disposed of properly.

**Policy 7.1 SWH 2.2.1**

Brevard County shall continue to operate the ~~household hazardous waste collection centers~~ Household Hazardous Waste Collection Centers to manage hazardous wastes from residents and facilitate the proper management of hazardous waste from small businesses and other ~~low-volume generators~~ Very Small Quantity Generators through the EnviroBusiness hazardous waste disposal program.

**Policy 7.2 SWH 2.2.2**

Brevard County shall, where appropriate, incorporate into the Brevard County Code by reference all ~~s~~State statutes relating to environmental pollution or hazardous materials.

**Policy 7.3 SWH 2.2.3**

All hazardous waste incineration or treatment facilities and specialized units shall be required to acquire any and all ~~e~~County, ~~s~~State, and federal permits.

**Policy 7.4 SWH 2.2.4**

Brevard County shall train and equip all involved enforcement and compliance personnel to ensure adequate enforcement of federal, ~~s~~State, and local hazardous materials regulations and codes.

**Policy 7.5 SWH 2.2.5**

Brevard County's Natural Resources ~~Office Management Department~~ shall maintain a hazardous waste Small Quantity Generator assessment, notification, and verification program in accordance with Chapter 403, F.S., and Chapter 62-731, F.A.C.

## **Emergency Response**

### **Objective 8 SWH 2.3**

Brevard County shall provide adequate emergency response and cleanup capabilities for the uncontrolled or accidental releases of hazardous materials.

#### **Policy 8.1 SWH 2.3.1**

The Brevard County Fire Rescue Special Operations Team shall be maintained and provided with adequate training and equipment, (including a field communication network), on a permanent basis.

#### **Policy 8.2 SWH 2.3.2**

Operating costs shall be recovered from parties responsible for the cause of hazardous material incidents.

#### **Policy 8.3 SWH 2.3.3**

~~Brevard County shall maintain and expand a hazardous materials computer database (accessible to other County Departments) which identifies the characteristics, locations, types and quantities of hazardous materials for emergency response purposes.~~

Brevard County shall continue to coordinate with the Local Emergency Planning Committee (LEPC) Regional Coordinator through the East Central Florida Regional Planning Council to review information on the characteristics, locations, types, and quantities of hazardous materials for emergency response purposes.

## **Hazardous Waste Collection**

### **Objective 9 SWH 2.4**

Brevard County shall implement a program to assess the present and future facility needs for the collection and consolidation of household hazardous wastes.

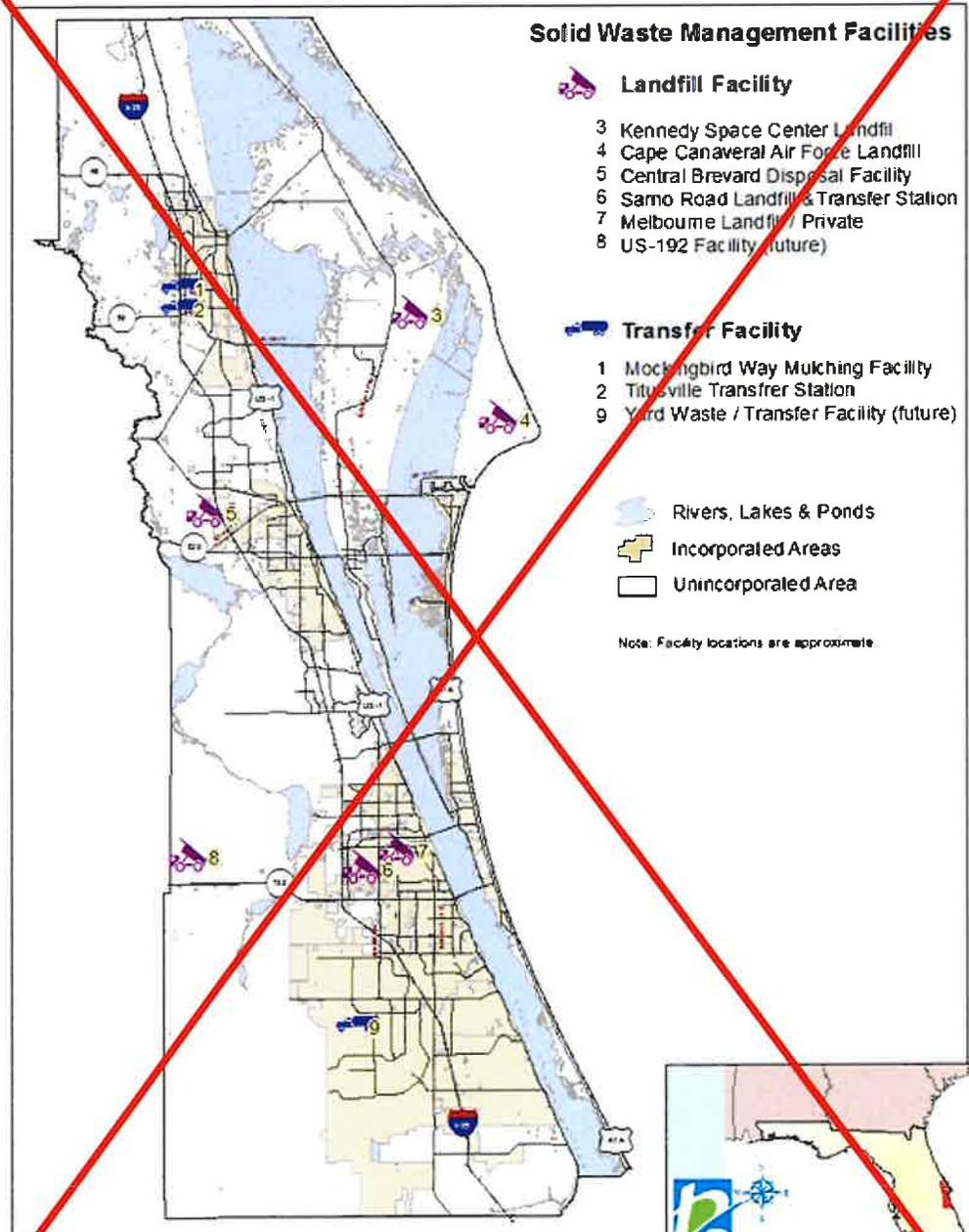
#### **Policy 9.1 SWH 2.4.1**

~~Brevard County shall maintain household hazardous waste collection centers~~  
Hazardous Waste Collection Centers at the County's solid waste facilities and provide recycling services for wastes collected, where feasible.

**APPENDIX**

**LIST OF MAPS**

| <b>Map</b> | <b>Name</b>                              |
|------------|--|
| <b>1</b>   | <b>Solid Waste Management Facilities</b> |



Solid Waste Element



SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT

**CHAPTER PART IX**

**TRANSPORTATION ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### **GOAL TRA 1**

Brevard County seeks to ensure a safe, convenient, and energy efficient transportation system in Brevard County that supports the community defined by this comprehensive plan and enhances the mobility of people and goods while reducing reliance upon the automobile and minimizing impacts to neighborhoods, cultural resources and natural habitats.

### **Performance, Monitoring, and Evaluation**

#### **Objective TRA 1.1**

Brevard County will continue to explore the availability and/or development of performance indicators for the transportation network and incorporate such indicators into the County's improvement programming decisions as appropriate.

#### **Objective 1 Policy TRA 1.1.1**

Brevard County will routinely monitor and evaluate the performance of county and state roadways and other modes (bicycle, pedestrian, transit, port, airport, and rail facilities) as appropriate the transportation network.

#### **Policy TRA 1.1.2**

Brevard County shall collaborate with the Space Coast Transportation Planning Organization (TPO), the Florida Department of Transportation (FDOT), and other local governments to establish a performance monitoring system for monitor the performance of arterial and collector roadways. Brevard County will review performance data provided annually by the Space Coast TPO to identify existing and projected intermodal deficiencies and needs. The data will include but not be limited to:

##### **Criteria:**

- A. Brevard County should, at a minimum, utilize the traffic count data provided annually by the Space Coast TPO. The Space Coast TPO annually conducts and publishes traffic counts on arterial and collector roadways, in cooperation with the local governments and the FDOT. Vehicle Miles Traveled
- B. Brevard County shall coordinate with the Space Coast TPO, the FDOT, and the municipalities to develop, enhance and maintain a centralized transportation data reporting system. Identify congested roadways (operating at >.85 Maximum Acceptable Volume)
- C. Brevard County shall monitor and assist in developing the "State of the System Report" published annually by the Space Coast TPO. The report monitors trends, conditions and performance in the following areas:
  1. System Trends and Conditions

## TRANSPORTATION ELEMENT

### IX -1

- a. — Vehicle Miles of Travel (annual and daily vehicle miles traveled by total system, sub-area and per capita)
- b. — Roadways Operating at Congested Conditions (number of lane miles and VMT operating >0.85 Maximum Acceptable Volume)
- c. — Duration of congestion (number of lane miles with congestion >0.85 Maximum Acceptable Volume for one or more hours per day.
- d. — Use of Transit (annual number of transit trips and vehicle revenue miles)
- 2. — Roadway Segment Condition
  - a. — Severity of existing congestion
  - b. — Severity of congestion by 2040, or the horizon year of the latest adopted Space Coast TPO Long Range Transportation Plan, with no improvements
  - c. — Number of vehicles affected
  - d. — Intermodal connectivity and economic significance
  - e. — Crash history
  - f. — Hurricane evacuation route designation
  - g. — Prior funding commitments

Transit usage

- D. The State of the System Report shall be provided to the local governments and the FDOT for the purpose of analyzing levels of congestion, determining appropriate mitigation measures, and shall be considered when prioritizing and programming local, state and federal transportation improvement funds: Crash history

- E. Hurricane evacuation routes

**Policy 1.2**

Brevard County should develop a roadway classification system appropriate for Brevard County roads that is based on actual roadway and travel characteristics:

**Criteria:**

- A. — Brevard County should base this classification system on the Federal Functional Classification System and should refine this system to address local needs.
- B. — Brevard County, in cooperation with the Space Coast TPO and the municipalities, should periodically review the Federal Functional Classification System to insure the classification addresses local conditions.
- C. — Traffic circulation maps shall be based on the Federal Functional Classification System.

**TRANSPORTATION ELEMENT**

**Policy 1.3**

Brevard County shall maintain level of service (LOS) standards for all county arterial and collector roadways:

**Criteria:**

- A. — The level of service standards are as follows:
  - 1. — Brevard County arterial and collector roadways within the urban area boundary: Level of Service E.
  - 2. — Brevard County arterial and collector roadways within the rural area; except as noted above: Level of Service D.
  - 3. — State arterial roadways (excluding Florida Intrastate Highway System) within the urban area boundary: As adopted by FDOT
  - 4. — State arterial roadways (excluding Florida Intrastate Highway System); outside the urban area boundary (rural area): As adopted by FDOT
  
- B. — The level of service standards for the Florida Intrastate Highway System (Interstate 95 and SR 528) shall be established by FDOT. In general, the standards are LOS E within the urban area boundary and LOS D outside the urban area boundary.

**Policy 1.4**

Brevard County shall maintain a two-tiered level of service analysis procedure where the FDOT generalized level of service tables are used for a first-tier analysis and a more detailed analysis is performed on those roadways experiencing significant congestion:

**Criteria:**

- A. — The level of service analyses should be coordinated with affected local governments:
  
- B. — The level of service analysis should be incorporated into the Space Coast TPO's congestion management system, where applicable:
  
- C. — The level of service analysis should be incorporated into Brevard County's concurrency management system, where applicable:

**Policy 1.5**

Brevard County shall monitor high accident locations and coordinate with other agencies as appropriate to address safety deficiencies. High accident locations may be identified through the Community Traffic Safety Team, an intergovernmental and interagency group formed to address safety issues:

**Policy 1.6**

Brevard County shall participate with the Space Coast TPO in the operation of the Congestion Management System (CMS):

**Criteria:**

- A. ~~— The CMS shall contain the numerical indicators against which the achievement of area’s mobility goals can be measured.~~
  
- B. ~~— Space Coast Area Transit should participate in the CMS process, since the CMS addresses both highway and non-highway modes.~~

**Policy 1.7**

~~Brevard County should explore the availability and/or development of performance indicators for other modes and incorporate such indicators into the county’s improvement programming decisions as appropriate.~~

**Coordinated Improvements**

**Objective TRA 1.2**

Brevard County will coordinate with the Space Coast TPO and FDOT to utilize the best available data and transportation management strategies to improve the mobility and performance of the transportation network.

**Policy TRA 1.2.1**

Brevard County will collaborate with the Space Coast TPO and Space Coast Area Transit (SCAT) to identify and evaluate congestion management strategies to improve the mobility of all modes of transportation.

**Policy TRA 1.2.2**

Brevard County shall encourage the use of transportation demand management strategies as a means to reduce peak hour travel demand and the number of vehicle miles traveled in the region.

**Policy TRA 1.2.3**

Brevard County shall encourage the use of transportation systems management strategies to preserve the capacity of existing transportation systems.

**Criteria:**

- A. Brevard County shall review arterial and collector corridors that are nearing deficiency for opportunities to increase capacity through transportation management strategies.
  
- B. Where feasible, transportation system management strategies shall be incorporated into major roadway improvement projects to maximize future capacity.
  
- C. Brevard County shall follow accepted industry-standard traffic and transportation design standards to guide the implementation of transportation systems management strategies. Such standards may apply to the provision of driveway access, bicycle facilities, traffic signals, transit

facilities, and intersection design.

**Policy TRA 1.2.4**

The following sState roads are classified as limited access roadways: SR 528, I-95, and SR 404 (Pineda Causeway). Portions of the Pineda Extension and St. Johns Heritage Parkway controlled by Brevard County shall be classified as a limited access roadway and are subject to the following conditions:

- A. Access to this roadway should be limited to maximize its function as a hurricane evacuation route and as a primary traffic route.
- B. The classification of this route as a limited access roadway shall not prohibit pedestrian or bicycle usage in the right-of-way (ROW) or on the roadway.
- C. The above criteria shall not apply to those limited access facilities controlled by the Florida Department of Transportation FDOT.

**Policy TRA 1.2.5**

Brevard County will consider establishing performance standards for alternative modes of transportation.

**Roadway Network**

**Objective TRA 1.3**

Brevard County shall undertake measures designed to assist in the free flow of traffic along major roads and strive to maintain and improve the level of service (LOS) on those roadways if at any time they operate at a lower LOS than the adopted standard.

**Policy TRA 1.3.1**

The County shall continue to coordinate with the Space Coast TPO and FDOT on transportation systems management and operations initiatives.

**Policy TRA 1.3.2**

The Space Coast TPO shall maintain a record of traffic counts for major roadways in the County's network and update those records on an annual basis.

**Safety**

**Objective TRA 1.4**

Brevard County seeks a transportation system that is safe for all users.

**Policy TRA 1.4.1**

Brevard County shall support FDOT in their efforts to identify major transportation improvements that would ensure timely and safe evacuation prior to an impending natural disaster.

**Policy TRA 1.4.2**

Brevard County shall monitor high accident locations and coordinate with other agencies as appropriate to address safety deficiencies. High-accident locations may be identified through the Community Traffic Safety Team, an intergovernmental and interagency group formed to address safety issues.

**Policy TRA 1.4.3**

Brevard County shall maintain and enforce land development regulations that improve the safety of motorists, pedestrians, and bicyclists in accordance with the following criteria:

**Criteria:**

- A. Minimize points of conflict along local roadways from driveway connections and other access points.
  
- B. Identify, evaluate, and mitigate, as appropriate, potential traffic safety hazards within the traffic impact area of a proposed major project.

**GOAL TRA 2**

Brevard County is committed to prioritizing and pursuing improvements to transportation facilities while exploring innovative funding solutions to address critical infrastructure needs.

**Prioritization of Transportation Improvements**

**Objective TRA 2.1**

Major transportation improvements shall be identified based on need, incorporate accepted design standards, and be consistent with the Comprehensive Plan.

**Policy TRA 2.1.1**

Using the performance monitoring documents identified under Objective 1, Brevard County shall develop short-range (1-5 years) and long-range (6-15 years) transportation improvement programs for the expenditure of eCounty transportation funds.

**Criteria:**

- A. Short-range and long-range transportation improvement programs shall be financially structured as follows:
  - 1. The short-range transportation improvement program shall be financially feasible by having available revenues from committed funding sources for the first three years. Years 4-5 shall have or will have available revenue from committed or planned funding sources.
  - 2. The long-range transportation improvement program shall be structured to achieve or maintain the adopted **Levels of Service LOS** by utilizing the best available information on projected population growth and demands on the transportation system.

**TRANSPORTATION ELEMENT**

3. The short-range transportation improvement program shall be evaluated and modified as necessary on an annual basis as part of the annual update of the Capital Improvements Element.
- B. Transportation improvement programs should be multi-modal, including consideration of modes other than automobile.
  - C. Transportation improvement programs should be flexible and responsive to community needs.
  - D. Transportation projects should strive to incorporate a balance between mobility and quality of life.
  - E. Brevard County's short-range transportation improvement program should be identified in the Brevard County Capital Improvements Plan (CIP).
  - F. Brevard County's long-range transportation improvement program should be coordinated with the [Space Coast TPO Long Range Transportation Plan \(LRTP\)](#) and the Florida Transportation Plan.
  - G. Brevard County ~~shall~~ should investigate and pursue additional funding sources for the long-range transportation improvement program.

**Policy 2.2 TRA 2.1.2**

~~Using the performance monitoring documents identified under Objective 1, Brevard County shall assist the Space Coast TPO in developing short-range (1-5 years) and long-range transportation (6-20 years) improvement programs for the expenditure of sState and federal transportation funds within Brevard County.~~

**Policy 2.3**

~~Brevard County design standards shall incorporate generally accepted traffic, multi-modal and transportation engineering standards as appropriate.~~

**Criteria:**

- A. ~~Land development regulations and county design policies shall be reviewed periodically to ensure consistency with generally accepted traffic, multimodal and transportation engineering standards.~~
- B. ~~Benefit/cost ratio, aesthetics, neighborhood preservation, demand, user-types and available funding, may also be considered in establishing or waiving design standards, without compromising public safety.~~
- C. ~~Brevard County may consider design initiatives proposed by the private sector that do not compromise public safety.~~

- D. — Locally initiated regulations and policies may also be developed to allow innovative designs that do not compromise public safety.

#### **Policy 2.4**

Major transportation system improvement proposals and associated ancillary facilities shall be thoroughly evaluated for consistency with the Comprehensive Plan, applicable Florida Statutes and federal regulations to minimize adverse environmental impacts and maximize economic and social benefits. A “major improvement” could involve roadway, rail, airport, port and/or other mode:

##### **Criteria:**

- A. — Adequate project data, including an analysis of benefits, impacts, and proposed mitigation measures should be provided. As appropriate, the following items should be considered:
1. — Current and future public need;
  2. — Project impacts to natural resources, including floodplains, aquifer recharge areas, soils, wetlands, surface water, groundwater, drainage, natural communities and wildlife, spheres of influence, air quality, and species listed as endangered, threatened or species of special concern as designated by federal, state or local agencies;
  3. — Project impacts to significant historical and archaeological resources such as those listed on the National Register of Historic Places or Florida Master Site File;
  4. — Noise and visual implications, including the provision of adequate landscaping;
  5. — Management of hazardous materials including emergency planning, emergency response, spill control and spill prevention;
  6. — Hurricane evacuation strategies and capacities;
  7. — Project impacts to the local economy, including wages and job generation;
  8. — Project impacts to the intraregional mobility function of the Florida Intrastate Highway System;
  9. — Land use compatibility with existing and future development including established neighborhoods;
  10. — Proliferation of urban sprawl as defined in Florida Statutes;
  11. — Long term maintenance responsibilities;
  12. — Capacity of other infrastructure, such as water and sewer, to accommodate the project and/or ancillary elements associated with the project.
- B. — The Board of County Commissioners shall determine consistency of a major transportation system improvement with the Comprehensive Plan upon review and consideration of all technical data and analysis; recommendations of the staff, Local Planning Agency and input from the public.

### **Policy 2.5**

Brevard County recognizes that visually attractive roadways are an asset to the community and shall consider landscaping opportunities within future county major roadway improvement projects and funding for the design, installation and maintenance.

#### **Criteria:**

- A. — Roadway landscaping design should consider the following at a minimum:
  - 1. — To ensure vehicular safety, professionally accepted roadway design standards consistently applied should guide the selection of plant materials, street furniture and other landscape elements.
  - 2. — Methods to reduce long term maintenance requirements, such as xeriscaping or self-sustaining vegetation, should be considered.
  - 3. — Native vegetation should be considered.
  - 4. — Landscaping should not compromise pedestrian and bicycle safety by creating visual barriers at intersections, for example:
  - 5. — Irrigation requirements, costs and availability, including reuse water, should be evaluated.
  
- B. — Brevard County should consider innovative public and private sector cooperative landscaping maintenance programs such as “adopt-a-median”.
  
- C. — Brevard County should coordinate with other local governments or agencies to address the visual appearance and landscaping of gateway roads leading into the county and/or to major tourist destinations.

### **Policy 2.6**

Brevard County shall monitor the needs of the coastal population and identify major transportation improvements to maintain performance levels, as set forth in the Coastal Management Element, for ensuring timely evacuation prior to an impending natural disaster.

### **Policy 2.7 TRA 2.1.3**

The improvements identified in the Capital Improvements Element [of the County’s Comprehensive Plan](#) and the [Space Coast TPO’s Long Range Transportation Plan LRTP](#) and Transportation Improvement Program represent projects that may become part of Brevard County’s future transportation network.

### **Policy 2.8 TRA 2.1.4**

In addition to the projects contained in the documents identified in Policy 2.7 [TRA 2.1.3](#), Brevard County should consider supporting roadway improvement projects that:

- A. Provide additional capacity necessary to accommodate planned growth;
  
- B. Establish corridors parallel to existing congested roadways;

- C. Improve roadway continuity;
- D. Provide operational and safety benefits to various transportation modes using the corridor;
- E. Enhance evacuation and public safety capability;
- F. Upgrade inadequate stormwater management systems; or
- G. Reconstruct existing roads to address maintenance, bicycle, and pedestrian; safety, transit, appearance, or access management concerns; and
- H. Are consistent with the State Comprehensive Plan and limit urban sprawl.

**Policy 2.9**

~~The land development regulations shall implement the Transportation Corridor Management Area Ordinance for the St. Johns Heritage Parkway. This code section shall be reviewed periodically for consistency with all Preliminary Design and Engineering Studies and all Final Design and Engineering plans prepared for this corridor on behalf of Brevard County.~~

**Policy 2.10 TRA 2.1.5**

Brevard County shall continue to maintain a comprehensive access management policies for roadways within Brevard County within the land development regulations.

**GOAL TRA 3**

Brevard County seeks to resolve transportation deficiencies.

**Concurrency Management**

**Objective TRA 3.1**

Brevard County shall implement methods to prevent future transportation system deficiencies.

**Policy TRA 3.1.1**

Brevard County's adopted Concurrency Management System shall continue to monitor the roadway system in order to identify when proposed development may degrade a roadway (excluding the Florida ~~Intra~~State Highway System) below an acceptable ~~level of service~~ LOS.

**Policy TRA 3.1.2**

Brevard County shall maintain ~~level of service (LOS)~~ standards for all County arterial and collector roadways.

**TRANSPORTATION ELEMENT**

### **Policy TRA 3.1.3**

Brevard County shall maintain a two-tiered **level of service** LOS analysis procedure where the FDOT generalized **level of service** LOS tables are used for a first-tier analysis and a more detailed analysis is performed on those roadways experiencing significant congestion.

#### **Criteria:**

- A. The **level of service** LOS analyses should be coordinated with affected local governments.
- B. The **level of service** LOS analysis should be incorporated into the Space Coast TPO's congestion management system, where applicable.
- C. The **level of service** LOS analysis should be incorporated into Brevard County's concurrency management system, where applicable.

### **Policy TRA 3.1.4**

New development and redevelopment must demonstrate that the adopted roadway **level of service** LOS can be maintained in the buildout year of the development. Brevard County will require that applications include a traffic study, prepared by a registered Professional Engineer, identifying existing and future traffic volumes at buildout of the development, as well as recommendations for roadway improvements, if any.

### **Policy TRA 3.1.5**

If a proposed project in Brevard County cannot meet the concurrency requirement for transportation, Brevard County's Land Development Regulations shall include provisions for the use of "proportionate fair-share mitigation for transportation facilities" consistent with **F.S. Section 163.3180, F.S.**, as may be amended from time to time.

### **Policy TRA 3.1.6**

Proportionate fair-share mitigation shall be applied as a credit against such impact fees to the extent that all or an apportion of the fair share mitigation is used to address the same capital infrastructure improvements contemplated by the County's impact fee ordinance.

### **Policy TRA 3.1.7**

Brevard County may enter into a development agreement, as provided by **F.S. Section 163.3221, F.S.**, with the developer to provide construction of the facilities necessary to support said development if they are not available, consistent with concurrency requirements of **F.S. Section 163.3180, F.S.** The agreement must provide that after an applicant makes its contribution or constructs its proportionate share, the project shall be considered to have mitigated its transportation impacts and allowed to proceed (if the applicant has satisfied all other local government development requirements for the project).

## **TRANSPORTATION ELEMENT**

**Policy TRA 3.1.8**

Brevard County recognizes that the impact of one (1) single family residence on any lot already recorded as platted or which can otherwise be demonstrated to the satisfaction of the County to have been in existence on December 1, 2006 shall always be considered "de minimis" and no application for an approval for development in this manner of any one such lot shall be subject to any transportation concurrency analysis under any circumstance.

**Policy 3-2 TRA 3.1.9**

Land use changes may be considered as a means to reduce transportation demand, when providing transportation improvements is too costly or has significant community impact.

**Policy 3-3 TRA 3.1.10**

Brevard County recognizes that land uses outside the jurisdiction of Brevard County have significant impacts on Brevard County roadways.

**Policy TRA 3.1.11**

In order to discourage urban sprawl, encourage infill development, and reduce greenhouse gases and congestion, the County shall evaluate several strategies for alternatives to transportation concurrency including, but not limited to a Transportation Concurrency Management Area (TCMA), Multi-modal Transportation District (MTD), Transportation Concurrency Exception Area (TCEA), and Long Term Transportation Concurrency Management System (LTCMS) along roadways that are unable to meet **level of service** LOS standards.

**Policy 3-4 TRA 3.1.12**

Brevard County should continue to implement measures that facilitate the preservation of **right-of-way ROW** for transportation facilities including, but not limited to, roadway, transit, and pedestrian facilities.

**Policy 3-5**

Brevard County shall encourage the use of transportation demand management strategies as a means to reduce peak hour travel demand and the number of vehicle miles traveled in the region:

**Criteria:**

- A. — Developments of Regional Impact (DRI) review shall specifically include consideration of transportation demand management strategies.
  
- B. — Brevard County shall contact major employers, operators of major traffic generators and major educational facilities to encourage staggered work hours, ridesharing and other strategies in those areas where major arterials are near deficiency.

- C. ~~Space Coast Area Transit should continue to provide carpool matching services, park and ride facilities and vanpool support in addition to more traditional transit services.~~
- D. ~~Brevard County should develop draft incentive measures for the private sector to promote alternatives to the single-occupant vehicle as the primary means of transportation.~~

**Policy 3.6**

Brevard County shall encourage the use of transportation systems management strategies to preserve the capacity of existing transportation systems:

**Criteria:**

- A. ~~Brevard County shall review arterial and collector corridors that are nearing deficiency for opportunities to increase capacity through transportation management strategies.~~
- B. ~~Where feasible, transportation system management strategies shall be incorporated into major roadway improvement projects to maximize future capacity.~~
- C. ~~Brevard County shall follow accepted industry-standard traffic and transportation design standards to guide the implementation of transportation systems management strategies. Such standards may apply to the provision of driveway access, bicycle facilities, traffic signals, transit facilities, and intersection design.~~

**Policy 3.7**

Brevard County shall maintain and enforce land development regulations that improve the safety of motorists, pedestrians and bicyclists in accordance with the following criteria:

**Criteria:**

- A. ~~Minimize points of conflict along local roadways from driveway connections and other access points.~~
- B. ~~Identify, evaluate and mitigate, as appropriate, potential traffic safety hazards within the traffic impact area of a proposed major project.~~

**Policy 3.8**

The following state roads are classified as limited access roadways: SR 407, SR 528, I-95, and SR 404 (Pineda Causeway). Portions of the Pineda Extension and St. Johns Heritage Parkway controlled by Brevard County shall be classified as a limited access roadway and are subject to the following conditions:

- A. ~~Access to this roadway should be limited to maximize its function as a hurricane evacuation route and as a primary traffic route.~~

~~B. The classification of this route as a limited access roadway shall not prohibit pedestrian or bicycle usage in the right of way (ROW) or on the roadway.~~

~~C. The above criteria shall not apply to those limited access facilities controlled by the Florida Department of Transportation.~~

#### **GOAL TRA 4**

Brevard County seeks transportation options for all.

#### **Multi-modal Transportation**

##### **Objective TRA 4.1**

Brevard County ~~shall~~ should encourage multi-modal transportation alternatives that accommodate existing and proposed major trip generators and attractors.

##### **Policy TRA 4.1.1**

Brevard County shall emphasize safety and convenience in the location, design, and construction of bicycle and pedestrian facilities.

###### **Criteria:**

A. The Space Coast TPO shall guide and promote a ~~c~~Countywide perspective in planning and implementation of facilities to accommodate bicycle and pedestrian needs.

~~B. Brevard County should continue to designate a portion of local option gas taxes, transportation impact fees and other revenues for bicycle and pedestrian projects.~~

~~C. B. Bicycle~~ Providing safe bicycle and pedestrian facilities ~~shall be included as a should be the~~ standard component in the planning and development of transportation facilities. Bicycle Inclusion of safe bicycle and pedestrian facilities shall be ~~established~~ considered in conjunction with the construction, reconstruction, or other significant change of any major ~~c~~County roadway, provided their establishment would not be contrary to public safety or their cost would not be excessively disproportionate to the need or future use.

~~D. C.~~ Brevard County shall continue to maintain land development regulations that accommodate bicycling and walking and consider bicycle and pedestrian facilities in the development review process.

##### **Policy 4.2 TRA 4.1.2**

Transit should routinely be considered as an alternative to roadway widening and as a supplement to roadway improvement projects.

#### **TRANSPORTATION ELEMENT**

**Criteria:**

- A. Brevard County should promote and encourage the use of public transit and should continue efforts to improve the public transportation system, based upon the adopted Transit Development Plan (TDP), public input, and availability of resources.
- B. Land development regulations should be maintained to ensure that development allows and encourages accessibility to public transit and incorporates improvements in compliance with [ADA Americans with Disabilities Act](#) standards.

**Policy 4.3 TRA 4.1.3**

Brevard County shall work cooperatively with the municipalities to establish parking strategies and to identify potential park-and-ride sites and encourage their development through joint projects with ~~the Florida Department of Transportation~~ [FDOT](#).

**Policy 4.4 TRA 4.1.4**

Brevard County shall continue to promote and encourage expansion of the vanpool program to the extent resources are available and based on demand for the service.

**Policy 4.5 TRA 4.1.5**

Brevard County shall continue efforts to provide services to the “transportation disadvantaged” to the extent resources are available.

**Criteria:**

- A. The scope and methods by which transportation disadvantaged services will be provided will be outlined in the adopted Transportation Disadvantaged Service Plan and ~~Transportation Development Plan~~ [TDP](#).
- ~~B. Brevard County should participate in the area’s welfare-to-work plan that addresses welfare-related transportation issues, recognizing the important role transit can play in assisting in the transition from welfare to employment.~~

**Policy TRA 4.1.6**

Brevard County will evaluate and implement, as appropriate, strategies to improve intermodal access to seaport, spaceport, airports, and rail facilities when such needs or deficiencies are identified.

**Policy TRA 4.1.7**

Brevard County land development regulations should encourage land use patterns and site planning that can be economically and conveniently served by transit, bicycle, and pedestrian modes.

## **GOAL TRA 5**

Brevard County supports port, air, and rail as efficient ways to move people and goods.

### **Airport, Sea Port, Spaceport, and Rail Facilities**

#### **Objective TRA 5.1**

Brevard County shall encourage the use and expansion, as needed, of Brevard County port, airport, and rail facilities for the safe, efficient, and timely movement of goods and passengers.

#### **Policy TRA 5.1.1**

Brevard County should continue to participate in the review of the development plans or airports within Brevard County and support those development plans which are consistent with the Brevard County Comprehensive Plan and compatible with surrounding land uses as designated by the Future Land Use Element.

##### **Criteria:**

- A. Brevard County shall support environmentally and economically sound development of Valkaria Airport, which should be developed to serve general aviation traffic as its primary purpose, as may be determined by the Board of County Commissioners, based upon public input and findings of fact.
  
- B. Brevard County shall support environmentally and economically sound development of Space Center Executive, Merritt Island, and Dunn Airports, as may be determined by the Board of County Commissioners and the ~~THE~~ [Titusville-Cocoa](#) Airport Authority, based upon public input and findings of fact.

#### **Policy 5.2 TRA 5.1.2**

Brevard County should support the development and maintenance of a comprehensive rail system to meet current and future needs and further economic growth of the County, to the extent that the development is compatible with the Brevard County Comprehensive Plan.

#### **Policy 5.3 TRA 5.1.3**

Brevard County shall encourage aerospace industry related development in the Gateway Center/Spaceport Florida area and other areas in proximity to the Kennedy Space Center and other areas in Brevard County.

#### **Policy 5.4 TRA 5.1.4**

Brevard County should continue to participate in the review of the development plans for Port Canaveral and encourage utilization of the Port's lands for water-dependent uses and uses which support or augment port-related activities, provided that they are consistent with the Brevard County Comprehensive Plan, specifically the Future Land Use Element, the Coastal Management Element, and the Conservation Element.

## **TRANSPORTATION ELEMENT**

**Policy 5.5 TRA 5.1.5**

The location of new water-dependent businesses in the vicinity of Port Canaveral shall be in compliance with the Brevard County Comprehensive Plan.

**Criteria:**

- A. Brevard County shall not permit heavy industrial development along the Barge Canal.
  
- B. Development orders for projects adjacent to the Barge Canal shall provide for the mitigation of off-site negative impacts on natural and historic resources and land uses.

**Policy 5.6 TRA 5.1.6**

Brevard County shall coordinate with Port Canaveral, as described in the Brevard County Peacetime Emergency Plan, for evacuation from natural disasters.

**Policy 5.7**

~~Brevard County will evaluate and implement, as appropriate, strategies to improve intermodal access to seaport, spaceport, airports and rail facilities when such needs or deficiencies are identified.~~

**Policy TRA 5.1.7**

Brevard County shall continue to implement land use development standards which protect the port, airport, spaceport, rail, and related facilities from the encroachment of incompatible land uses.

**Policy TRA 5.1.8**

Brevard County shall coordinate the siting of new, or expansion of existing, ports, airports, or related facilities with the fFuture tLand uUse, eCoastal mManagement, and eConservation eElements.

**GOAL TRA 6**

Brevard County seeks to ensure land use patterns are compatible with the transportation network.

**Land Use and Transportation Coordination**

**Objective TRA 6.1**

Brevard County recognizes the inter-relationship of land use patterns and transportation needs and shall implement methods to address land use/transportation interactions.

**Policy TRA 6.1.1**

Brevard County ~~shall~~ should continue, in cooperation with the ~~cities~~ municipalities, the practice of information sharing using Geographic Information Systems technology and

other electronic data sharing methods.

**Policy 6.2 TRA 6.1.2**

Brevard County ~~shall continue to~~ may analyze the feasibility of using marginal cost pricing as a method to determine the costs and benefits of development patterns.

**Policy 6.3 TRA 6.1.3**

Brevard County shall continue to conduct small area planning studies that analyze land use and transportation relationships in a specific area.

**Policy 6.4 TRA 6.1.4**

Brevard County shall utilize the most up to date version of the Central Florida Regional Planning Model to determine future transportation improvement needs. It is recognized that more detailed models may be required.

**Policy TRA 6.1.5**

The County shall continue to coordinate with the Space Coast TPO and FDOT on all connections and access points of driveways and roads to eCounty and sState roadways, respectively.

**Policy 6.5**

~~Brevard County shall continue to implement land use development standards which protect the port, airport, spaceport, rail, and related facilities from the encroachment of incompatible land uses:~~

**Policy 6.6**

~~Brevard County land development regulations should encourage land use patterns and site planning that can be economically and conveniently served by transit, bicycle, and pedestrian modes:~~

**Policy 6.7**

~~Brevard County shall coordinate the siting of new, or expansion of existing, ports, airports, or related facilities with the future land use, coastal management, and conservation elements:~~

**GOAL TRA 7**

Brevard County seeks to ensure early and continuous public involvement in the transportation planning process.

## **Public Participation**

### **Objective TRA 7.1**

Brevard County shall encourage public involvement in the transportation planning process.

### **Policy 7.1**

Brevard County shall continue to use citizen advisory committees for particular projects, drawing the committee members from users, residents, businesses and property owners in the affected area.

### **Policy 7.2 TRA 7.1.1**

Brevard County shall continue to encourage public involvement in specific projects through the use of surveys, speaking engagements, and user-friendly public meetings and workshops to augment the input from advisory committees.

### **Policy 7.3 TRA 7.1.2**

Brevard County shall incorporate, where feasible, input from all credible public sources, to guide transportation decision-making.

### **Policy 7.4 TRA 7.1.3**

Brevard County shall continue to participate in the public involvement efforts of SCAT, FDOT, Space Coast TPO, and other related agencies as necessary.

## **GOAL TRA 8**

Brevard County seeks collaboration with regional partners and other local governments in planning the transportation network.

## **Intergovernmental Coordination**

### **Objective TRA 8.1**

Brevard County shall pursue intergovernmental coordination to address transportation system improvements.

### **Policy TRA 8.1.1**

Brevard County should coordinate with the Space Coast TPO, FDOT, the East Central Florida Regional Planning Council (ECFRPC), and local governments to ensure an integrated and comprehensive transportation planning process.

#### **Criteria:**

- A. Brevard County shall, when timely and appropriate, review local government Transportation Elements, the Regional Policy Plan, modal agency plans, and the [Space Coast TPO long range plan LRTP](#). An objective of the review will be to assess potential impacts on eCounty facilities and policies posed by the programs and projects contained in the plans.

## **TRANSPORTATION ELEMENT**

### **IX -19**

- B. Brevard County shall prepare the [Transit Development Plan TDP](#), the primary strategic plan for [Space Coast Area Transit SCAT](#), every three years as required by FDOT. The [Transit Development Plan TDP](#) shall be developed with proactive public and interagency involvement and shall identify specific, achievable short and long-range improvement projects and policy actions that can enhance transit services and ridership in Brevard County.
- C. Brevard County shall continue to participate in the Space Coast TPO planning process which is the primary forum for cooperative decision-making on regional transportation policy and planning. Through the Space Coast TPO and in cooperation and coordination with other local governments and FDOT, the County shall:
1. Review and evaluate access to intermodal facilities located in the County. Agencies such as the Canaveral Port Authority, Orlando Melbourne International Airport, and the Spaceport Florida Authority are largely independent of the Board of County Commissioners. The [Space Coast](#) TPO is the designated forum for review of impacts on regionally significant transportation facilities generated by these agencies and for the identification of improvements needed to enhance access.
  2. Continue to participate in the updates of the Space Coast TPO [long range transportation plan LRTP](#). The update process follows guidance issued by FDOT and the Federal Highway Administration.
  3. Continue to participate in the Space Coast TPO Technical Advisory Committee; Bicycle, Pedestrian, and Trails Advisory Committee; and Growth Management Subcommittee, all of which include representatives from all local governments and transportation agencies. These committees discuss transportation planning, programming, and prioritization issues common to local governments and transportation agencies.
  4. Participate with other local governments and affected agencies in the update of the Space Coast TPO Bicycle, Pedestrian, and Trails Mobility Plan.
  5. Participate in the transportation monitoring and prioritization process administered by the [Space Coast](#) TPO. Through the [Space Coast](#) TPO's annual regional monitoring program (~~see Policy 1.1~~), roadway improvement needs shall be identified. Projects requiring ~~s~~State and federal funds shall be submitted to the Space Coast TPO for prioritization prior to transmittal to FDOT. The roadway improvement needs information shall also be evaluated when identifying projects to implement with local Brevard County Funds.
- D. Brevard County shall enter into agreements as necessary with other governmental entities to define the mechanisms, strategies, and mutual

## TRANSPORTATION ELEMENT

commitment to a coordinated transportation planning, review, and/or impact assessment process.

**Policy 8.2 TRA 8.1.2**

Brevard County shall promote interagency coordination of transportation activities that will ensure the orderly development of highway, water, rail, and air transportation facilities.

**Criteria:**

- A. Brevard County shall provide opportunities for the Canaveral Port Authority to review and comment on natural resource management plans that may impact the Port.
- B. Brevard County should enter into agreements as necessary with other modal agencies to define the mechanisms, strategies, and mutual commitment to a coordinated transportation planning, review, and/or impact assessment process.
- C. Brevard County shall coordinate its operation of and improvements to the transportation system with the plans and programs of the Space Coast TPO, Canaveral Port Authority, the ~~HEO~~ [Titusville-Cocoa](#) Airport Authority, and the Florida East Coast Railroad.
- D. Brevard County shall coordinate its operation of and improvements to the transportation system with the FDOT's ~~s~~ "Florida Transportation Plan" and Adopted Work Program.

**GOAL TRA 9**

Brevard County seeks to ensure that transportation facilities are designed in harmony with the surrounding environment and community character.

**Scenic Highways**

**Objective TRA 9.1**

Brevard County shall take actions necessary to establish and maintain a roadway network that enhances the social and natural environment while minimizing any potential negative impacts.

**Policy TRA 9.1.1**

Brevard County recognizes that visually attractive roadways are an asset to the community and should consider landscaping opportunities within future eCounty major roadway improvement projects and funding for the design, installation, and maintenance.

**Criteria:**

- A. Roadway landscaping design should consider the following at a minimum:

**TRANSPORTATION ELEMENT**

1. To ensure vehicular safety, professionally accepted roadway design standards consistently applied should guide the selection of plant materials, street furniture, and other landscape elements.
  2. Methods to reduce long term maintenance requirements, such as xeriscaping or self-sustaining vegetation, should be considered.
  3. Native vegetation should be considered.
  4. Landscaping should not compromise pedestrian and bicycle safety by creating visual barriers at intersections, for example.
  5. Irrigation requirements, costs, and availability, including reuse water, should be evaluated.
- B. Brevard County should consider innovative public and private sector cooperative landscaping maintenance programs such as “adopt-a-median”.
- C. Brevard County should coordinate with other local governments or agencies to address the visual appearance and landscaping of gateway roads leading into the eCounty and/or to major tourist destinations.

**Policy TRA 9.1.2**

Brevard County design standards shall incorporate generally accepted traffic, multi-modal, and transportation engineering standards as appropriate.

**Criteria:**

- A. Land development regulations and eCounty design policies shall be reviewed periodically to ensure consistency with generally accepted traffic, multimodal, and transportation engineering standards.
- B. Benefit/cost ratio, aesthetics, neighborhood preservation, demand, user-types, and available funding may also be considered in establishing or waiving design standards, without compromising public safety.
- C. Brevard County may consider design initiatives proposed by the private sector that do not compromise public safety.
- D. Locally initiated regulations and policies may also be developed to allow innovative designs that do not compromise public safety.

**Policy TRA 9.1.3**

Major transportation system improvement proposals and associated ancillary facilities shall be thoroughly evaluated for consistency with the Comprehensive Plan, applicable Florida Statutes, and federal regulations to minimize adverse environmental impacts and maximize economic and social benefits. A “major improvement” could involve roadway, rail, airport, port, and/or other mode.

**Criteria:**

- A. Adequate project data, including an analysis of benefits, impacts, and

**TRANSPORTATION ELEMENT**

proposed mitigation measures should be provided. As appropriate, the following items should be considered:

1. Current and future public need;
2. Project impacts to natural resources, including floodplains, aquifer recharge areas, soils, wetlands, surface water, groundwater, drainage, natural communities and wildlife, spheres of influence, air quality, and species listed as endangered, threatened, or species of special concern as designated by federal, sState, or local agencies;
3. Project impacts to significant historical and archaeological resources such as those listed on the National Register of Historic Places or Florida Master Site File;
4. Noise and visual implications, including the provision of adequate landscaping;
5. Management of hazardous materials including emergency planning, emergency response, spill control, and spill prevention;
6. Hurricane evacuation strategies and capacities;
7. Project impacts to the local economy, including wages and job generation;
8. Project impacts to the intraregional mobility function of the Florida IntraState Highway System;
9. Land use compatibility with existing and future development including established neighborhoods;
10. Proliferation of urban sprawl as defined in Florida Statutes;
11. Long term maintenance responsibilities;
12. Capacity of other infrastructure, such as water and sewer, to accommodate the project and/or ancillary elements associated with the project.

- B. The Board of County Commissioners shall determine consistency of a major transportation system improvement with the Comprehensive Plan upon review and consideration of all technical data and analysis, recommendations of the staff, Local Planning Agency, and input from the public.

#### **Policy TRA 9.1.4**

The following are designated as scenic roadways in order to preserve the adjacent natural features:

1. U.S. 1, from the intersection of SR 46 to Volusia County Line;
2. SR 46, from a point 1.75 miles west of I-95 to Volusia County Line;
3. SR 50, from a point 1.25 miles west of I-95 interchange to the Orange County Line;
4. SR 405, from its intersection with SR 50 eastward to the boundary of the Kennedy Space Center;
5. U.S. 1, from the south corporate limits of the City of Titusville to Golden

## **TRANSPORTATION ELEMENT**

- Knights Boulevard;
- 6. SR 407, entire length;
- 7. SR 528, entire length;
- 8. SR 524, entire length;
- 9. SR 520, from intersection of SR 524 to the Orange County Line;
- 10. SR 3, from SR 528 to the boundary of the Kennedy Space Center;
- 11. Tropical Trail, entire length;
- 12. SR 515, from northern terminus to north corporate limits of the City of Cocoa, and from the south corporate limits of the City of Rockledge, to the southern terminus of SR 515;
- 13. SR 404, entire length;
- 14. Wickham Road, from SR 404 intersection to I-95;
- 15. SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line;
- 16. U.S. 1, from southern corporate limits of the Town of Malabar to the Indian River County Line;
- 17. Babcock Street, from southern corporate limits of the City of Palm Bay to the Indian River County Line;
- 18. U.S. 192, from a point of the 1.75 miles west of I-95 to the Osceola County Line;
- 19. U.S. 1, east side, from the south corporate limits of the City of Rockledge to the northern corporate limits of the City of Melbourne;
- 20. SR A1A, unincorporated areas, between south boundary of Patrick ~~Air~~ [Space](#) Force Base and north boundary of the Town of Indialantic.

**Policy 9.2 TRA 9.1.5**

Brevard County shall encourage the protection and preservation of scenic features through implementation of the following:

**Criteria:**

- A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.
- B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.
- C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those which would deny visual access beyond the immediate area.

- D. Public or private linear projects and utility corridors developed or maintained by governmental or investor-owned regulated utilities that do not require an active development order are exempt if determined to be in the public interest as defined in the Brevard County Comprehensive Plan Glossary per Sec 62-4334 of the Brevard County Code of Ordinances.

**Policy 9-3 TRA 9.1.6**

The following description defines the limits of the Indian River Lagoon Scenic Highway route: the limits of the corridor begin at Ais Lookout Point, just north of the intersection of Robert Conlan Boulevard and US 1 in Palm Bay, proceed south on US 1 to the Wabasso Causeway (CR510), east across the causeway to SR A1A, north on A1A to Port Canaveral, then west on SR 528 (the Bennett Causeway) to SR 3, north to the NASA Causeway, west to US 1, north to Brewer Causeway/Beach Road, northeast to the Canaveral National Seashore, then south on the mainland to Ais Lookout Point to complete the circuit. The SR 520, SR 404, SR 518, and US 192 causeways are also included in the corridor as intermediate connectors. The Vision of the Indian River Lagoon Scenic Highway and the Preliminary Goals and Objectives of the Indian River Lagoon Scenic Highway, as stated in the Indian River Lagoon Scenic Highway Corridor Management Entity Agreement, shall be encouraged within the Indian River Lagoon Scenic Highway Corridor.

**Complete Streets**

**Objective TRA 9.2**

Brevard County should undertake measures to establish Complete Streets policies to enable safe access for the community. The Complete Streets program ensures that the feasibility of providing safe access for all users is considered during design of roadways.

**Policy TRA 9.2.1**

The County should review the existing Land Development Code for amendments to provide for the implementation of feasible Complete Streets principles.

**Policy TRA 9.2.2**

The County should evaluate the existing review process to determine appropriate staff input during the design review process to implement feasible Complete Streets.

**Policy TRA 9.2.3**

The County shall offer Complete Streets training opportunities, including third party trainers, to planners and engineers involved in the design review process.

**Policy TRA 9.2.4**

The County shall encourage streets, bridges, and transit stops within the communities to be planned, designed, operated, and maintained, so that pedestrians, bicyclists, transit users, and motorists of all ages and functional abilities can travel safely where feasible.

**Policy TRA 9.2.5**

The planning for the Complete Streets Program shall consider the needs of all users, including the following elements:

**Criteria:**

- A. Sidewalk space for pedestrians
- B. Bike lanes or bike routes
- C. Appropriately sized travel lanes for motorized vehicles
- D. Transit vehicles, facilities, and routes
- E. On-street parking where applicable
- F. Median use for traffic flow, safety, and pedestrian refuge
- G. Adequate buffer areas for pedestrian safety, utility placement, drainage, and possible landscaping
- H. Landscaping or hardscaping adding pedestrian protection
- I. Existing and future land use context of a roadway or corridor

**Policy TRA 9.2.6**

The Space Coast TPO shall consider assisting Complete Streets corridors for jurisdictions responsible for the roadway that have adopted a Complete Streets Policy and other criteria that may be determined by the Space Coast TPO.

**Policy TRA 9.2.7**

The Space Coast TPO may require a Corridor Feasibility Study be completed to be considered for funding assistance through the Complete Streets Program.

**Roadway Network**

**Objective 10**

~~Brevard County shall undertake measures designed to assist in the free flow of traffic along major roads and strive to maintain and improve the LOS on those roadways if at any time they operate at a lower LOS than the adopted standard.~~

**Policy 10.1**

~~The County shall continue to coordinate with the Space Coast Transportation Planning Organization and FDOT on a transportation systems management and operations initiatives:~~

**Policy 10.2**

The County shall continue to coordinate with the Space Coast Transportation Planning Organization and FDOT on all connections and access points of driveways and roads to county and state roadways, respectively.

**Policy 10.3**

The County shall maintain a record of traffic counts for major roadways in the County's network, and update those records on an annual basis.

**Policy 10.4**

In order to discourage urban sprawl, encourage infill development, reduce greenhouse gases and congestion, the County shall evaluate several strategies for alternatives to transportation concurrency including, but not limited to a Transportation Concurrency Management Area (TCMA), Multi-modal Transportation District (MTD); Transportation Concurrency Exception Area (TCEA) and Long Term Transportation Concurrency Management System (LTCMS) along roadways that are unable to meet level of service standards.

**Complete Streets**

**Objective 11**

Brevard County shall undertake measures to establish Complete Streets policies to enable safe access for the community. The Complete Streets program ensures that the feasibility of providing safe access for all users is considered during design of roadways.

**Policy 11.1**

The County shall review the existing Land Development Code for amendments to provide for the implementation of feasible Complete Streets principles.

**Policy 11.2**

The County shall evaluate the existing review process to determine appropriate staff input during the design review process to implement feasible Complete Streets.

**Policy 11.3**

The County shall offer Complete Streets training opportunities, including third party trainers, to planners and engineers involved in the design review process.

**Policy 11.4**

The County shall encourage streets, bridges, and transit stops within the communities to be planned, designed, operated, and maintained, so that pedestrians, bicyclists, transit users and motorists of all ages and functional abilities can travel safely where feasible.

**Policy 11.5**

The planning for the Complete Streets Program shall consider the needs of all users, including the following elements:

**Criteria:**

- A. Sidewalk space for pedestrians
- B. Bike lanes or bike routes
- C. Appropriately sized travel lanes for motorized vehicles
- D. Transit vehicles, facilities and routes
- E. On-street parking where applicable
- F. Median use for traffic flow, safety, and pedestrian refuge
- G. Adequate buffer areas for pedestrian safety, utility placement, drainage, and possible landscaping
- H. Landscaping or hardscaping adding pedestrian protection
- I. Existing and future land use context of a roadway or corridor

**Policy 11.6**

The Space Coast TPO shall consider assisting Complete Streets corridors for jurisdictions responsible for the roadway that have adopted a Complete Streets Policy and other criteria that may be determined by the Space Coast TPO.

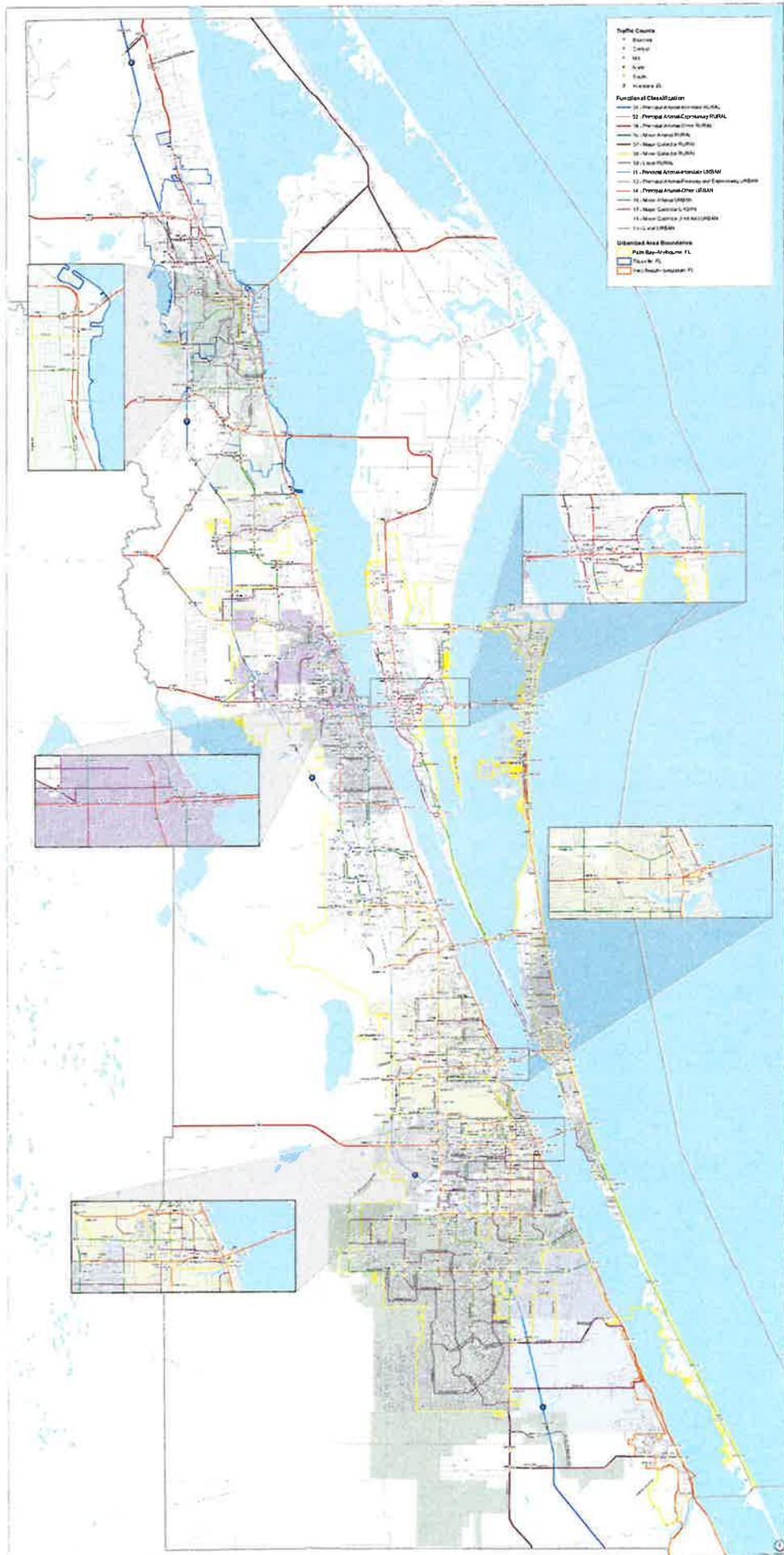
**Policy 11.7**

The Space Coast TPO may require a Corridor Feasibility Study be completed to be considered for funding assistance through the Complete Streets Program.

## **APPENDIX**

### **LIST OF MAPS**

| <b>Map</b> | <b>Name</b>  |
|------------|--|
| <b>1</b>   | <b><u>2023 Average Annual Daily Traffic and Functional Classifications</u></b> |
| <b>2</b>   | <b><u>Transit System</u></b>   |
| <b>3</b>   | <b><u>Existing Bicycle Facilities: North</u></b>                               |
| <b>4</b>   | <b><u>Existing Bicycle Facilities: Central</u></b>                             |
| <b>5</b>   | <b><u>Existing Bicycle Facilities: South</u></b>                               |
| <b>6</b>   | <b><u>Existing Pedestrian Facilities: North</u></b>                            |
| <b>7</b>   | <b><u>Existing Pedestrian Facilities: Central</u></b>                          |
| <b>8</b>   | <b><u>Existing Pedestrian Facilities: South</u></b>                            |
| <b>9</b>   | <b><u>2024 Strategic Intermodal System Projects</u></b>                        |
| <b>10</b>  | <b><u>2024 Regionally Significant Projects</u></b>                             |
| <b>11</b>  | <b><u>2024 Transportation Systems Management &amp; Operations Projects</u></b> |
| <b>12</b>  | <b><u>2024 Bicycle &amp; Pedestrian Projects</u></b>                           |
| <b>13</b>  | <b><u>2024 Shared Use Network Trails Projects</u></b>                          |
| <b>14</b>  | <b><u>2024 Planning/Studies</u></b>  |
| <b>15</b>  | <b><u>2024 Fully Funded Projects</u></b>                                       |



# Brevard County SYSTEM MAP

Effective March 30, 2024

- Route 1 – Titusville/Viera
- Route 2 – Titusville
- Route 3 – Merritt Island
- Route 4 – 520 Connector
- Route 5 – Titusville/Mims
- Route 6 – Cocoa/Rockledge
- Route 7 – Rockledge/Viera
- Route 8 – West Cocoa
- Route 9 – Cape Canaveral/Cocoa Beach
- Route 10 – Central Titusville
- Route 11 – Port St. John
- Route 20 – Heritage-West Melbourne
- Route 21 – Downtown Melbourne
- Route 22 – South Palm Bay
- Route 23 – West Palm Bay
- Route 24 – Melbourne
- Route 25 – Melbourne/Palm Bay
- Route 26 – South Beach
- Route 27 – East Palm Bay
- Route 28 – North Melbourne
- Route 29 – Melbourne/Viera
- Route 30 – South Beach Connector
- Route 33 – Eau Gallie Arts District



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Figure 37

### Existing Bicycle Facilities: North

- Existing Bicycle Facilities
- Master Plan Roadway Network
- Incorporated Cities/Towns

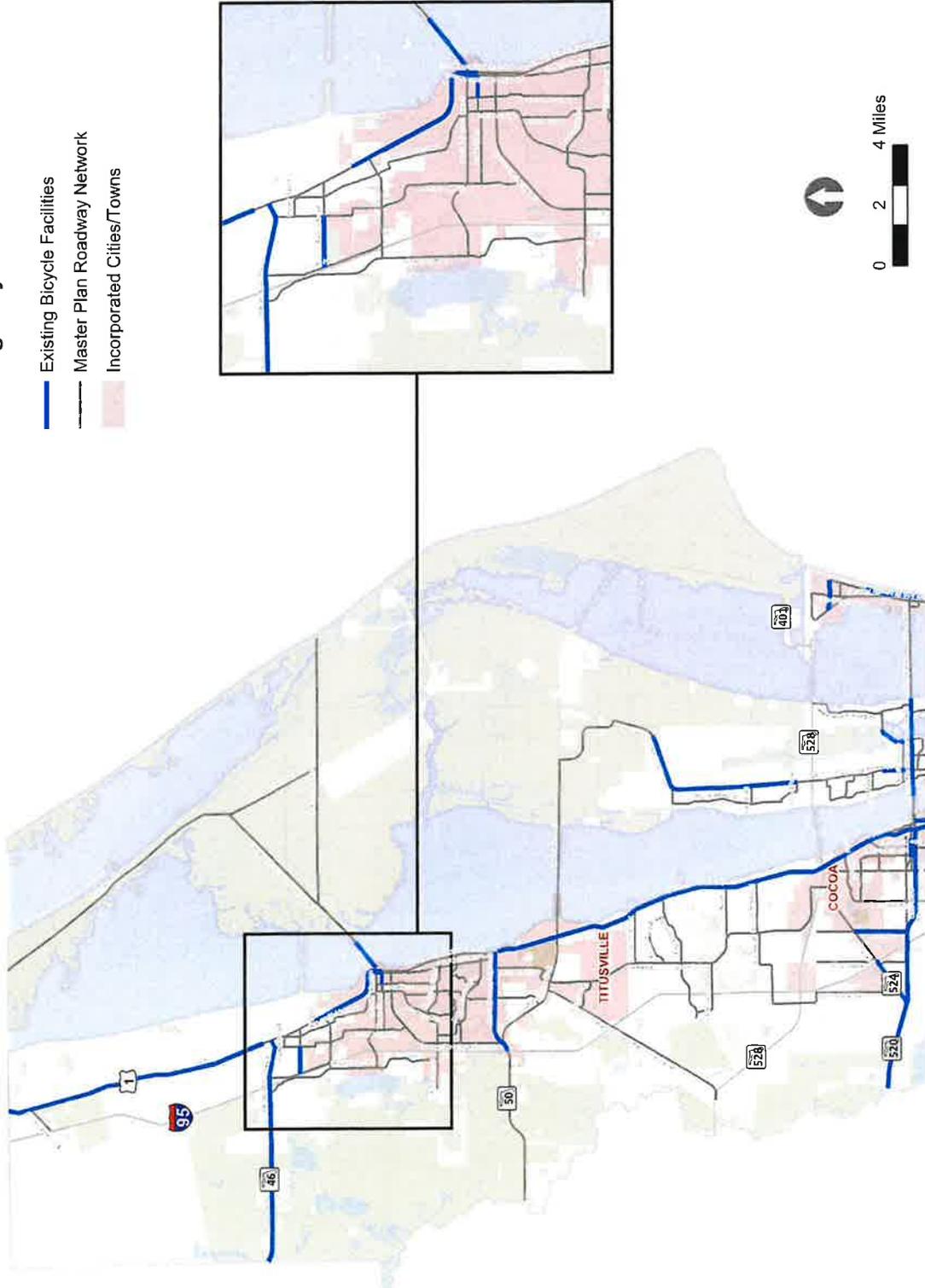


Figure 38  
**Existing Bicycle Facilities: Central**

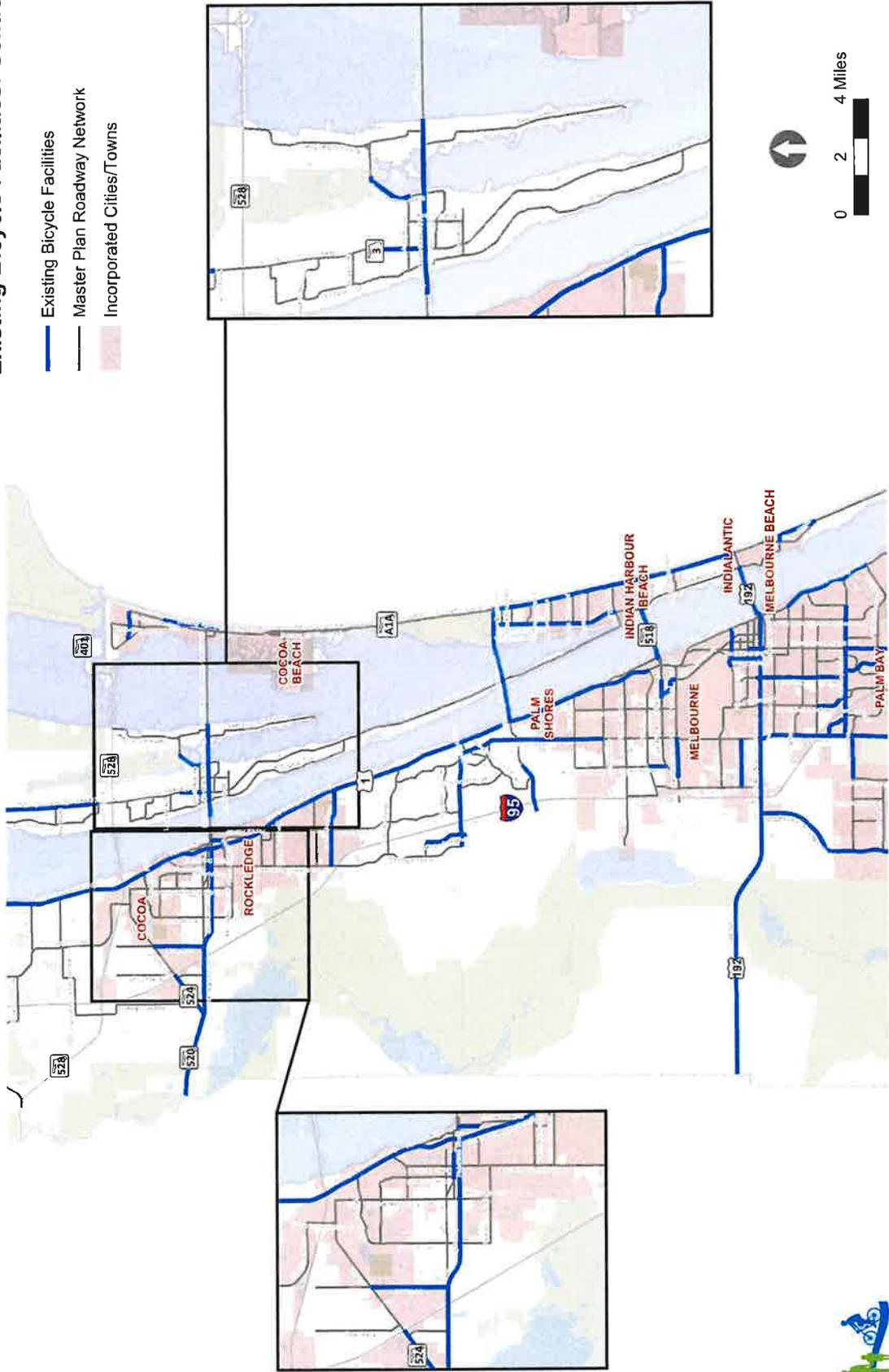


Figure 39

### Existing Bicycle Facilities: South

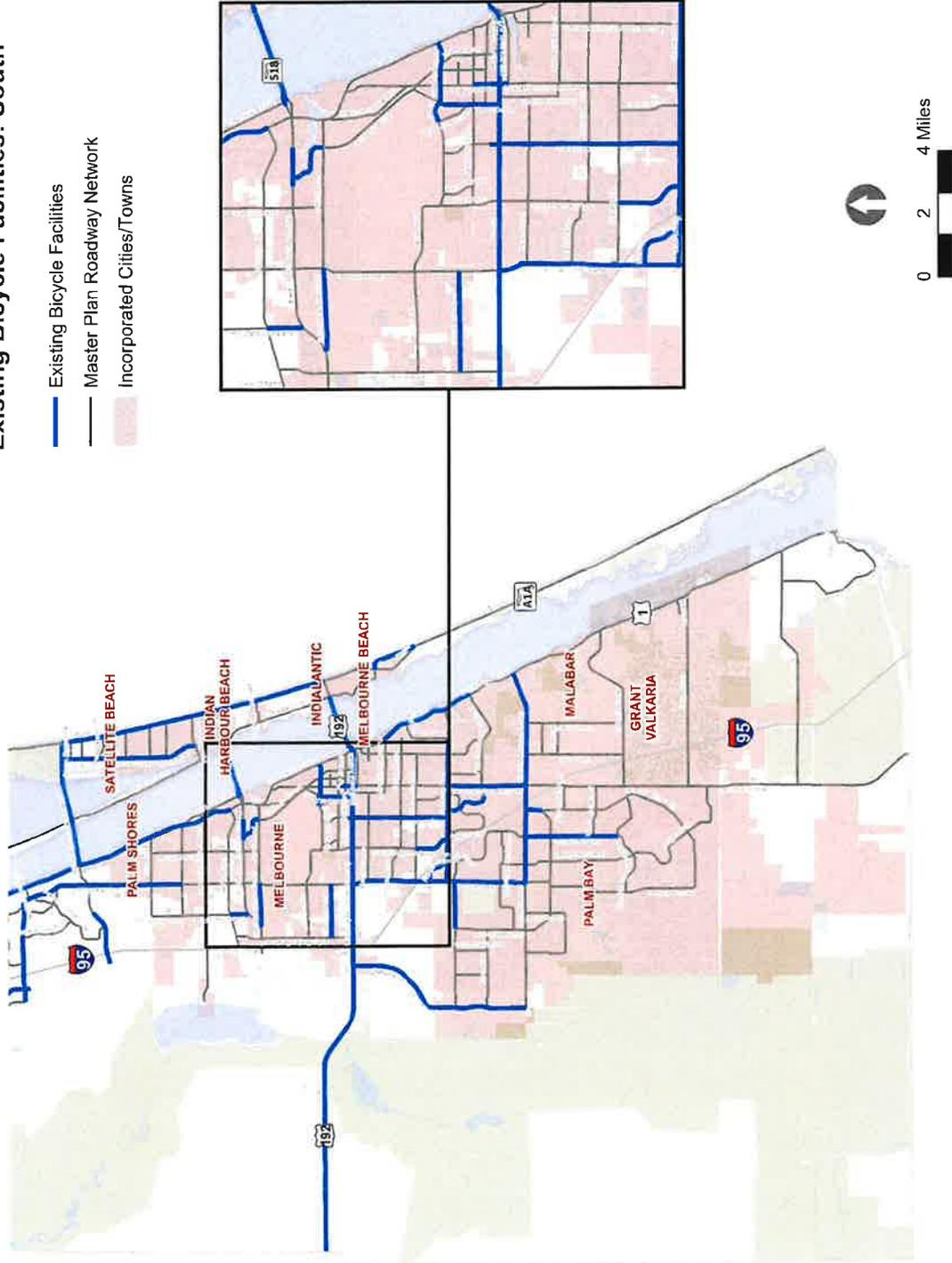
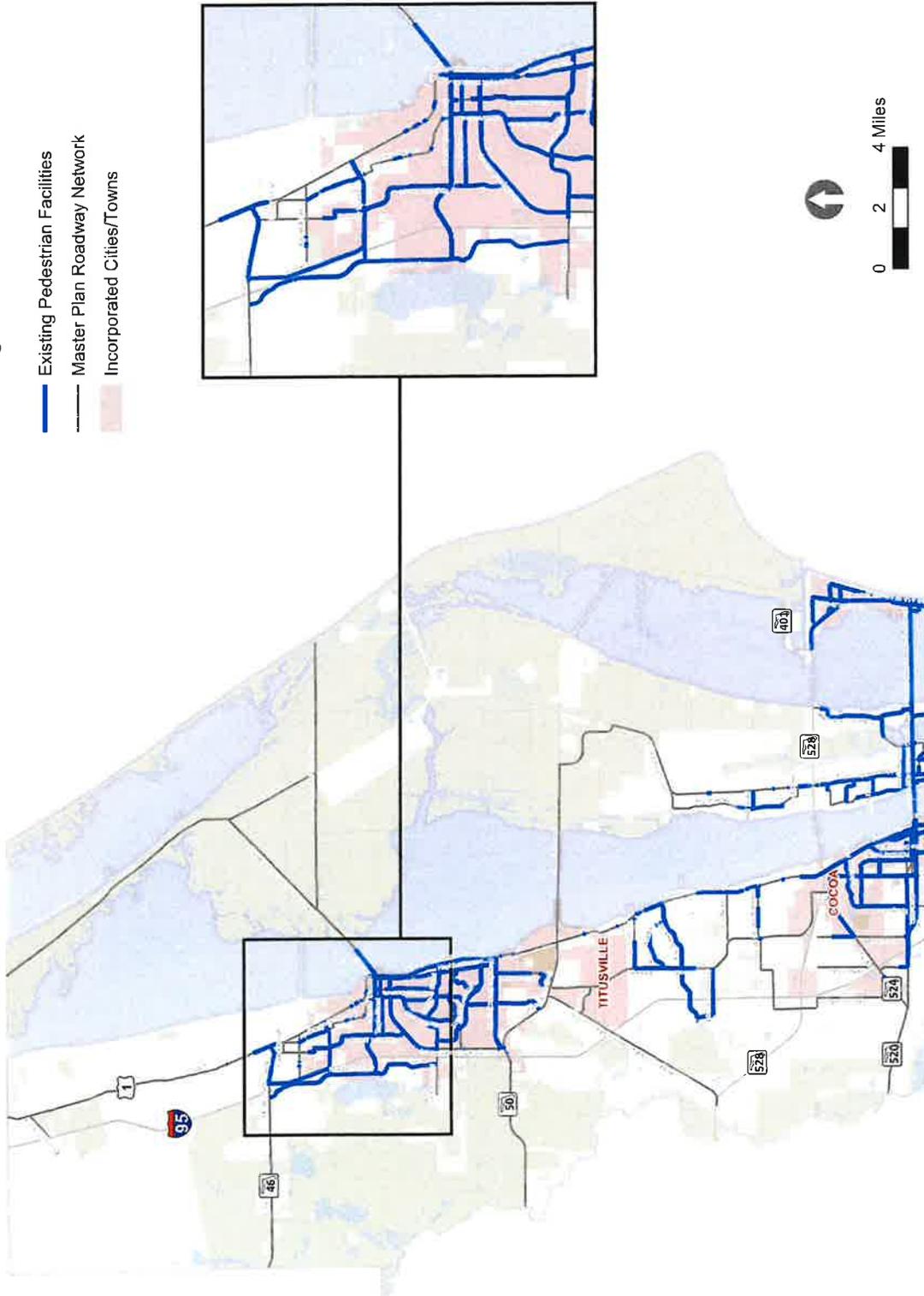


Figure 40

### Existing Pedestrian Facilities: North



0 2 4 Miles

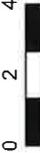


Figure 41  
**Existing Pedestrian Facilities: Central**

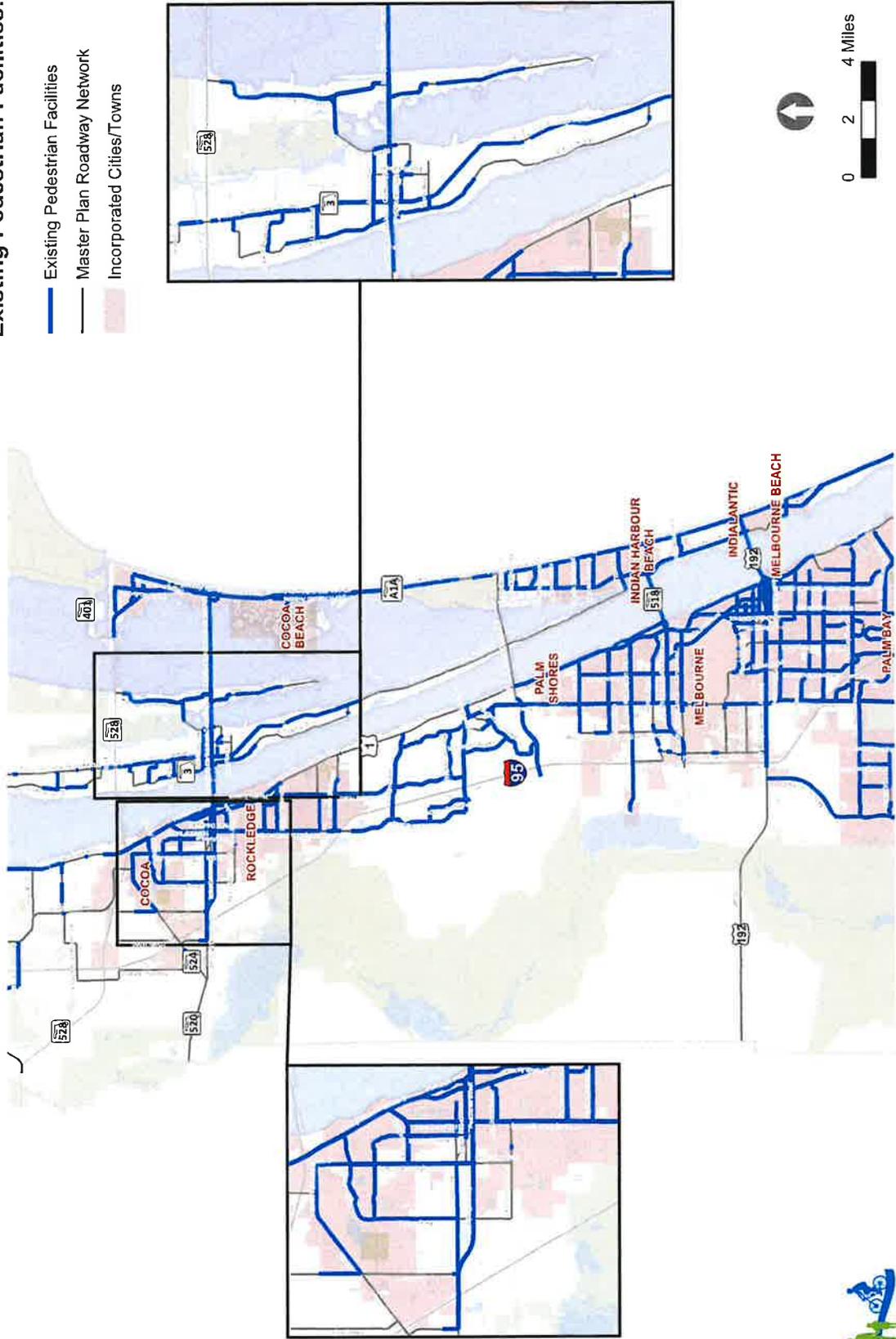
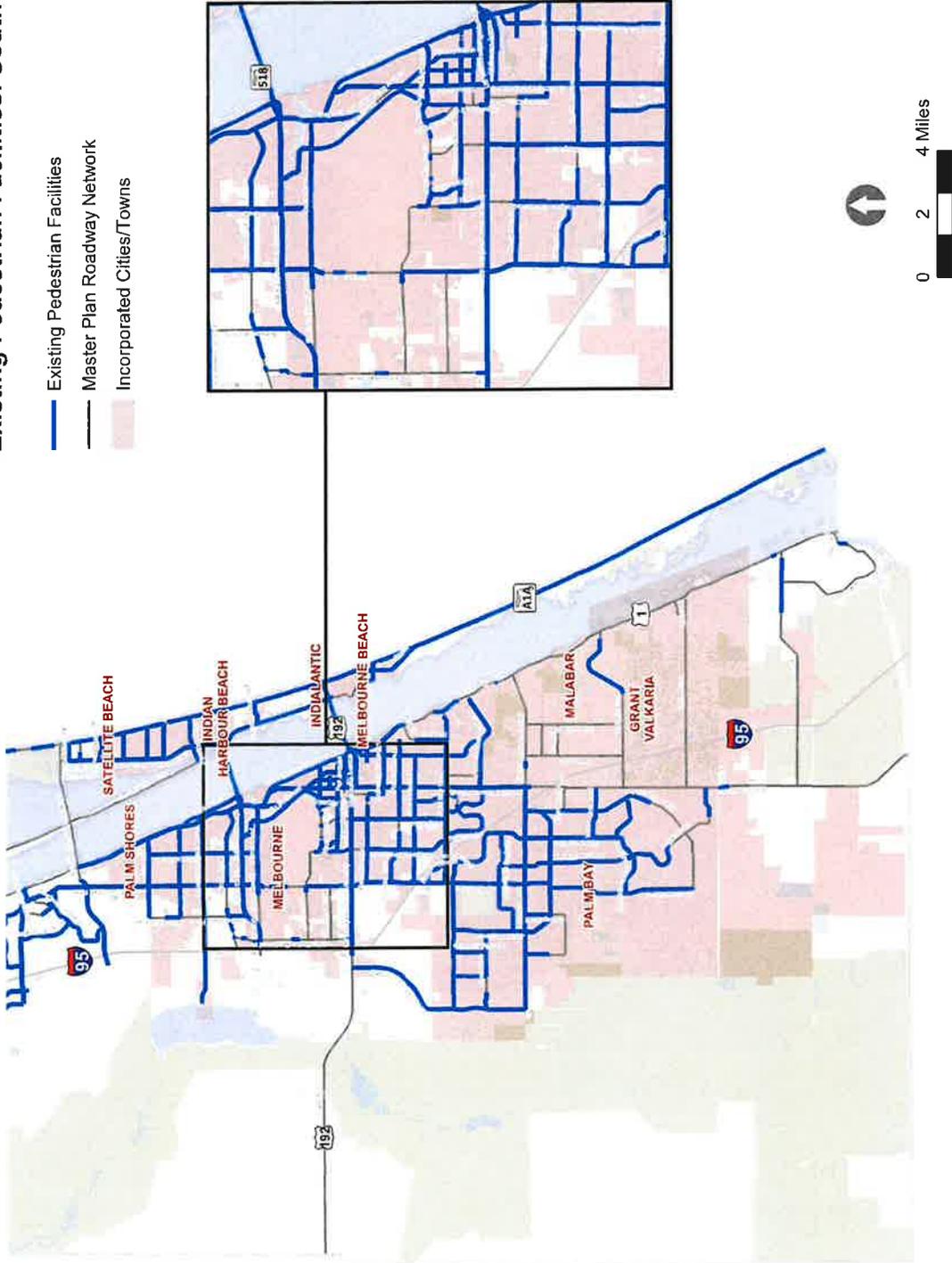


Figure 42  
**Existing Pedestrian Facilities: South**





# 2024 Strategic Intermodal System (SIS) Projects

## Project Ranking FY 26-30

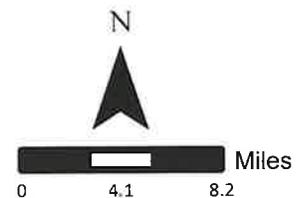
- 1** Ellis Road (426905-4)
- 2** Cape Canaveral Spaceport Intelligent Transportation System (ITS) (447994-1)
- 3** SR 528 (E of SR 3 to SR 401 (Port)) (407402-4)
- 4** SR 528 (E of Industry Rd to SR 3) (407402-3)
- 5** SR 401 Bridge (444787-1)
- 6** I-95 Interchange at Malabar Road



APRIL 2024

### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction





# 2024 Regionally Significant Projects



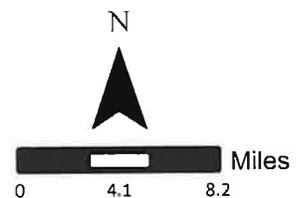
## Project Ranking FY 26-30

- 1** Malabar Rd (437210-1)
- 2a** SR A1A (430202-5)
- 2b** SR A1A (452688-1)
- 3** Babcock St (437204-1)
- 4** SR A1A (430202-8)
- 5** SR 501 (Clearlake Rd) (433605-1)
- 6** SR 524 (437983-1)
- 7** SR 3 (Courtenay Pkwy) (435631-2)
- 8** SR 514 (Malabar Rd) (430136-1)
- 9** US 1 @ Viera Blvd and @ Barnes Blvd (433604-1)
- 10** SR 507 (Babcock St) (237650-6)
- 11** SR 518 (Eau Gallie Blvd) @ Wickham Rd (443734-1)
- 12** SR 405 (South St)
- 13** SR A1A NB (441445-1)
- 14** SR 518 (Eau Gallie Blvd) @ SR 5054 (Sarno Rd)
- 15** SR 519 (Fiske Blvd) @ Roy Wall Blvd (446600-1)
- 16** Cocoa Multimodal Station (453045-2)
- 17** Wickham Rd @ Post Rd
- 18** Hollywood Blvd (437203-1)
- 19** Minton Road

APRIL 2024

### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction





# 2024 Transportation Systems Management & Operations (TSM&O) Projects

## Project Ranking FY 26-30

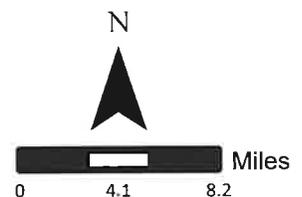
- 1** Traffic Management Center (441584-1)
- 2** SR A1A
- 3** Malabar Rd (443731-1)
- 4** Emerson Drive (443733-1)
- 5** San Filippo Drive (443732-1)
- 6** US 1
- 7** SR 50
- 8** Intelligent Transportation System (ITS) Operational Support (Not Mapped) (428930-1)



APRIL 2024

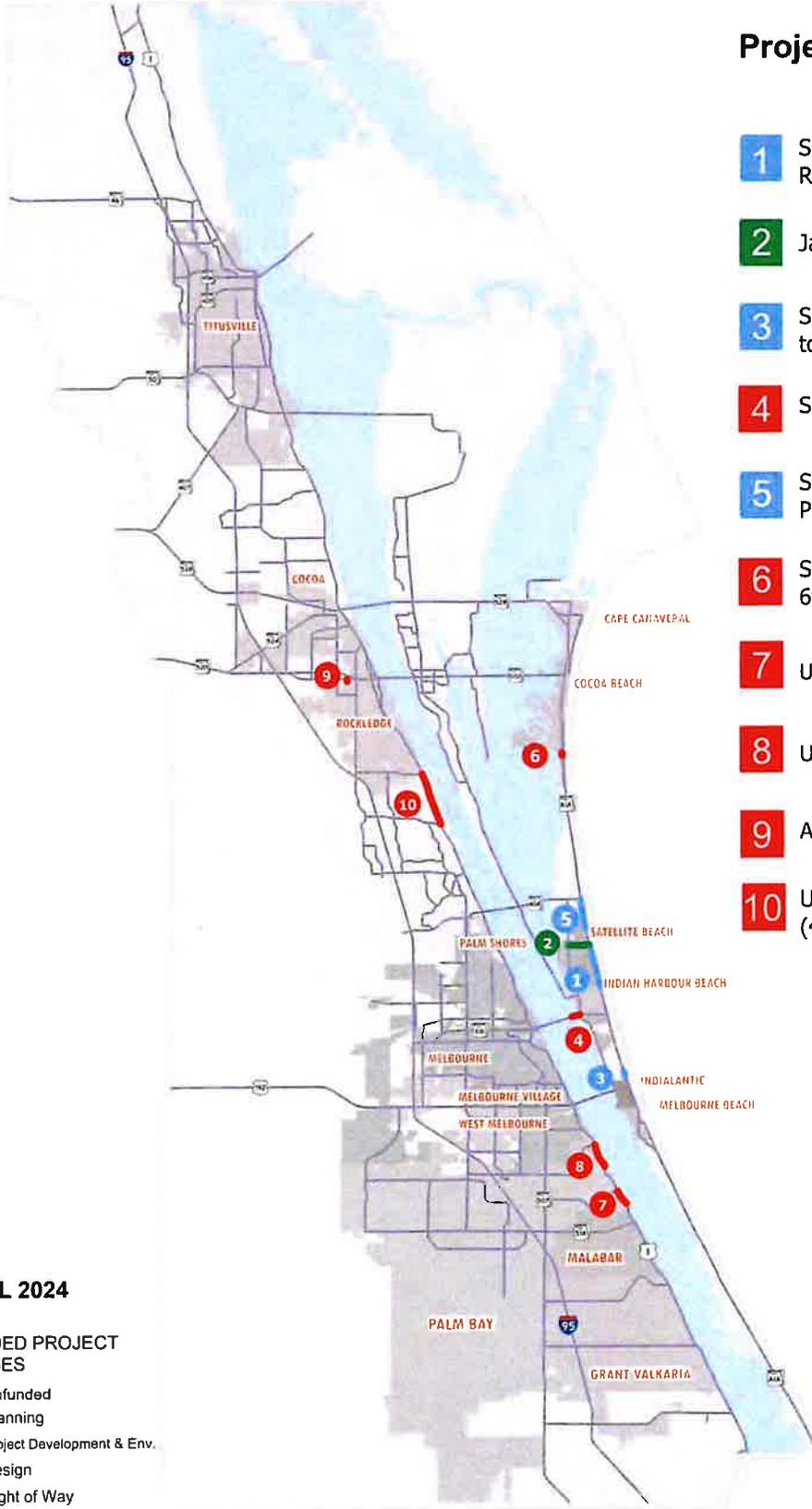
### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction





# 2024 Bicycle & Pedestrian Projects



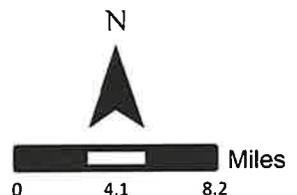
## Project Ranking FY 26-30

- 1** SR A1A (Volunteer Way to Roosevelt Ave) (447150-2)
- 2** Jackson Ave Complete Street (446675-1)
- 3** SR A1A (Grosse Pointe Ave to Flug Ave) (447151-1)
- 4** SR 518 (Eau Gallie Cswy Trail) (443670-1)
- 5** SR A1A (Shearwater Pkwy to Pineda Cswy - SR 404) (447150-1)
- 6** SR A1A (S Orlando) (7th St S. to 6th St S.) (441443-1)
- 7** US 1 (Gran Ave to Port Malabar Blvd)
- 8** US 1 (Kirkland Rd to RJ Conlan Blvd)
- 9** Aurora Street (S. of SR 520 to N. of Jackson St)
- 10** US 1 (Viera Blvd to Barnes Blvd) (433604-1)

APRIL 2024

### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction





# 2024 Shared Use Network (SUN) Trails Projects

## Project Ranking FY 26-30

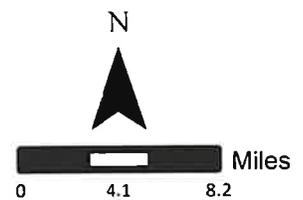
- 1** Space Coast Trail (437093-2)
- 2** US 1 - East Coast Greenway (447608-1)
- 3** Space Coast Trail (437093-1)
- 4** N Merritt Island Pioneer Trl (Trail Study Area Mapped) (439893-1)



APRIL 2024

### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction

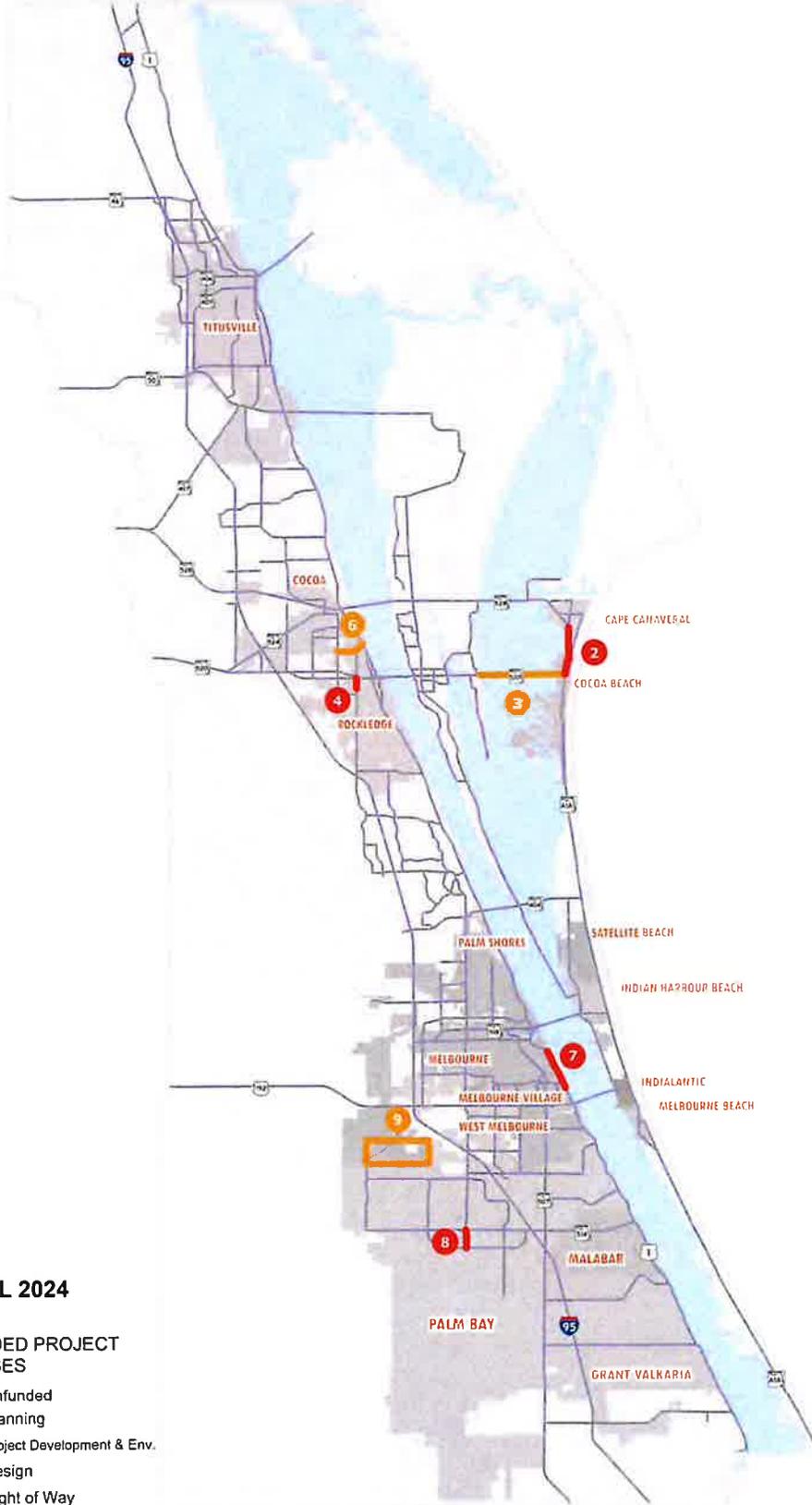




# 2024 Planning/Studies

## Project Ranking FY 26-30

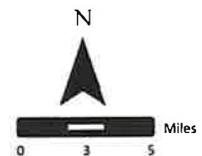
- 1** Long Range Transportation Plan (Not Mapped)
- 2** SR A1A Complete Street
- 3** SR 520 Cocoa Beach Causeway
- 4** SR 519 (Fiske Blvd)
- 5** Transportation Planning Support (Not Mapped)
- 6** Dixon Blvd. Complete Street Analysis
- 7** Indian River Linear Trl (US 1) (443622-1)
- 8** Minton Rd.
- 9** Norfolk Pkwy Extension
- 10** S. Brevard Trails Master Plan (Not Mapped)
- 11** Cross City Trail (Not Mapped) (443619-1)



APRIL 2024

### FUNDED PROJECT PHASES

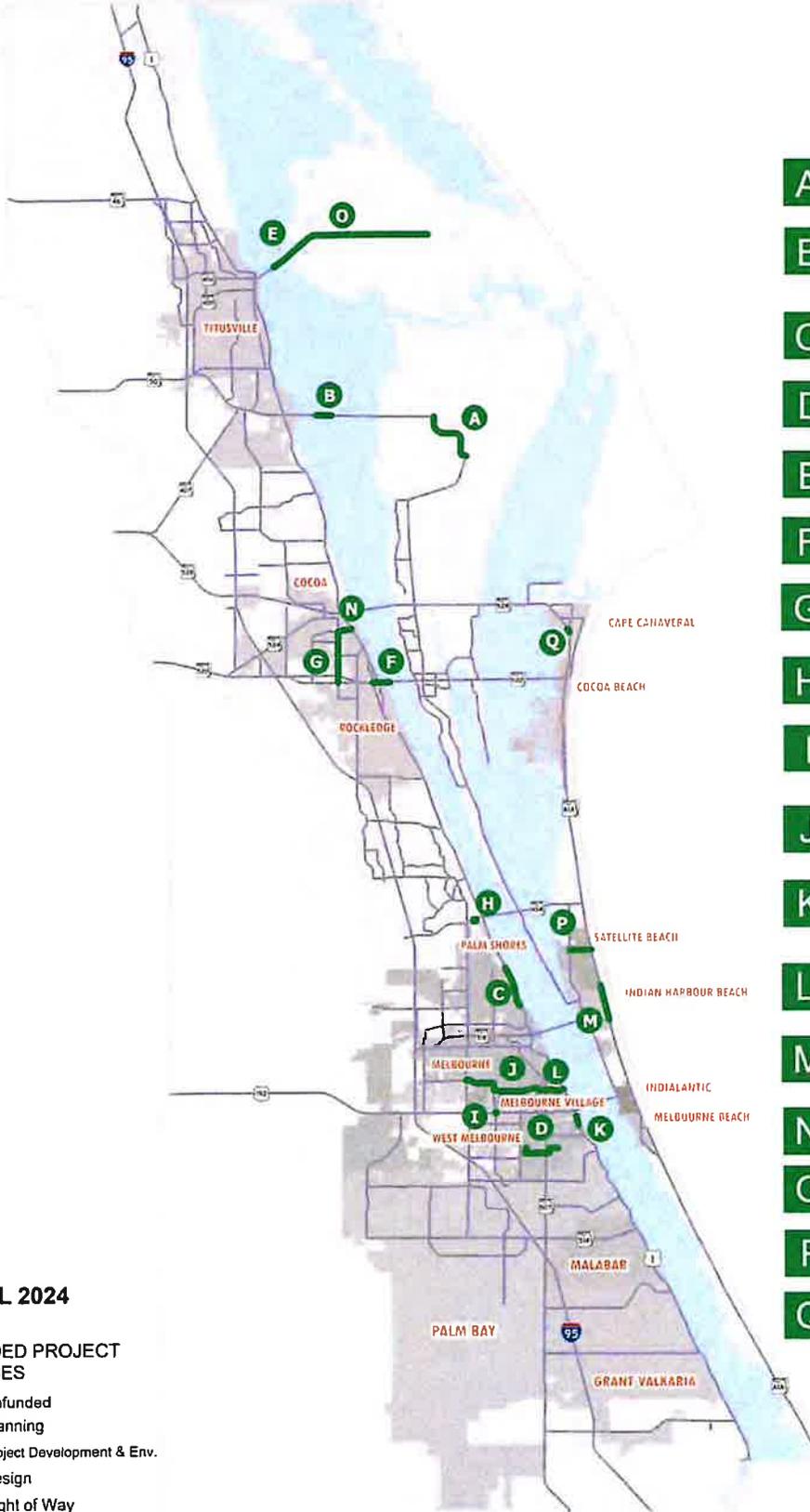
- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction





# 2024 Fully Funded Projects

## Project Ranking FY 26-30

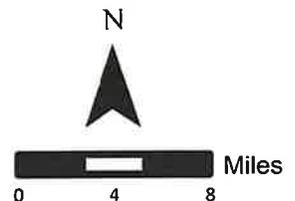


- A** Strategic Intermodal System (SIS): Space Commerce Way (INFRA)
- B** Strategic Intermodal System (SIS): 405 NASA Cswy/Indian River Bridge (INFRA)
- C** US 1 (Lake Washington to Post) (FY 22)
- D** Melbourne SW Canal Trails (FY 23) (443620-1)
- E** Parrish Park Trailhead (FY 23) (441778-1)
- F** SR 520 (US 1 to Hubert Humphrey Bridge) (FY 23) (435628-1)
- G** SR 501 (SR 520 to Michigan Ave) (FY 23)
- H** Traffic Management Center (FY 24) (441584-1)
- I** US 192 & Hollywood/Evans (FY 24) (433655-1)
- J** NASA Blvd Sidewalk (Eddie Allen to Evans) (FY 24) (445872-1)
- K** US 1 (Canoe Creek Bridge to WH Jackson St) (FY 24)
- L** NASA Blvd Intelligent Transportation System (ITS) Infrastructure (Wickham to US 1) (FY 24) (445858-1)
- M** SR A1A Sidewalk (SR 518 to Volunteer Way) (FY 25) (437939-1)
- N** Michigan Ave Trail (FY 26)
- O** Space Coast Trail (FY 25) (437093-2)
- P** Jackson Avenue Complete Street (446675-1)
- Q** SR A1A (430202-5)

APRIL 2024

### FUNDED PROJECT PHASES

- Unfunded
- Planning
- Project Development & Env.
- Design
- Right of Way
- Construction



**CHAPTER PART X**

**COASTAL MANAGEMENT ELEMENT**

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## GOAL, OBJECTIVES, AND POLICIES

### GOAL CM

Establish growth management strategies that will allow growth to continue within the coastal zone which does not damage or destroy the function of coastal resources, protects human life, and limits public expenditures in areas subject to destruction by natural disasters.

### Estuarine Pollution

#### Objective CM 1

Improve areas within the Indian River Lagoon basin with fair or poor water quality as measured by the State of Florida Department of Environmental Protection (FDEP) using the trophic state index, and maintain areas with good water quality.

#### Policy CM 1.1

The Brevard County Natural Resources Management Department shall coordinate with the ~~Florida Department of Environmental Protection (FDEP)~~ to develop and implement Basin Management Action Plans to comply with National Pollutant Discharge Elimination System Permits and meet the Total Maximum Daily Loads established for local surface waters.

#### Policy 1.2

~~Brevard County shall maintain within the land development code regulations that implement standards consistent with National Pollutant Discharge Elimination System Permits and Total Maximum Daily Loads.~~

#### Policy 1.3 CM 1.2

~~Brevard County shall continue to cooperate with other agencies and municipalities that perform fisheries studies and sSubmerged aAquatic vVegetation (SAV) mapping and use this data to assist in establishing priority areas for surface water improvement efforts. In addition, Brevard County shall coordinate the manatee protection plan with municipalities and appropriate agencies.~~

#### Policy 1.4 CM 1.3

~~The Brevard County Natural Resources Management Office Department shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the Florida Department of Environmental Protection, St. Johns River Water Management District (SJRWMD), the U.S. Army Corps of Engineers, or other appropriate agencies.~~

#### Policy 1.5 CM 1.4

~~Brevard County shall continue to consider recommendations of the Marine Resources Council FDEP, St. Johns River Water Management District (SJRWMD), the Indian~~

## COASTAL MANAGEMENT ELEMENT

River National Estuary Program (IRLNEP), and other appropriate groups in the development of estuarine studies.

**Policy 1.6 CM 1.5**

Brevard County shall coordinate surface water management and protection efforts with ~~the Indian River National Estuary Program (IRNEP)~~ IRLNEP, FDEP, SJRWMD, and other appropriate agencies.

**Policy 1.7**

~~Brevard County supports coordinated regional fisheries management plans developed by the Atlantic States Marine Fisheries Commission.~~

**Water Quality/Seagrasses**

**Objective CM 2**

Improve existing water quality to enhance seagrass and other submerged aquatic vegetation quantity, health, diversity, and distribution within the Indian River Lagoon.

**Policy CM 2.1**

Brevard County shall support ~~the St. Johns River Water Management District's (SJRWMD)~~ mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, ~~and restoration~~ control. Management strategies shall be coordinated with the municipalities and other agencies.

**Policy CM 2.2**

Brevard County shall continue to participate in ~~the~~ Indian River Lagoon Advisory Committee IRLNEP and its associated advisory groups.

**Policy CM 2.3**

Brevard County shall continue to protect ~~Submerged Aquatic Vegetation (SAV)~~ from the impacts of local land development by implementing the Surface Water Protection Ordinance. At a minimum, the following criteria shall be addressed:

**Criteria:**

- A. Maintain upland vegetation within required setbacks to reduce runoff.
- B. Require proper use of turbidity screens during construction activities.
- C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.
- D. Coordinate with FDEP Aquatic Preserve staff when development is within or adjacent to an aquatic preserve.

**COASTAL MANAGEMENT ELEMENT**

**Policy CM 2.4**

Brevard County ~~shall address modification of~~ should require stormwater retrofits during redevelopment of existing development which does not meet current stormwater management standards.

**Policy CM 2.5**

Brevard County supports the goals of the National Estuary Program's Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County's ~~Action Plan Implementation Status Report~~ annual submittal to the EPA U.S. Environmental Protection Agency Work Plan, as amended, for the CCMP.

**Policy CM 2.6**

Where possible, local stormwater, as well as ~~s~~State and federal surface water programs, should reduce or eliminate freshwater inputs to the Indian River Lagoon ~~via interbasin diversions.~~

**Fisheries**

**Objective CM 3**

Maintain fisheries in and adjacent to Brevard County through habitat production, maintenance and restoration.

**Policy CM 3.1**

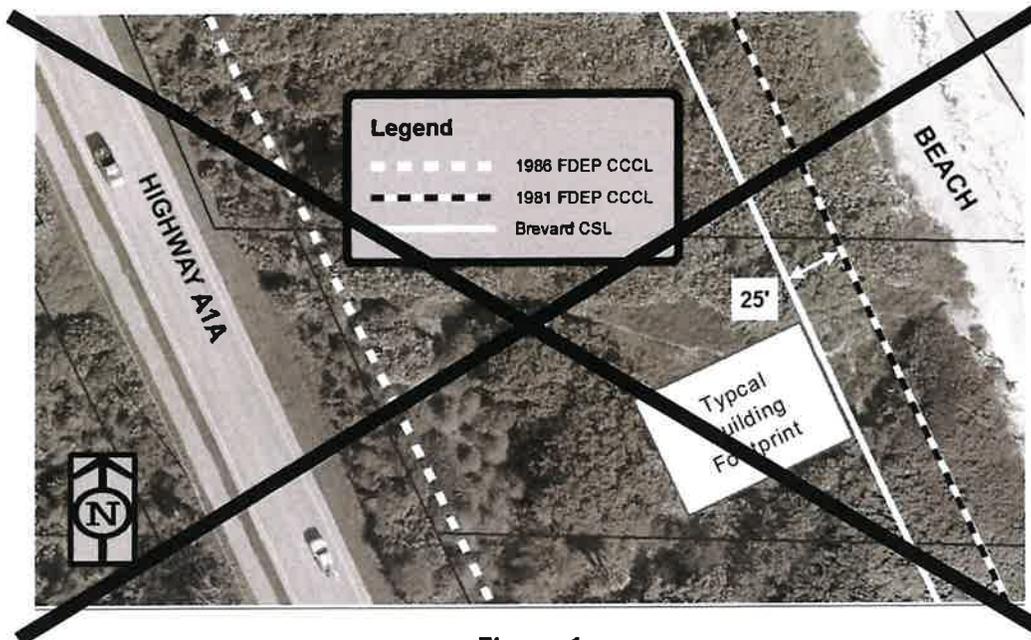
Brevard County shall encourage habitat evaluation and fisheries studies. These studies should be coordinated with federal and state programs and funded through a combination of the proceeds from a saltwater fishing license and state and federal grants.

**Policy CM 3.2**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

**Policy CM 3.3**

Brevard County supports coordinated regional fisheries management plans developed by the Atlantic States Marine Fisheries Commission.



**Figure 1**

**Note: Figure 1 is intended for illustrative purposes only. Actual delineations shall be determined by survey.**

**Beaches and Dunes**

**Objective CM 4**

Brevard County shall implement and improve as necessary a comprehensive beach and dune management program which protects, enhances, and restores a naturally functioning beach system as funding is available.

**Policy CM 4.1**

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the Florida Department of Environmental Protection (FDEP) 1981 Coastal Construction Control Line (CCCL), which coincides with the Brevard County Coastal Construction Line (CCL); Brevard County Coastal Setback Line (CSL) shall be governed by the following conditions, at a minimum:

**Criteria:**

- A. The 1981 FDEP ~~CCCL~~ Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) coincides with the Brevard County ~~CCL~~ Coastal Construction Line (CCL), as adopted by Brevard County in Ordinance 85-17. The Brevard County ~~Coastal Setback Line (CSL)~~ CSL is described as a line which is twenty-five (25) feet west of the ~~1981 FDEP CCCL~~ by perpendicular measurement. Figure 1 schematically depicts the

~~spatial relationship of these reference lines. Actual delineations shall be determined by survey.~~

- B. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. ~~Native~~ In addition, native dune vegetation seaward of the ~~FDEP 1981 Coastal Construction Control Line (CCCL)~~ CCCL shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
- C. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate.
- D. No new shoreline hardening structures shall be permitted in unincorporated Brevard County south of ~~Patrick Air Force Base (PAFB)~~ Patrick Space Force Base (PSFB) property or within the Archie Carr National Wildlife Refuge, with ~~exception of emergency provisions as provided for in Florida Statutes Chapter section 163.3187(1)(a) "Amendment of Adopted Comprehensive Plan"~~
- E. North of the ~~PAFB PSFB~~, no new shoreline hardening structures should be permitted.
- F. ~~Pursuant to Criteria C and D of this policy,~~ if a shoreline hardening structure is deemed necessary, the following criteria shall apply:
  - 1. Vertical wood or concrete structures and rock revetments shall only be approved when less structural alternatives, such as beach renourishment, dune restoration, and sandbag systems have been determined not to be feasible.
  - 2. All shoreline protection measures shall be designed to minimize adverse impacts to the naturally functioning beach and dune system and adjacent properties.
  - 3. The County may require dune restoration and revegetation as a component of the shoreline hardening approval both landward and seaward of the proposed structure.
  - 4. All shoreline protection shall be designed and constructed so as to not impede public access to or along the shore.
  - 5. Setbacks or other non-structural methods of shoreline protection shall be given the highest priority. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
  - 6. Reconstruction of shoreline hardening structures which are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the

## COASTAL MANAGEMENT ELEMENT

maintenance of existing public navigational projects, such as Port Canaveral and Sebastian Inlet.

- ~~G. Setbacks or other non-structural methods of shoreline protection shall be given the highest priority. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.~~
- ~~H. Reconstruction of existing hard erosion control structures which are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects, such as Port Canaveral and Sebastian Inlet.~~
- ~~I.G. Underground storage tanks or the storage of hazardous materials are not permitted.~~
- ~~J.H. Septic tanks or septic tank drainfields shall not be permitted seaward of the Brevard County Coastal Setback Line (CSL) CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.~~
- ~~K. All activities seaward of the 1986 FDEP Coastal Construction Control Line (CCCL) shall be subject to FDEP permitting requirements.~~

**Policy CM 4.2**

Brevard County shall enforce development restrictions associated with the Brevard Coastal Setback Line (CSL); County CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the FDEP Coastal Construction Control Line CCCL, if deemed appropriate.

**Policy CM 4.3**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

**Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and ~~the Florida Department of Environmental Protection~~ FDEP, or and other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.

**COASTAL MANAGEMENT ELEMENT**

- D. Dune cross-overs, boardwalks, walkways, and other permissible structures seaward of the Brevard County ~~Coastal Setback Line~~ CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the ~~Coastal Setback Line~~ Brevard County CSL, except as required for handicap Americans with Disabilities Act (ADA) compliant access.
- F. Publicly owned dunes, especially those identified for beach access sites, which have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.
- G. Private property owners should be encouraged to re-establish dune vegetation which has been destroyed by non-designated access activities or storm damage.
- H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

**Policy CM 4.4**

Brevard County's beach and dune restoration program shall include an analysis of environmental, financial, and social criteria.

**Criteria:**

- A. The first priority for beach renourishment shall be given to the protection of life and property.
- B. Priority shall also be given to environmental considerations.
- C. Public areas which are heavily utilized for recreation, including surfing, fishing, or swimming, shall be considered for beach or dune renourishment or restoration, as applicable. Long-term management of these areas shall be included with all site improvements.
- D. A feasibility or benefit/costs analysis should be performed for any renourishment project. Such analyses shall include, as appropriate, present and future benefits for property protection, recreation, and tourism over the life of the project.

**Policy CM 4.5**

The County shall continue to utilize the information and materials available from the State regarding dune maintenance and revegetation and supplement these materials, as necessary.

**Policy CM 4.6**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport, and coastal processes. This program should include data generated by ~~the Florida Department of Environmental Protection~~ FDEP, the U.S. Army Corps of Engineers, the Florida Sea Grant ~~College program~~, universities, and other appropriate agencies.

**Policy CM 4.7**

Brevard County shall develop an inter-local agreement with adjacent municipalities and the State of Florida for funding of beach maintenance and restoration programs.

**Policy CM 4.8**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, ~~(police and sheriff), fire trucks, ambulances~~ public safety vehicles, or vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning, or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

**Policy CM 4.9**

Brevard County shall continue to collect and make available to the public information related to sea level changes.

**Policy CM 4.10**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality, and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all ~~Outer Continental Shelf (OCS)~~ OCS and off shore drilling leases proposed for waters adjacent to the ~~c~~County. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

**Water-Dependent Land Uses**

**Objective CM 5**

~~By 2010,~~ Brevard County shall ~~develop and adopt~~ maintain guidelines which direct the location and management of water-dependent, water-related, and water-enhanced

**COASTAL MANAGEMENT ELEMENT**

facilities, giving highest priority to water-dependent uses along the Indian River Lagoon System in order to provide for the increased demand for these facilities.

**Policy CM 5.1**

Brevard County shall continue to implement performance standards for marinas and marine-related facilities within the coastal zone which include at a minimum: setbacks, height limitations, parcel size, architectural guidelines, seagrass protection, and the protection of water quality including the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Marina performance standards shall meet the criteria within the Brevard County Manatee Protection Plan (MPP), as amended, and include the following minimum criteria:

**Criteria:**

- A. Existing marina facilities should be allowed to continue their operation provided these facilities meet the County's adopted operational standards.
- B. While the expansion of existing facilities is preferred over construction of new facilities, the development of new marinas must remain a viable alternative as many existing marinas will not be capable of meeting adopted operational and environmental standards.
- C. Policies and incentives should encourage new and expanded marina facilities to utilize dry storage to the fullest extent possible.
- D. New marina facilities shall retain all work area runoff in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24-hour storm shall be retained on site.
- E. Prior to operation of any new marina fueling facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill and shall meet Brevard County Fire Prevention Codes and Rules of the State Fire ~~Marshal's~~ Marshal's office.
- F. New marina facilities shall demonstrate they will not result in any adverse effect on any archaeological or historic resource, as defined in Brevard County's Comprehensive Plan Glossary. In the event a previously undiscovered historical or archaeological site is discovered during construction of a marina project, construction will stop until knowledgeable experts can be brought in to evaluate the discovered resource and make provisions for its removal or preservation.
- G. Brevard County should encourage the construction of marine sanitation device (MSD) pump-out facilities.

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- H. Prior to amending marina performance standards, Brevard County shall review proposed amendments in coordination with the Florida Fish and Wildlife Conservation Commission (FWC) for compliance with the MPP.

**Policy 5.2**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. ~~Floating structures shall be considered within live-aboard regulations. Floating structures shall be defined as: A vessel with no means of operative propulsion which is inhabited for thirty (30) consecutive days or more.~~
- B. ~~Motorized live-aboard vessels shall be defined as vessels which are occupied for more than seven (7) consecutive days within Brevard County. These shall not include floating structures (as defined in Criterion A).~~
- C. ~~The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels which are not docked within marinas. Live-aboard vessels moored outside of marinas shall be required to utilize pump-out facilities or a municipal sewer facility if they are moored for over three (3) days.~~
- D. ~~The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.~~
- E. ~~Floating structures shall be required to moor within marinas or to privately owned riparian property and shall be connected to pump-out facilities or a municipal sewer facility.~~
- F. ~~Live-aboards shall be considered as part of the community and will be considered as residential units when assessing impacts of such development on community facilities and services.~~

**Policy 5.3 CM 5.2**

Retrofitting or modification of existing marina facilities within the coastal zone shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

**Criteria:**

- A. Stormwater retention/detention requirements as established by eCounty and sState stormwater management criteria, in the Stormwater Management Criteria Ordinance as adopted on August 23, 1993.

- B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24-hour storm event shall be retained on site or shall meet the water quality standards as required by the ~~s~~State, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.
- C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, ~~pumpout~~ pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.
- D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.
- E. Brevard County shall review all proposed modification of existing marina facilities in coordination with FWC for compliance with the MPP.

**Policy 5.4 CM 5.3**

Brevard County shall continue to implement standards for marina and boat ramp siting within the coastal zone, which shall address the following criteria at a minimum:

**Criteria:**

- A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria ~~established in section B below within the MPP, as amended,~~ and in the policies under Objectives CON 3 and CON 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML).
- B. At the beginning of the zoning or development order application process, all marina and boat ramp development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department and FWC for compliance with the ~~following~~ boat facility siting criteria within the

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MPP, as amended. ↗

### **PRELIMINARY ASSESSMENT CRITERIA**

The following listed criteria are recommended as the preliminary test of suitability for boat facility siting:

#### **1.—Water Depth**

- a.—Water depth at the proposed mooring area of the site shall be at least four (4) feet mean low water.
- b.—Water depth at the site must be adequate for the proposed vessel use such that there be a minimum of one foot clearance between the deepest draft of the vessel (including the engine) and the bottom at mean low water.
- c.—Proposed boat facilities in areas that contain seagrass shall not be approved unless water depth at the site's turning basin, access channel, and other such areas will accommodate the proposed vessel use to insure that a minimum of one (1) foot clearance is provided between the deepest draft of the vessel (including the engine) and the top of the resources at mean low water.

#### **2.—Seagrass**

- a.—Marinas shall not be located in areas containing 10% or more seagrass.
- b.—Designated boat docking areas shall not be located over seagrasses.
- c.—Covered boat slips, covered walkways, or covered terminal platforms shall not be permitted in areas containing seagrass.
- d.—Boat docks using open mesh grating and pilings made from recycled materials (plastic/wood composites for example) are preferred to pressure treated wood. Any materials or permitted construction techniques proven to allow a minimum of 75% light transmittance may be exempt from design criteria e and f below in this subsection.
- e.—For Residential Marinas, main access docks and connecting or crosswalks shall not exceed six (6) feet in width.
- f.—Access piers should be located and designed to minimize their shadowing impact on seagrass.
- g.—Reasonable alteration to these criteria may be authorized to accommodate persons with disabilities.

#### **3.—Manatee Related Best Management Practices**

- a.—Dock designs shall not entrap manatees or otherwise prevent them from accessing forage areas.
- b.—Docks with exposed reinforcement structures on floating docks shall be prohibited due to their potential to entrap or entangle manatees in the structure itself or in the marine debris that commonly occurs in these areas.

#### **—4.—Water Quality**

- a.—New seawalls or bulkheads should be prohibited along the Indian River Lagoon except as provided in Brevard County Code Section 62-3666 or

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when the project would improve the water quality by acting as a swale and reducing the amount of pollutants which would enter the Indian River Lagoon, where the placement of a seawall does not disturb existing native vegetation, prohibit the reestablishment of native vegetation, or where the reestablishment of native vegetation is not viable.

b. All facilities shall adhere to the provisions for surface water protection per the guidelines set forth in Brevard County Code Section 62-3666. The provisions for a shoreline protection buffer established in the Code and Conservation Element (CE) policies include the following:

- Class I waters - 200 foot buffer - Conservation Element Policy 3.2 A
- Class II waters - 50 foot buffer - Conservation Element Policy 3.3 A
- Class III waters - 25 foot buffer - Conservation Element Policy 3.4 A
- On lots with unarmored shorelines the waterward extent of the buffer is the mean high water line. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access.

5. Powerboat-To-Shoreline Ratios

- a. **Boat Facility Siting Zone A:** In Boat Facility Siting Zone A, powerboat siting ratios shall be limited to one powerboat slip per 100 feet of contiguous linear shoreline that is owned or legally controlled by the applicant, as applied to all new and expanding boating facilities. Boat facilities in Zone A may qualify for a variance under Section e, Variance Criteria. Also, the establishment of new boating research, design, development or manufacturing facilities whose operations include on-water testing of motorized watercraft, are prohibited from locating in uplands within Boat Facility Siting Zone A.
- b. **Boat Facility Siting Zone B (Barge Canal):** In Boat Facility Siting Zone B along the Barge Canal (as defined), powerboat siting ratios shall be limited to a 1:100 powerboat-to-shoreline ratio (tied to a parcel's deed). Any boat facility, which desires to exceed the 1:100 powerboat-to-shoreline ratio, must acquire additional development rights from other properties, which have linear shoreline parallel to the Barge Canal and adjoin the Port Canaveral control easement. Any development rights transferred must be recorded on both the selling and receiving parcels deeds.
- c. **Boat Facility Siting Zone C (Port Canaveral Harbor):** In Boat Facility Siting Zone C, there shall be no powerboat-to-shoreline restrictions within the Canaveral Harbor provided current slow speed regulations remain in effect.
- d. **Boat Facility Siting Zone D:** The map features described in Table 1 below are to be applied in Boat Facility Siting Zone D. Manatee habitat feature points per Table 1 shall be determined using the map series and data update schedule identified in Appendix C of this Element and using

## COASTAL MANAGEMENT ELEMENT

current site surveys for seagrass. In Boat Facility Siting Zone D, Manatee habitat feature points from Table 1 shall be summed and the sum shall be used in Table 2 below to determine the applicable powerboat-to-shoreline ratio per 100 feet of contiguous owned or controlled linear shoreline.

| <b>Limiting Habitat Features</b>              | <b>Criteria for Evaluation (each increases the number of habitat features by 1, unless otherwise specified)</b>   |
|---|---|
| Manatee Abundance                             | <p><b>1<sup>st</sup> level:</b> 10 or more manatees observed/overflight within 5 mile radius (1 point)</p> <p><b>2<sup>nd</sup> level:</b> 25 or more manatees observed/overflight within 5 mile radius (2 points)</p>  |
| Manatee Mortality                             | <p><b>1<sup>st</sup> level:</b> # of watercraft mortalities within a 5 mile radius/total number of watercraft mortalities in Brevard (<math>\geq 0.05</math> is significant) (1 point)</p> <p><b>2<sup>nd</sup> level:</b> # of watercraft-related deaths within a 5 mile radius in the last 5 years/total number of watercraft mortalities in Brevard in the last 5 years (<math>&gt; 0.10</math> is significant) (2 points)</p> |
| Seagrass Class II, OFW, or Aquatic Preserves  | 5% or more present on the project site is significant<br><br>Site is located in one of these designated areas   |
| <b>Offsetting Features</b>                    | <b>Criteria for Evaluation (each decreases the number of habitat features by 1)</b>   |
| Speed Zones Within 3 miles of Sebastian inlet | <p>Site is located within a year-round "Slow Speed" or "Idle Speed" Zone</p> <p>Site is located within 3 mile radius of Sebastian Inlet</p>   |

**Table 1**

| <b># Manatee Habitat Features</b> | <b>Existing Facility</b> | <b>New Facility</b> |
|-----------------------------------|--------------------------|---------------------|
| 0                                 | 5:100                    | 4:100               |
| 1                                 | 5:100                    | 4:100               |
| 2                                 | 3:100                    | 2:100               |
| 3                                 | 2:100                    | 1:100               |
| 4                                 | 1:100                    | 1:100               |
| 5                                 | 1:100                    | 1:100               |
| 6                                 | 1:100                    | 1:100               |

**Table 2**

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e. **Variance Criteria:** It is recommended that a variance may be given to the powerboat-to-shoreline ratio for those existing marina and boat launching facilities subject to the 1 powerboat slip to 100 feet of owned contiguous shoreline restriction (1:100), provided the facility meets all the variance criteria listed below and can demonstrate that it will not have an adverse impact on manatees. If an existing facility meets all of the variance criteria, it may be permitted to increase the powerboat-to-shoreline ratio by 1:100 if the waters in and adjacent to the channels leading to the facility are designated "slow speed" or "idle speed" year-round as authorized by the Florida Manatee Sanctuary Act Chapter 68G-22.003, F.A.C. or other federal regulations or local ordinances, or if the facility is within 3 miles of the Sebastian Inlet. The facility may be allowed to increase the powerboat-to-shoreline ratio by 2:100 if both are applicable. In no case shall the maximum total buildout of 3 powerboat slips per 100 feet of owned contiguous shoreline (3:100) be exceeded. However, adherence to these criteria does not automatically ensure the applicant's ability to exceed the allowable powerboat restrictions as defined above. The plan restrictions will remain in effect, if at the time of review, additional information about manatees or the proposed facility indicates threats not addressed by these criteria. Consideration can be given for additional site-specific factors or operating practices (e.g. seasonal operation, etc.) that may be proposed by either the applicant or the County that may result in improved conditions for manatees or manatee protection. Nothing in this section shall exempt any marina from obtaining the usual required permits and/or authority from all applicable reviewing agencies with proper jurisdictional authority:

**Criteria:**

- 1) ~~The facility is not located within a 1<sup>st</sup> or 2<sup>nd</sup> level manatee aggregation area (using the Manatee Abundance Habitat Feature as defined in 5-d of this Policy and in the Table above), or other area where sensitive manatee activities occur.~~
- 2) ~~The facility must provide net benefit to manatees and/or their habitat. For example, facilities may include a manatee "refuge" space as part of the design, a conservation easement, restoration of adjacent wetlands such as mangrove or seagrass restoration to increase the net coverage of the nearby area, reduced nutrient input to receiving waters, requiring prop guards on any high traffic vessels such as water taxis or dive boats or rental boats, etc. The marina construction and subsequent uses will neither destroy nor negatively impact mangrove and benthic (seagrass, hard bottom, etc.) communities and the water quality.~~
- 3) ~~The facility must have sufficient water depth, as stated in B. 1. a. of this Policy, in the marina basin and in any access channel, and does~~

**COASTAL MANAGEMENT ELEMENT**

not require any new dredging or filling that would degrade shallow water habitat (this may exclude maintenance dredging, or pile installation). Entrance/exit channels near marinas shall be adequately marked if marina repairs or expansion are proposed.

- 4) The site shall contain appropriate signage (including vessel speed and manatee information signs), and provide educational material advising boaters of essential manatee habitats in the vicinity.
- 5) Multi-family residential docking facilities will require that all vessels moored at the site be registered to individuals residing at the site.
- 6) The marina has adequate water circulation, tidal flushing, and meets State of Florida and local water quality standards.
- 7) Before expanding and exceeding the allowable powerboat slips defined above, an existing facility must demonstrate not less than 85% occupancy over the previous 2 years of operation. New facilities should be able to demonstrate the need for additional boat slips in the vicinity based on occupancy of existing marina slips within the boater sphere of influence. The boater's sphere of influence shall be a five (5) mile radius.

6. Boat Ramps

In order to minimize adverse impacts to manatees, boat ramps are best located in areas with few natural resources, with relatively low manatee abundance and relatively low watercraft-induced manatee mortalities, and with deep water access and marked navigation channels. Boat ramp siting or expansion in Brevard County shall be evaluated using the following criteria:

- a. All sites considered by Brevard County for new or expanded boat ramp facilities shall be evaluated for site suitability prior to acquisition and development.
- b. All proposed new boat ramps or the expansion of existing boat ramps in the unincorporated areas of Brevard County shall be brought before the Board of County Commissioners for their review.
- c. The siting of new or the expansion of existing boat ramp facilities shall be limited to areas that meet the Preliminary Assessment Criteria for water depth stated in section B. 1. a. of this Policy.
- d. The siting of new or the expansion of existing boat ramp facilities shall be prohibited in areas that meet or exceed the 2<sup>nd</sup> level of manatee abundance or the 2<sup>nd</sup> level of manatee mortality as shown in Table 1 above.
- e. The siting of new or expansion of existing boat ramp facilities shall be prohibited in areas with greater than 5% seagrass coverage including all ramps, docks, access walkways, finger piers, mooring areas, turning basins, and ingress and egress pathways.

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- f.— The siting of new or the expansion of existing boat ramp facilities shall be required to meet the criteria included in Policy 3.3 E of the Conservation Element and Section B. of this Policy with the exception of Seagrass (5.4 B. 2.), Manatee Related Best Management Practices (5.4 B. 3.), and Water Quality (5.4 B. 4.):
- g.— All sites considered for the siting of new or the expansion of existing boat ramp facilities shall be evaluated for the number of habitat features present using the Boat Ramp Feature Assessment table below and using the manatee mortality and abundance criteria as defined under Manatee Habitat Features in the glossary:
- h.— Boat Facility Siting Zone A is not considered preferable for additional boat ramp siting due to the high number of habitat features present. In Boat Facility Siting Zone A, a site that has less than 2 habitat features based on the criteria in the Boat Facility Feature Assessment may be considered for a new or expanded boat ramp with up to a maximum of 15 parking spaces:
- i.— In Boat Facility Siting Zone B (Barge Canal), the establishment of a new public or private boat ramp for public use shall be the same requirements as for the development of a new or expanded marina as described in Boat Facility Siting Zone B (5.4 B. 5.). For the purposes of boat ramps, one boat-trailer parking space shall be considered the equivalent of one powerboat slip. New or expanded boat ramps on the Barge Canal which are associated with a marina and which are to be used solely by the tenants of that marina for the launching of boats stored at that marina shall not be limited in the number of parking spaces:
- j.— In Boat Facility Siting Zone C (Port Canaveral Harbor), the siting of new or expansion of existing boat ramps shall be unrestricted:

| <b>LIMITING HABITAT FEATURES</b>    | <b>Criteria for Evaluation (each increases number of habitat features by 1, unless otherwise specified)</b>   |
|-------------------------------------|---|
| Manatee Abundance                   | <b>1<sup>st</sup> level:</b> 10 or more manatees observed/overflight within 5-mile radius (1 point)<br><b>2<sup>nd</sup> level:</b> 25 or more manatees observed/overflight within 5-mile radius (2 points)   |
| Manatee Mortality                   | <b>1<sup>st</sup> level:</b> # of watercraft mortalities within a 5-mile radius/total number of watercraft mortalities in Brevard ( $\geq 0.05$ is significant) (1 point)<br><b>2<sup>nd</sup> level:</b> # of watercraft-related deaths within a 5-mile radius in the last 5 years/total number of watercraft mortalities in Brevard in the last 5 years ( $> 0.10$ is significant) (2 points) |
| Class II, OFW, or Aquatic Preserves | Site is located in one of these designated areas  |

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| Offsetting Features        | Criteria for Evaluation (each decreases the number of habitat features by 1) |
|----------------------------|--|
| Speed Zones                | Site is located within a year-round "Slow Speed" or "Idle Speed" Zone        |
| Within 3 miles of an inlet | Site is located within 3-mile radius of Sebastian Inlet                      |

**Table 3  
Boat Ramp Feature Assessment**

- k.—In Boat Facility Siting Zone D, a site with no more than 2 habitat features shall be considered suitable for siting of a new boat ramp or the expansion of an existing boat ramp. Sites with 0 or 1 habitat feature shall be eligible for a boat ramp with up to a maximum of 40 boat trailer parking spaces. Sites with 2 habitat features shall be eligible for a boat ramp with up to a maximum of 15 boat trailer parking spaces.
- t.—Boat Ramp Variance Criteria: The ability to secure additional parking slots at public ramps could be reconsidered by the FWC if additional law enforcement, additional preservation, or impact reduction along the lagoon is demonstrated.
- m. The following specific sites are identified individually to address existing boat ramp deficiencies in Brevard County and are exempted from the boat ramp siting criteria above:
  - 1) It is recommended that Brevard County's relocation of the Pineda Landing facility include 36 parking spaces.
  - 2) It is recommended that Brevard County provide 50 additional parking spaces by expanding existing public ramp facilities or by developing a new location in the south mainland area. The expansion of an existing facility or the siting of a new facility, as provided for above shall minimize impacts to manatees and natural resources and should be evaluated by the Boat Ramp Manatee Habitat Feature Assessment as defined above. It is recommended that the evaluation result in a score of no greater than two habitat features. The County will screen sites to select the most appropriate and coordinate with FWC staff on the site selection.

C.—Commercial/industrial and commercial/recreational marina development within commercial, heavy and light industrial and planned industrial park land use designations shall require a Conditional Use Permit. Residential/recreational marinas shall be a permitted use in these land use designations.

D.—Residential/recreational marinas may be considered within residential land use designations with a Conditional Use Permit and a Binding Development Plan.

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- E. — No fueling or repair facilities are permitted within residential zoning classifications.
- F. — When locating new marinas or expanding existing marinas, biologically productive habitats shall be preserved to the fullest extent possible. Mitigation is the last resort for habitat destruction, and shall be of a two-to-one or greater ratio of in-kind replacement.
- G. — Marina facilities shall be located where maximum physical advantage for flushing and circulation exists, where the least dredging and maintenance are required, and where marine and estuarine resources will not be significantly affected.
- H. — Marina basins shall be sited where there is an existing basin and access channel with an average water depth of three (3) feet below mean low water, except at the shoreline.
- I. — Marinas and docking facilities should be approved which require minimal or no dredging or filling to provide access by canal, channel or road. Preference shall be given to marina sites with existing channels. In the event that dredging is required, the mooring areas and the navigation access channels shall not be dredged to depths greater than eight (8) feet. Any required dredging operations shall utilize appropriate construction techniques and materials to comply with state water quality standards, such as turbidity screens, hydraulic dredges, properly sized and isolated spoil deposition area to control spoil dewatering. All dredging activities must be done with effective turbidity controls. Where turbidity screens or similar devices are used, they should be secured and regularly monitored to avoid manatee entrapment.
- J. — Marinas shall be located in areas with good flushing and circulation. New marina or substantially expanded facilities shall be designed to take advantage of existing water circulation and shall not adversely affect existing circulation patterns. Improvement of circulation shall be a consideration when expanding or upgrading existing facilities. However, any buffer zone established by the Florida Department of Environmental Protection Shellfish Environmental Assessment Section (FDEP-SEAS) shall be maintained.
- K. — The proposed site shall be compatible with existing land use designations. Marinas shall demonstrate that they have sufficient upland areas to accommodate all needed support facilities. These standards include, but should not be limited to, adequate parking, work areas and retention areas for stormwater and work area runoff, and shoreline protection buffers.

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- L. ~~Marina facilities shall not degrade water quality below existing Florida Department of Environmental Protection water classification standards.~~
- M. ~~Marinas shall not be located in approved or conditionally approved shellfish harvesting waters or Class II waters, or other environmental areas designated by the County so as to substantially and materially have a negative impact on these waters.~~
- N. ~~Commercial/recreational and commercial/industrial marinas shall not be located in Aquatic Preserves, or Outstanding Florida Waters, or other environmental areas designated by the County so as to substantially and materially have a negative impact on these waters.~~
- O. ~~Construction of multi-slip docking facilities and boat ramps shall be directed to locations where there is quick access to deep, open water at least eight (8) feet in depth (dredgeable), where the multi-slip docking facilities take the place of several single-slip docks and allow public access to the water, and where the associated increase in boat traffic will be outside of known manatee aggregation areas, and where seagrass beds or other wetlands supporting manatee habitat will not be disturbed.~~
- P. ~~All marina facilities shall comply with manatee protection measures established in Conservation Element Policy 9.9.~~

**Policy 5.5 CM 5.4**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

**Policy 5.6 CM 5.5**

Marinas within the coastal zone shall be inspected ~~annually~~ periodically by Brevard County, and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs, and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business license tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

**Criteria:**

- A. ~~Pumpout~~ Pump-out facilities/ and marine sanitation devices MSDs, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices MSDs are present and operational.
- B. Compliance with power/sailboat mix, if required.
- C. Spill prevention, control, containment, and cleanup plans.

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- D. Waste collection and disposal methods.
- E. Fire fighting equipment, if required.
- F. Monitoring of marina basin water quality for bacteriological levels to ~~insure~~ ensure compliance with ~~s~~State and federal standards. ~~Live-aboards at marinas shall be inspected to ensure that marine sanitation devices (MSDs) are present and operational.~~ If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program.

**Policy CM 5.6**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. Floating structures shall be considered within live-aboard regulations.
- B. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of live-aboard vessels that are not docked within marinas. Live-aboard vessels moored outside of marinas shall be required to utilize pump-out facilities or a municipal sewer facility if they are moored for over three (3) days.
- C. The County shall coordinate with the Marine Patrol and Coast Guard to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- D. Floating structures shall be required to moor within marinas or to privately owned riparian property and shall be connected to pump-out facilities or a municipal sewer facility.
- E. Live-aboards and floating structures shall be considered as part of the community and will be considered as residential units when assessing impacts of such development on community facilities and services.
- F. The County shall investigate the management of live-aboards through the designation of certain areas of the Indian River Lagoon as Anchoring Limitation Areas.

**Policy CM 5.7**

Brevard County shall investigate the utilization of tourist taxes or boating improvement funds to develop public boat launching facilities and related amenities.

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**Policy CM 5.8**

Brevard County should consider the acquisition of property for boat ramps in their recreational purchasing program.

**Policy CM 5.9**

All new boat ramps should have parking areas constructed utilizing permeable pavement where appropriate and have the proper stormwater management system in place.

**Policy CM 5.10**

Brevard County shall review shoreline development within the coastal zone in order to maximize opportunities for water-dependent land uses. The following criteria, at a minimum, shall be utilized.

**Criteria:**

- A. Water-related and water-enhanced uses shall be built on uplands.
- B. Development which is feasible only through creation of land by dredging and filling of areas below the mean high water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated.
- C. Water-dependent commercial and industrial uses may be considered for siting adjacent to the Indian River Lagoon.
- ~~D. Water-related commercial and industrial uses may be considered for siting only adjacent to Class III waters of the Indian River Lagoon.~~

**Policy CM 5.11**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial development uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

**Policy CM 5.12**

~~Brevard County should develop and implement a~~ supports the development and implementation of water and sediment quality monitoring ~~program programs~~ for water-dependent users, man-made canals, and other selected areas with significant upland runoff within the coastal zone.

**Criteria:**

- ~~A. Brevard County shall establish a classification program for the various water dependent uses:~~
- ~~B. Brevard County shall establish a water quality monitoring program for each of the designated classes of water dependent uses:~~

- ~~G. Water-dependent uses shall be assessed an annual fee adequate to fund the required water quality monitoring program.~~
- ~~D. The County shall require the activity to cease if adopted water quality standards are not maintained.~~
- ~~E. Continued operation resulting in degradation of the water quality below accepted standards shall result in a fine, as established by Brevard County.~~
- ~~F. Waiver provisions should be included for operations below an established threshold.~~
- ~~G. This program shall be in coordination with the Florida Department of Environmental Protection and other appropriate agencies.~~

**Policy 5.13**

~~Brevard County shall support environmentally and economically sound development of Port Canaveral and related facilities, which is consistent with this Comprehensive Plan (Policy 5.4 of the Transportation Element).~~

**Policy 5.14 CM 5.13**

Brevard County should continue to monitor boating activity and boat facility demand.

**Policy 5.15 CM 5.14**

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to:

**Criteria:**

- A. Water-dependent uses such as fish, shellfish, and wildlife production; recreation; water-dependent industry and utilities; marinas; and navigation;
- B. Water-related uses such as certain utilities, commerce commercial, and industrial uses;
- C. Water-enhanced uses such as some recreation uses;
- D. Non-water-dependent or related activities such as residential; and
- E. Of lowest priority are those uses which are non-water-dependent, non-water-enhanced, and which result in an irretrievable commitment of coastal resources.

**Policy 5.16**

~~Brevard County should encourage the construction of marine sanitation device (MSD) pumpout facilities.~~

**Policy 5.17 CM 5.15**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan, and the IRLCCMP CCMP.

**Coastal High Hazard Areas**

**Objective CM 6**

Limit future public expenditures for infrastructure and service facilities which subsidize growth within the coastal high hazard areas of Brevard County. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

**Policy CM 6.1**

Brevard County shall designate coastal high hazard areas to be those areas below the elevation of the Category 1 storm surge elevation as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as defined in Chapter 163, Florida Statutes.

**Policy CM 6.2**

Brevard County shall not support or finance new local transportation corridors which lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or for the protection of the transportation facilities from flooding and storm surge.

**Policy CM 6.3**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety, and cost considerations; lack of alternative existing rights-of-way; or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge.

**Policy CM 6.4**

If County utility lines are relocated for any purpose, they should be located outside of the coastal high hazard area, except where there is no cost-feasible alternative.

**Policy CM 6.5**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the ~~Future Land Use Map (FLUM)~~ FLUM series of the Comprehensive Plan, to improve surface or groundwater quality, or to provide for resiliency from flooding and storm surge.

**Policy 6.6**

~~Brevard County shall continue to implement the Transfer of Development Rights program which has been established to transfer density from transfer districts within the coastal high hazard area to receiving districts outside of the coastal high hazard area.~~

**Policy 6.7 CM 6.6**

Brevard County shall review federal and ~~s~~State development proposals which are to be located within the coastal high hazard areas and shall support those projects which are consistent with this Plan.

**Policy 6.8 CM 6.7**

The existence of sewer, water, roadways, or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.

**Policy 6.9 CM 6.8**

Once public acquisition of recreation and/or conservation lands occurs within coastal high hazard areas, the ~~Future Land Use Map~~ FLUM shall be amended to designate the same as Recreation or Conservation lands. Such redesignation shall not serve as a basis for increasing established residential density designations in said coastal high hazard area.

**Coastal Residential Densities**

**Objective CM 7**

Limit densities within the coastal high hazard area and direct development outside of this area.

**Policy CM 7.1**

Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.

**Policy 7.2**

~~Brevard County shall continue its program of land acquisition and management for recreation and preservation, contingent upon availability of funding.~~

**COASTAL MANAGEMENT ELEMENT**

**Policy 7.3**

Brevard County shall maintain the Brevard County Comprehensive Emergency Management Plan (BrevCEMP). This plan shall be consistent with this Comprehensive Plan, and shall be coordinated with the municipalities, the appropriate state and federal agencies, and be approved by the appropriate state agency(s).

**Policy 7.4**

Public facilities, such as hospitals, wastewater treatment plants or fire stations, shall not be located on causeways.

**Hurricane Evacuation**

**Objective CM 8**

Reduce excessive evacuation times where they currently exist; and maintain all other evacuation times within the acceptable standard. ~~Acceptable evacuation standards will be reviewed and updated as necessary but shall not exceed the times indicated in the current Brevard County Comprehensive Emergency Management Plan. Evacuation clearance times are determined by the most current Florida Regional Evacuation Study maintained by the East Central Florida Regional Planning Council (ECFRPC). Evacuation times are adopted in the Brevard County Comprehensive Emergency Management Plan (Brevard CEMP), Evacuation Concept of Operations.~~

**Policy CM 8.1**

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

**Criteria:**

- A. ~~The most current behavioral response scenario. The information contained in the Florida Regional Evacuation Study.~~
- B. ~~The requirement to evacuate prior to sustained~~ The goal to complete all evacuations prior to the onset of tropical storm force (40 39 mph) winds, as outlined in the Evacuation Concept of Operations.

**Policy CM 8.2**

~~Brevard County shall coordinate with the municipalities and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum: all appropriate agencies and manage the planning for, and implementation of, evacuations as outlined in the Evacuation Concept of Operations.~~

**Criteria:**

- A. ~~Roadway and other infrastructure improvements and funding mechanisms.~~

B. ~~Programs designed to improve the behavioral response to hurricane evacuation orders.~~

C. ~~Land use strategies.~~

**Policy 8.3**

~~Brevard County Emergency Management shall continue to coordinate with NASA to allow evacuation of North Merritt Island through Kennedy Space Center, if necessary.~~

**Policy 8.4 CM 8.3**

~~Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon the number of people who cannot be evacuated within an optimum evacuation time limit capabilities, limitations, and vulnerabilities.~~

**Criteria:**

A. ~~Priority shall be given to improvements of roadway networks serving the zone hurricane evacuation routes with the highest greatest number of people remaining after the current optimum evacuation time.~~

B. ~~The remaining improvements shall be given priority in descending order according to the number of people remaining after the optimum evacuation time. Priority will be given to enhancing roadway networks that service evacuation zones, with an emphasis on improvements that facilitate the movement of the largest volume of people.~~

C. ~~Brevard County, in cooperation with the Florida Department of Transportation (FDOT), shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion, and critical points of congestion during the established evacuation time.~~

D. ~~Brevard County shall present recommended roadway, operational, and maintenance improvements to the appropriate implementing and funding agencies.~~

**Policy 8.5 CM 8.4**

~~In those areas where citizens cannot be evacuated within the evacuation standards in the Brevard County Emergency Management Plan adopted January 1, 2008, adopted evacuation clearance times outlined in the Florida Regional Evacuation Study, development orders may be deferred until such time as adequate evacuation capacity has been programmed.~~

**Policy 8.6 CM 8.5**

~~Brevard County shall consider hurricane evacuation times, as well as other factors, in determining the timing and priority of roadway improvements which are programmed by the Board of County Commissioners.~~

**COASTAL MANAGEMENT ELEMENT**

**Policy 8.7**

~~Brevard County shall cooperate with the Red Cross and other agencies to develop an on-going public education program to notify the public as to the necessity to evacuate as quickly as possible in order to reduce or eliminate evacuation times in excess of the optimum behavioral response time.~~

**Policy CM 8.6**

Brevard County shall continue to conduct a robust public messaging campaign focused on ensuring residents know their risk, have a disaster supply kit, make a plan, stay informed, and get involved in their community preparedness, with an emphasis on how to evacuate quickly and safely.

**Policy 8.8**

~~Brevard County's Comprehensive Emergency Management Plan (BrevCEMP) shall be consistent with the state comprehensive emergency management plan.~~

**Policy CM 8.7**

Brevard County shall make every effort to ensure the Brevard County Comprehensive Plan and the Brevard CEMP are consistent and coordinated with all appropriate agencies and comply with all statutory requirements.

**Policy 8.9 CM 8.8**

Based upon hurricane vulnerability concerns and excessive evacuation times, new mobile home development or recreational vehicle parks shall not be permitted on the barrier island, to the extent permitted by law. Expansions to an existing mobile home development may be permitted if such development results in a decrease in land use intensity and an overall reduction in programmed residential densities and is consistent with the character of the surrounding area.

**Policy 8.10 CM 8.9**

Brevard County shall require a hurricane management plan which reduces excessive hurricane evacuation time for existing recreational vehicle park development within the south beaches.

**Policy 8.11 CM 8.10**

Brevard County shall encourage the State of Florida to identify a dedicated funding source for the improvement of primary hurricane evacuation routes, such as US 192, SR 528, SR 520 and Interstate 95. The funding source should be in addition to State and federal funds already received by Brevard County for urban area roadway improvements.

## **Hurricane Shelters**

### **Objective CM 9**

Provide for adequate, safe hurricane shelter space to meet the needs of the at risk and special needs population (“shelter space” shall be considered to include both private and public shelters); those at risk from the impacts of hurricanes as identified in the Florida Statewide Emergency Shelter Plan.

#### **Policy 9.1**

~~Brevard County shall continue to cooperate with the Red Cross and State Emergency Management to provide an emergency shelter manager training course and encourage interested citizens of Brevard County to become shelter managers:~~

#### **Policy CM 9.1**

Brevard County shall continue to utilize the Brevard Emergency Support Team (BEST) program to train and staff shelters as outlined in the Shelter Concept of Operations.

#### **Policy 9.2**

~~Brevard County Office of Emergency Management shall continue to cooperate with the Red Cross to develop a public education program on hurricane preparedness, including the locations of hurricane evacuation shelters and the need for emergency shelter managers:~~

#### **Policy CM 9.2**

Brevard County shall continue to conduct a robust public messaging campaign focused on ensuring residents know their risk, have a disaster supply kit, make a plan, stay informed, and get involved in their community preparedness, with an emphasis on local sheltering options and what to expect when seeking public shelter.

#### **Policy 9.3**

~~Brevard County shall cooperate with the Red Cross in designating appropriate public and private structures as hurricane shelters:~~

#### **Policy CM 9.3**

Brevard County shall work with the State of Florida to designate appropriate public structures as emergency shelters as outlined in the most current Florida Statewide Emergency Shelter Plan.

#### **Policy 9.4**

~~Brevard County shall utilize the Housing and Human Services Department to provide appropriate facilities and adequate staffing for the special needs shelters:~~

#### **Policy 9.5 CM 9.4**

~~Brevard County shall support the School Board Brevard Public Schools in their efforts to utilize enhanced hurricane emergency shelter protection standards for all~~

## **COASTAL MANAGEMENT ELEMENT**

reconstruction and new development in accordance with FS 235.26 as outlined in the most current Florida Statewide Emergency Shelter Plan.

**Policy 9.6**

Public buildings within Brevard County should be reviewed to determine if qualified to be utilized as hurricane sheltering. Beginning in the year 2000, all newly constructed public buildings shall meet the criteria established for enhanced shelter protection in the State Requirements for Educational Facilities (SREF).

**Policy 9.7**

Brevard County shall study the feasibility of increasing residential construction standards to reduce hurricane shelter deficits and ensure the delivery of safe housing for citizens of Brevard County.

**Policy 9.8 CM 9.5**

Brevard County shall develop a hazard maintain a Local Mitigation Strategy in its Land Development Regulations which prohibits the development of new recreational, mobile or manufactured housing and the expansion of existing recreational, mobile, or manufactured housing unless the developer/owner has provided emergency sheltering sufficient to house a minimum of 50% of the residents of that development.

**Policy 9.9 CM 9.6**

Brevard County will encourage all existing recreational, mobile, or manufactured housing communities to have emergency shelters and a hurricane management plan that will result in faster to increase evacuation times for their residents.

**Post-Disaster Redevelopment**

**Objective CM 10**

Expedite post-disaster recovery and reduce or eliminate the future risk to human life; and public and private property from natural hazards via recovery and re-development strategies adopted in the Brevard CEMP Brevard CEMP.

**Policy CM 10.1**

Brevard County shall review all non-emergency and long-term redevelopment proposals utilizing the following:

**Criteria:**

- A. If utility lines, including, but not limited to, sewer, water, gas, electric, and cable TV, must be relocated after a storm event, they should be permanently located landward (west) of the 1986 FDEP Coastal Construction Control Line Brevard County CSL and underground, except for feed lines servicing individual parcels. Repair of these lines on a temporary basis to protect health and safety shall be permitted in their existing locations.

- B. ~~Underground storage tanks which are located seaward of the Brevard County Coastal Setback Line (CSL) CSL shall be relocated landward (west) of the 1986 FDEP Coastal Construction Control Line Brevard County CSL.~~
- C. ~~Water-dependent commercial uses seaward of the 1984 FDEP Coastal Construction Control Line CCCL which are damaged by more than 50% of their assessed value or fair market value as determined by an appraisal conducted by an appraiser certified by the Appraisal Institute (“MAI appraisal”) supplied by the property owner may be reconstructed seaward (east) of the 1984 FDEP CCCL consistent with the coastal zone construction requirements.~~
- D. ~~Water-related commercial uses seaward (east) of the 1984 FDEP Coastal Construction Control Line CCCL which are damaged by more than 50% of their assessed value or fair market value as determined by an MAI appraisal supplied by the property owner should be relocated landward (west) of the 1984 FDEP CCCL unless the project has no feasible alternative and is found to be in the public interest.~~
- E. ~~Water-enhanced commercial uses seaward (east) of the 1984 FDEP Coastal Construction Control Line CCCL which are damaged by more than 50% of their assessed value or fair market value as determined by an MAI appraisal supplied by the property owner should be relocated landward (west) of the 1984 FDEP CCCL.~~
- F. ~~If non-habitable minor structures which are damaged by more than fifty (50) percent of their assessed value or fair market value as determined by an MAI appraisal supplied by the property owner are reconstructed, they shall be relocated and constructed in compliance with coastal zone construction requirements.~~
- G. ~~Brevard County should develop a program for the possible relocation of residential housing, if required after a natural disaster.~~

**Policy 10.2**

~~The replacement of infrastructure shall be constructed in conjunction with existing development or as part of an integral network of infrastructure.~~

**Policy 10.3 CM 10.2**

Brevard County should continue to analyze those public structures within the high risk vulnerability zone or coastal zone which are most likely to be damaged or destroyed during a hurricane. The analysis shall ~~be coordinated by the Planning and Development Department and shall~~ consider the following, at a minimum:

**Criteria:**

**COASTAL MANAGEMENT ELEMENT**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts, and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  1. Repair of the structure to the pre-disaster conditions.
  2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible, ~~such as seawalls or revetments~~ when consistent with ~~policy 5 of this element and the~~ Conservation Element.
  3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.
- E. Analysis of County service centers and other facilities shall be in conjunction with the County's Space/Needs Assessment.
- ~~F. Those structures within the high risk vulnerability zone to be included are the Central Brevard Service Complex, District II Commission Office, District II Road and Bridge, County Sign Shop, public libraries and County fire stations.~~
- ~~G.~~ E. The study shall be consistent with ~~the East Central Florida Regional Planning Council~~ ECFRPC studies. The hurricane scenarios and loss estimates shall be consistent with the ~~Hurricane Loss Study~~ Local Mitigation Strategy and shall be coordinated with other appropriate agencies.
- ~~H.~~ G. The impact of sea level rise and ~~the projected 30-year erosion line~~ erosion data shall also be analyzed.

**Policy ~~10.4~~ CM 10.3**

In the event of a disaster, all infrastructure and other County owned improvements, which were not included within the above outlined study, shall be analyzed to determine the cost effectiveness of relocation versus repair.

**Policy ~~10.5~~ CM 10.4**

~~The~~ Brevard County shall provide copies of building permits which have been issued for storm damage repair to the ~~County Hazard Mitigation Team~~ Local Mitigation Strategy

**COASTAL MANAGEMENT ELEMENT**

Steering Committee for their evaluation for identification of areas susceptible to repeated damage by hurricane erosion and flooding.

**Policy 10.6 CM 10.5**

Brevard County shall ~~continue to~~ conduct disaster related focused exercises with community partners at regular intervals, as determined by the Brevard County Emergency Management Office, Department or in conjunction with the East Central Florida Regional Planning Council, Local Emergency Planning Committee and other state or federal agencies.

**Policy 10.7 CM 10.6**

As identified in the BrevGEMP Brevard CEMP, Emergency Support Function ~~18 (ESF 18)~~ 19 (ESF 19) shall be the primary lead to conduct a post-disaster evaluation to assess property damages necessary for disaster relief and post-disaster redevelopment funds. ~~The ESF 18 should have available a listing of property values coordinated with land use maps to facilitate such property assessment procedures. County staff, such as the Planning and Development Department, will be utilized as manpower. as outlined in the ESF 19 Annex.~~

**Policy 10.8**

~~The BrevGEMP shall be coordinated with other local, regional and state entities. As additional interagency hazard mitigation reports are received, they shall be reviewed and incorporated into the BrevGEMP.~~

**Policy CM 10.7**

Brevard County shall work to reduce the long-term risk of hazards to life, property, and the environment, focusing on coordination with partner agencies, municipalities, and the community, as outlined in the Local Mitigation Strategy and the Brevard CEMP.

**Policy 10.9**

~~Brevard County should require that when utility lines, including, but not limited to sewer, water, gas, electric and TV cable, are relocated for any purpose, they shall be placed underground.~~

**Coastal Access**

**Objective CM 11**

Provide adequate public access to the beach, estuarine, and river shorelines consistent with public needs and the shoreline's natural resource requirements.

**Policy CM 11.1**

Brevard County shall acquire new beach access sites, improve existing sites, or provide alternative access to non-designated beach access points. The following minimum criteria shall apply:

**COASTAL MANAGEMENT ELEMENT**

**Criteria:**

- A. Acquisition and site improvements of those areas of the beach identified as most deficient for beach access shall be given the highest priority. Efforts shall be undertaken to provide public access to all of Brevard County's beaches consistent with the FDEP's criteria for ~~s~~State cost-share funding for beach management.
- B. Site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system.
- C. Access shall be consistent with the standards included in the Recreation and Open Space Element of this Plan.
- D. Priority shall be given to those sites which are heavily utilized for beach recreation.
- E. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

**Policy 11.2**

~~Brevard County shall complete the Beach and Riverfront Acquisition Program, contingent upon availability of funding, with priority being given to the acquisition of land to fulfill the Identified Needs, as adopted by the Brevard County Board of County Commissioners.~~

**Policy CM 11.2**

Brevard County shall continue its program of land acquisition and management for recreation and preservation, contingent upon availability of funding.

**Policy CM 11.3**

Brevard County shall prioritize future improvements to those oceanfront properties, contingent upon availability of funding, which have been purchased and are identified for additional beach access development.

**Policy CM 11.4**

Brevard County shall continue to coordinate with all beachfront municipalities and appropriate agencies on the continued development and implementation of the Brevard County Beach Management Program. ~~The Beach Erosion Advisory Committee, established by Chapter 70-603, Laws of Florida, should continue to function as a mechanism to communicate with the beachfront municipalities and on beach-related issues and as the primary technical advisory committee to the Board of County Commissioners on the beach program.~~

**Policy CM 11.5**

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

**Policy CM 11.6**

Brevard County shall coordinate with ~~the Florida Department of Transportation~~ [FDOT](#) in providing waterfront access on causeways and bridges.

**Policy CM 11.7**

Brevard County shall require private property owners to allow public use of beaches which are renourished with public funds. Access can be accomplished through publicly owned access points or improved dune crossovers located on easements.

**Policy CM 11.8**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement, or other legal means. The developer may improve, consolidate, or relocate such public access provided it is consistent with this Plan.

**Policy CM 11.9**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

**Port Canaveral**

**Objective CM 12**

~~Brevard County will continue to identify provisions of the Port Master Plan which it considers inconsistent with the Coastal Management Element of the County Comprehensive Plan and will continue to offer to coordinate with Port Canaveral in resolving any inconsistencies and review its Port Master Plan for consistency with the County's policies. Brevard County shall continue to request copies of proposed plan amendments submitted for transmittal to the Department of Economic Opportunity and shall continue to review and comment on such amendments to the Port Master Plan consistent with the County's procedure for reviewing plans of other jurisdictions and Chapter 163.3177(6)(g)~~

**Policy CM 12.1**

~~Brevard County shall continue to request copies of proposed Port Master Plan amendments submitted for transmittal to State agencies and shall continue to review and comment on such amendments consistent with the County's procedure for reviewing plans of other jurisdictions and Sections 163.3177(6)(g) and 163.3178, F.S.~~

**COASTAL MANAGEMENT ELEMENT**

**Policy 12.1 CM 12.2**

Brevard County shall continue to cooperate with the Port Canaveral Authority and the Florida Inland Navigation District in the identification of suitable spoil disposal sites within unincorporated Brevard County.

**Recreational and Commercial Working Waterfronts**

~~In 2005 and 2006, the Legislature recognized that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments, boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.~~

~~The purpose of the Brevard County Working Waterfront Objective is to implement the relevant and mandated provisions of Chapter 2005-157, and Chapter 2006-220 of the Laws of Florida. The Legislature requires that local governments, through their comprehensive plans, address development activities that diminish access to the state's navigable waters. The recreation and open space element of all local comprehensive plans now must include waterways. (F.S. § 163.3177(6)(e)) In addition, all coastal counties and municipalities in Florida now have a legislatively-mandated duty to include, in the coastal management element of their Comprehensive Plan, strategies that will be used to preserve recreational and working waterfronts. (F. S. § 163.3178(2)(g)) Further, coastal counties must amend the future land use element of their comprehensive plan to create "regulatory incentives and criteria" that encourage the preservation of recreational and commercial working waterfronts. More specifically, the purpose is to protect and promote Brevard County as a recreational and commercial working waterfront community; protect and improve public access to the shorelines and waters of Brevard County; preserve and protect the cultural heritage and physical character of the area as a working waterfront community; and enhance the aesthetic character of the area by directing development in a manner that maintains the working waterfront identity of the County.~~

**Objective CM 13**

To establish a comprehensive program to promote and protect public access to the marine and coastal waters of the County, and to ensure the economic viability of recreational and commercial working waterfronts.

**Policy CM 13.1**

The County shall ~~identify, inventory and characterize~~ continue to maintain an inventory of all existing publicly-accessible recreational and commercial working waterfronts in Brevard County on a parcel-by-parcel basis, including, but not limited to, parking facilities for beach and shoreline access, coastal roads, facilities providing scenic overlooks, public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water ~~and shall continue to maintain this inventory.~~

**Policy CM 13.2**

The County shall ~~identify, inventory and characterize~~ continue to maintain an inventory of all private facilities that would otherwise qualify as recreational or commercial working waterfronts because they provide access to the marine and coastal waters of the County ~~and shall continue to maintain this inventory.~~

**Policy CM 13.3**

The County should ~~identify, inventory and characterize~~ continue to maintain an inventory of all parcels suitable for future development as publicly-accessible recreational and commercial working waterfronts in Brevard County. “Suitable for future development” includes vacant parcels and developed parcels not currently being used for water-dependent activities which, because of their proximity, biophysical nature, or other factors, could become recreational and commercial working waterfronts through a change in land use.

**Policy CM 13.4**

The County should ~~identify, inventory and characterize~~ continue to maintain an inventory of existing ~~right-of-ways~~ rights-of-way, easements, and other public property interests adjacent to or capable of providing public access or enhancing public access to the shorelines and waters of Brevard County.

**Policy CM 13.5**

The County should continue to monitor boating activity and boat facility demand and assess the future demand for public water access to the shorelines and waters of Brevard County ~~and shall establish activity-based levels of service standards for public water access.~~

**Policy CM 13.6**

The Brevard County Marine Advisory Council shall continue to review and make recommendations to the Board of County Commissioners concerning recreational and commercial working waterfronts in Brevard County.

**Policy CM 13.7**

The County shall continue to develop strategies to ensure continued public access to navigable waters through the identification and implementation of regulatory incentives and criteria.

**Policy CM 13.8**

The County shall prioritize recreational and commercial working waterfronts in existing or new land acquisition programs to purchase suitable parcels or the non-water-dependent development rights to suitable parcels as determined by the ~~inventory inventories~~ created under the Coastal Management Element of the comprehensive plan ~~this objective~~. ~~Current funding strategies can include tourist taxes, or boating improvement funds to develop public launching facilities and related amenities.~~

**Criteria:**

- A. ~~Funding may come from fees, bonds, community redevelopment district financing, or other sources as approved by Board, and may be supplemented through revenue sharing with appropriate state and federal programs.~~
- B. ~~The County's share of revenue collected from boating registration fees shall be spent on boating infrastructure projects pursuant to Chapter 328.72(15), F.S.~~

**Policy CM 13.9**

The County shall not vacate, diminish, or otherwise permanently impair publicly-owned pathways, sidewalks, roads, parking areas, docks or boat launching facilities, and other access points that are currently used, or susceptible to use, by the public to access the shorelines unless specific findings are made demonstrating that the action is necessary and suitable mitigation measures are or will be in place and only after a public hearing and decision by a super majority of the Board of [County](#) Commissioners.  
(currently in Board Policy)

**Policy CM 13.10**

The County shall continue to inventory the waters of Brevard County to determine appropriate sites for one or more managed anchorages and/or mooring fields that shall be available to the boating public on a first come, first served basis. If one or more suitable sites are found, the County may establish a publicly accessible-managed anchorage and mooring field(s), taking into account environmental protection requirements and the concerns of shore side residents.

**Policy CM 13.11**

The County should develop incentives for encouraging private waterfront property owners to make their properties available for public use for purposes that are consistent with the uses permitted in recreational and commercial working waterfronts.

## **Coastal Development and Redevelopment**

### **Objective CM 14**

Create procedures to allow consideration of the changing dynamics of flooding, sea level rise, and storm surge in growth management decisions within the unincorporated areas of Brevard County over short, mid, and long-term planning horizons.

#### **Policy CM 14.1**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility, or growth management.

#### **Policy CM 14.2**

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

#### **Policy CM 14.3**

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts which may benefit from nature-based design standards and/or Low Impact Development (LID) projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

#### **Policy CM 14.4**

The County should consider the results of the Brevard County Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

#### **Policy 14.5**

~~The County should consider initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short-versus long-term benefits.~~

#### **Policy CM 14.5**

The County should work to reduce hazard exposure for coastal communities by coordinating with municipalities and ECFRPC to identify, scope, and recommend hazard mitigation projects as outlined in the Local Mitigation Strategy.

**Policy CM 14.6**

The County ~~must develop mechanisms to~~ should continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions; and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or **Low Impact Development LID** unless it can be clearly demonstrated that:

- a. ~~Strict application will be contrary to the public interest;~~
- b. ~~The public values being protected are insignificant and strict application will result in an excessive hardship to the project;~~
- c. ~~Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy’s objective, or~~
- d. ~~The activity is not financially feasible for the local government.~~

**Policy CM 14.7**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy CM 14.8**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise; and consider incorporating them into the Land Development Regulations.

**Policy CM 14.9**

~~Based on the 2021 Resilient Brevard Community Survey, completed by the EGFRPC,~~ the County ~~must~~ should continue to encourage nature-based design standards and/or **Low Impact Development LID** design for development and redevelopment within areas vulnerable to current and future flooding impacts. ~~unless it can be clearly demonstrated that:~~

- a. ~~Strict application will be contrary to the public interest;~~
- b. ~~The public values being protected are insignificant and strict application will result in an excessive hardship to the project;~~
- c. ~~Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy’s objective, or~~
- d. ~~The activity is not financially feasible for the local government.~~

Such adaptation strategies may include:

- a. Multi-use stormwater parks,

**COASTAL MANAGEMENT ELEMENT**

- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, ~~and~~ or
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

**Policy CM 14.10**

The County should educate the community about flood mitigation principles, strategies, and engineering solutions that can be implemented to protect property and reduce insurance losses.

**Policy CM 14.11**

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, or strategic relocation - within areas identified as vulnerable to current and future flooding impacts. As funding opportunities arise, the County should consider removing real property structures from coastal [FEMA Federal Emergency Management Agency](#) flood zones through acquisition of repetitive loss properties, for use as green space or stormwater management.

**Policy CM 14.12**

The County should continue to implement policies within the Comprehensive Plan, including but not limited to the Conservation Element, to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

**Policy CM 14.13**

The County should continue to analyze best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy CM 14.14**

Public facilities, such as hospitals, wastewater treatment plants, or fire stations, shall not be located on causeways.

## APPENDIX A

### LIST OF MAPS

| Map                   | Title  |
|-----------------------|--|
| 1                     | <del>Marine Facilities</del> <u>Coastal High Hazard Area</u> |
| <del>2</del>          | <del>Evacuation Routes</del>                                 |
| <del>3a, 3b, 3c</del> | <del>Coastal High Hazard Areas</del>                         |



### Map 1 Legend

*(Webpage Note: Reverse Side of Map – Enlarged for Display Online)*

| MAP-REF # | STREET                            | CITY                | WATERBODY      |
|-----------|-----------------------------------|---------------------|----------------|
| -1        | 2000 Jones Av.                    | Mims                | Indian River   |
| -2        | 801 Marina Road                   | Titusville          | Indian River   |
| 3         | 451 Marina Road                   | Titusville          | Indian River   |
| 4         | 419 N. Washington Ave.            | Titusville          | Indian River   |
| -5        | 41 N. Broad Street                | Titusville          | Indian River   |
| -6        | S. Washington Ave. North of SR-50 | Titusville          | Indian River   |
| 7         | 4749 S. Washington Ave.           | Titusville          | Indian River   |
| 8         | River Moorings Drive              | N. Merritt Island   | Indian River   |
| 9         | 1300 E. Hall Rd.                  | Merritt Island      | Banana River   |
| 10        | 505 Glen Cheek Dr.                | Port Canaveral      | Port Canaveral |
| 11        | 520 Glen Cheek Drive              | Port Canaveral      | Port Canaveral |
| 12        | 628 Glen Cheek Drive              | Port Canaveral      | Port Canaveral |
| 13        | 960 Mullet Road                   | Port Canaveral      | Port Canaveral |
| 14        | 350 SeaRay Dr.                    | Merritt Island      | Barge Canal    |
| 15        | 2700 Harbortown Drive             | Merritt Island      | Barge Canal    |
| 16        | 800 Scallop Dr.                   | Port Canaveral      | Port Canaveral |
| 17        | 910 Mullet Road                   | Port Canaveral      | Port Canaveral |
| 18        | 290 Marine Harbor Drive           | Merritt Island      | Barge Canal    |
| 19        | 2750 Tingley Drive                | Merritt Island      | Barge Canal    |
| 20        | 6701 N. Atlantic Ave.             | Cape Canaveral      | Banana River   |
| 21        | 6815 N. Atlantic Ave.             | Cape Canaveral      | Banana River   |
| 22        | Winar Drive                       | Merritt Island      | Sykes Creek    |
| 23        | 20 Myrtice Ave.                   | Merritt Island      | Indian River   |
| 24        | 14 Myrtice Ave.                   | Merritt Island      | Indian River   |
| 25        | P.O. Box 1886                     | Cocoa               | Indian River   |
| 26        | 12 Marina Isles Blvd.             | Indian Harbor Beach | Banana River   |
| 27        | 96 Willard St. Unit 101           | Cocoa               | Indian River   |
| 28        | 410 E. Cocoa Beach Cswy.          | Cocoa Beach         | Banana River   |
| 29        | 1872 E. 520 Cswy.                 | Merritt Island      | Banana River   |
| 30        | 1872 E. 520 Cswy.                 | Merritt Island      | Banana River   |
| 31        | 96 Willard St. Unit 101           | Cocoa               | Indian River   |
| 32        | 480 Cocoa Beach Cswy.             | Cocoa Beach         | Banana River   |
| 33        | 100-104 Riverside Dr.             | Rockledge           | Indian River   |
| 34        | 582 S. Banana River Dr            | Merritt Island      | Banana River   |
| 35        | 1025 Riveredge Drive              | Rockledge           | Indian River   |

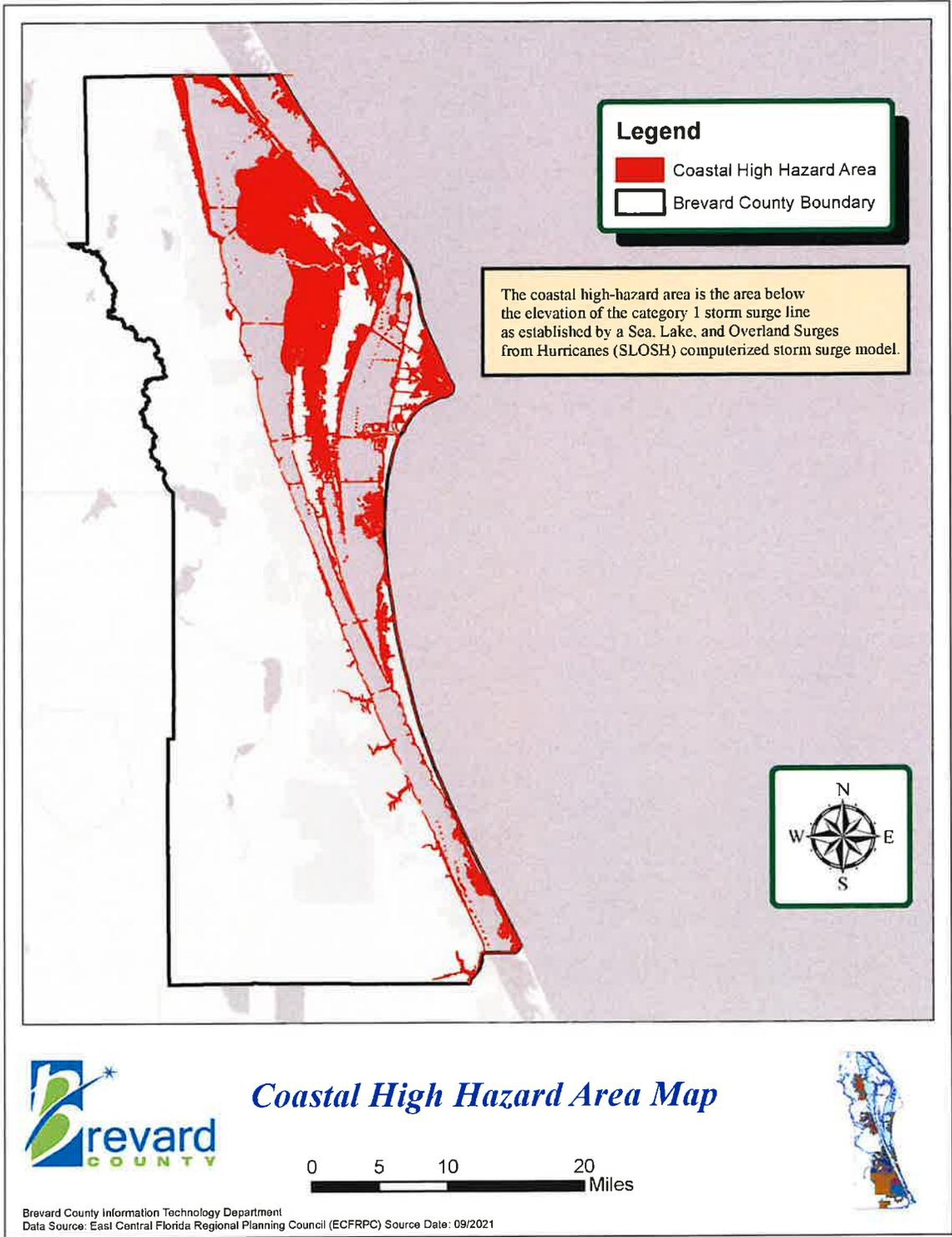
### COASTAL MANAGEMENT ELEMENT

|    |                           |                     |                  |
|----|---------------------------|---------------------|------------------|
| 36 | 200 S. Banana River Drive | Merritt Island      | Banana River     |
| 37 | 1360 S. Banana River Dr.  | Merritt Island      | Banana River     |
| 38 | 1825 Minuteman Cswy.      | Cocoa Beach         | Banana River     |
| 39 | 1611 Minuteman Cswy.      | Cocoa Beach         | Banana River     |
| 40 | 1525 Minuteman Cswy.      | Cocoa Beach         | Banana River     |
| 41 | 2705 S. Tropical Trail    | Merritt Island      | Indian River     |
| 42 | 760 S. Brevard Ave.       | Cocoa Beach         | Banana River     |
| 43 | 2290 S. Hwy A1A           | Cocoa Beach         | Banana River     |
| 44 | 3360 S. Atlantic Ave.     | Cocoa Beach         | Banana River     |
| 45 | 5695 U.S. Highway 1       | Viera               | Indian River     |
| 46 | 199 Utopia Circle         | Merritt Island      | Indian River     |
| 47 | 1629 Atlas Ave.           | PAFB                | Banana River     |
| 48 | Tequesta Harbor           | Merritt Island      | Indian River     |
| 49 | 6155 N. U.S. Hwy 1        | Melbourne           | Indian River     |
| 50 | 6175 N. Harbor City Blvd. | Melbourne           | Indian River     |
| 51 | 5435 N. U.S. Highway 1    | Melbourne           | Indian River     |
| 52 | 4399 N. Harbor City Blvd. | Melbourne           | Indian River     |
| 53 | 876 Marina Road           | PAFB                | Banana River     |
| 54 | 10 Palmer Road            | Indian Harbor Beach | Banana River     |
| 55 | 1399 Banana River Drive   | Indian Harbor Beach | Banana River     |
| 56 | 100 Datura Drive          | Indian Harbor Beach | Banana River     |
| 57 | 96 E. Eau Gallie Cswy.    | Melbourne           | Indian River     |
| 58 | 587 Young Street          | Melbourne           | Eau Gallie River |
| 59 | 1135 U.S. Highway 1       | Melbourne           | Eau Gallie River |
| 60 | 911 N. Harbor City Blvd.  | Melbourne           | Eau Gallie River |
| 61 | 729 N. Harbor City Blvd.  | Melbourne           | Indian River     |
| 62 | 705 S. Harbor City Blvd.  | Melbourne           | Indian River     |
| 63 | 2210 S. Front Street.     | Melbourne           | Crane Creek      |
| 64 | 1202 E. River Drive       | Melbourne           | Crane Creek      |
| 65 | 1208 E. River Drive       | Melbourne           | Crane Creek      |
| 66 | 1308 E. River Drive       | Melbourne           | Crane Creek      |
| 67 | Riverside Drive           | Melbourne Beach     | Indian River     |
| 68 | 160 Versailles Drive      | South Beaches       | Indian River     |
| 69 | Landings Road off A1A     | South Beaches       | Indian River     |
| 70 | Solway Drive off A1A      | South Beaches       | Indian River     |
| 71 | Ocean Way off A1A         | South Beaches       | Indian River     |
| 72 | 4220 Dixie Hwy NE         | Palm Bay            | Turkey Creek     |
| 73 | 4350 Dixie Hwy NE         | Palm Bay            | Indian River     |
| 74 | 5001 Dixie Hwy NE         | Palm Bay            | Indian River     |

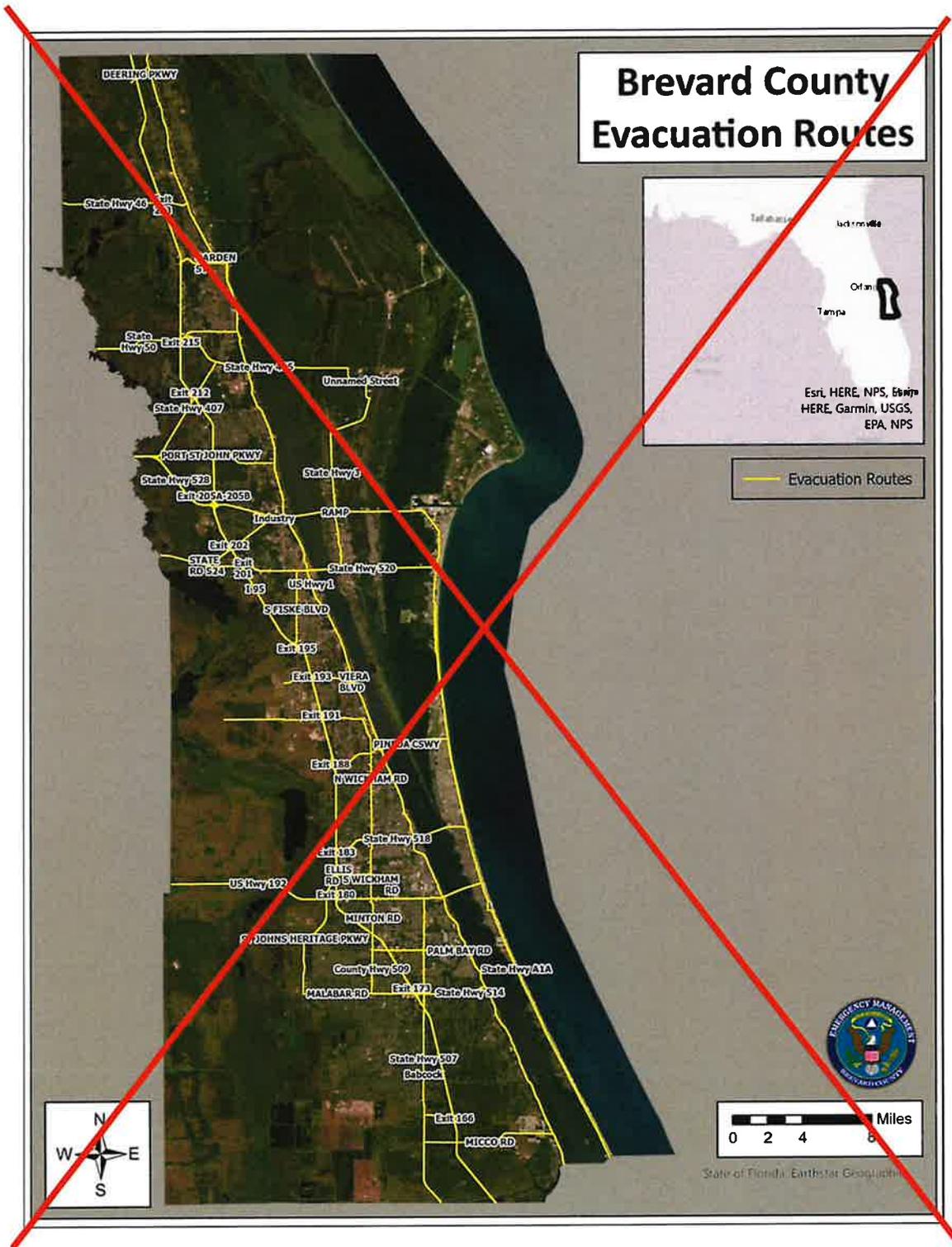
**COASTAL MANAGEMENT ELEMENT**

|    |                        |               |                 |
|----|------------------------|---------------|-----------------|
| 75 | 3800 U.S. Highway 1    | Valkaria      | Indian River    |
| 76 | 750 Mullet Creek Rd.   | South Beaches | Indian River    |
| 77 | 240 Hammock Shore Dr.  | South Beaches | Mullet Creek    |
| 78 | 4660 U.S. Highway 1    | Grant         | Indian River    |
| 79 | 5185 U.S. Highway 1    | Grant         | Indian River    |
| 80 | 6075 U.S. Highway 1    | Grant         | Indian River    |
| 81 | 8525 U.S. Highway 1    | Micco         | Indian River    |
| 82 | 9502 S. A1A            | South Beaches | Indian River    |
| 83 | 8685 N. U.S. Highway 1 | Micco         | Indian River    |
| 84 | 4015 Main Street       | Micco         | Sebastian River |
| 85 | 6485 S. U.S. Highway 1 | Rockledge     | Indian River    |
| 86 | 6533 S. U.S. Highway 1 | Melbourne     | Indian River    |
| 87 | 4263 N. U.S. Highway 1 | Melbourne     | Indian River    |
| 88 | 2459 Pineapple Ave.    | Melbourne     | Indian River    |
| 89 | 1477 Pineapple Ave.    | Melbourne     | Indian River    |

**COASTAL MANAGEMENT ELEMENT**



**COASTAL MANAGEMENT ELEMENT**

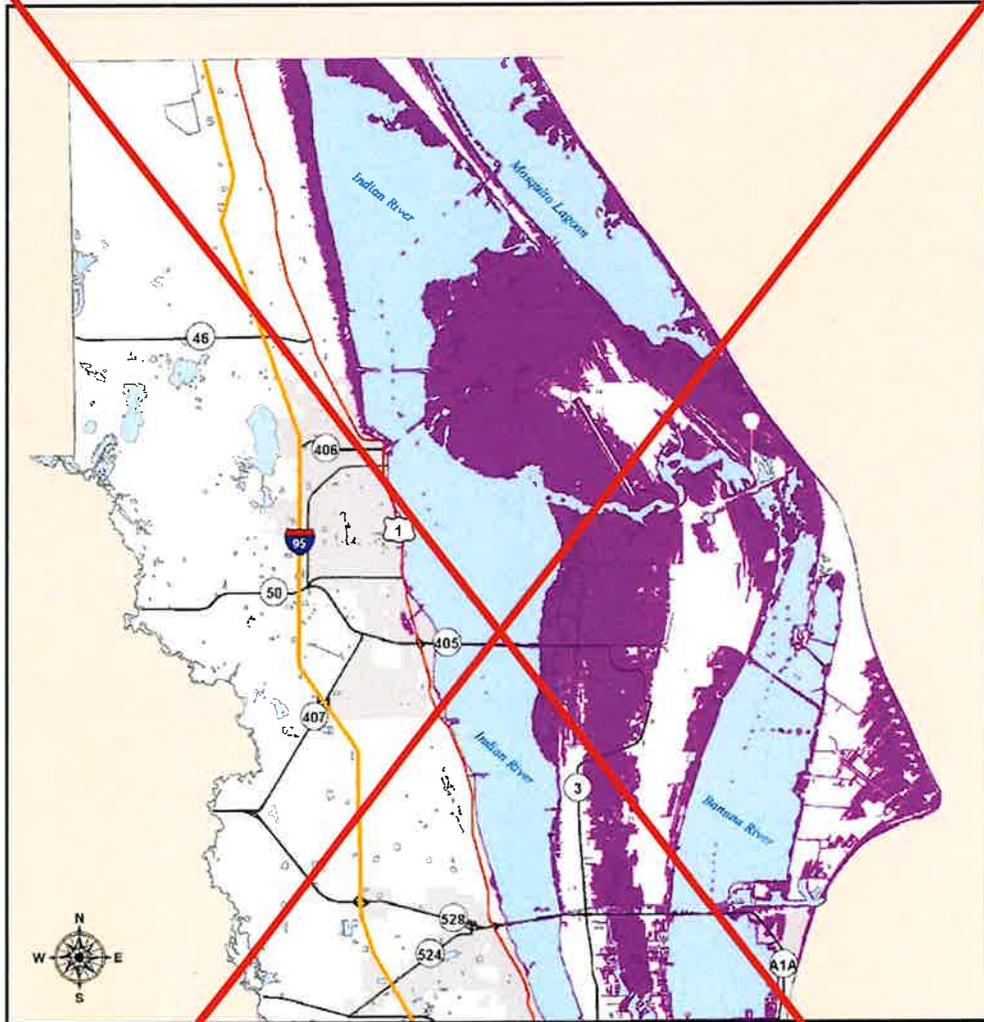


**COASTAL MANAGEMENT ELEMENT**

July 17, 2025

X - 48

# Brevard Coastal High Hazard Area Map



## Category 1

 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council  
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

Disclaimer: This map displays general County information and was created from best data available. It is not suitable for site-specific uses. The Brevard County Board of Commissioners expressly disclaims all responsibility for errors or omissions thereof.

North Brevard CHHA Region Display



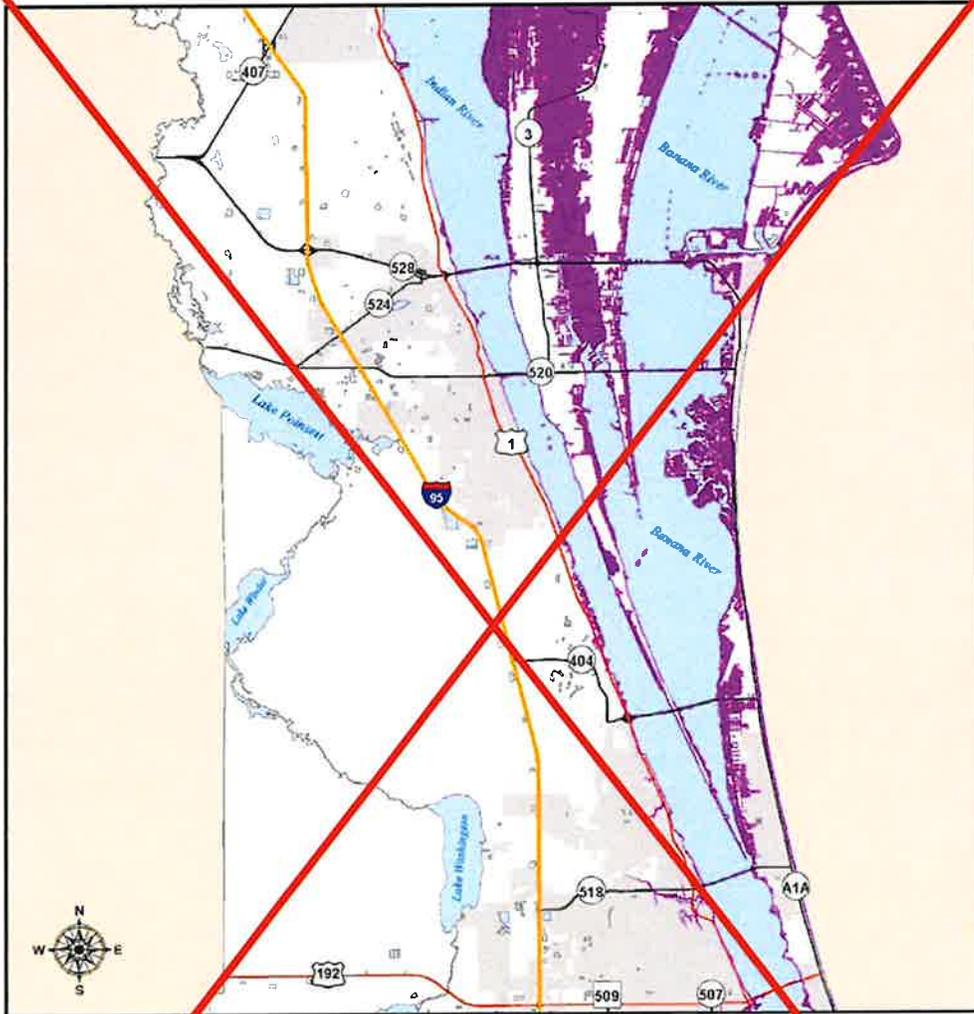
## COASTAL MANAGEMENT ELEMENT

July 17, 2025

X - 49

1412

# Brevard Coastal High Hazard Area Map



Central Brevard CHHA Region Display

## Category 1

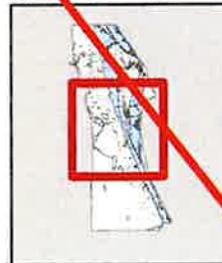
 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council  
Regional Evacuation Study Program - Storm Tide Atlas



Map generated by best available data on 4/29/2022. Map subject to change, please contact Brevard County for map confirmation.

Disclaimer: This map displays general County information and was created from best data available. It is not suitable for site-specific uses. The Brevard County Board of Commissioners expressly disclaims all responsibility for errors or omissions thereof.



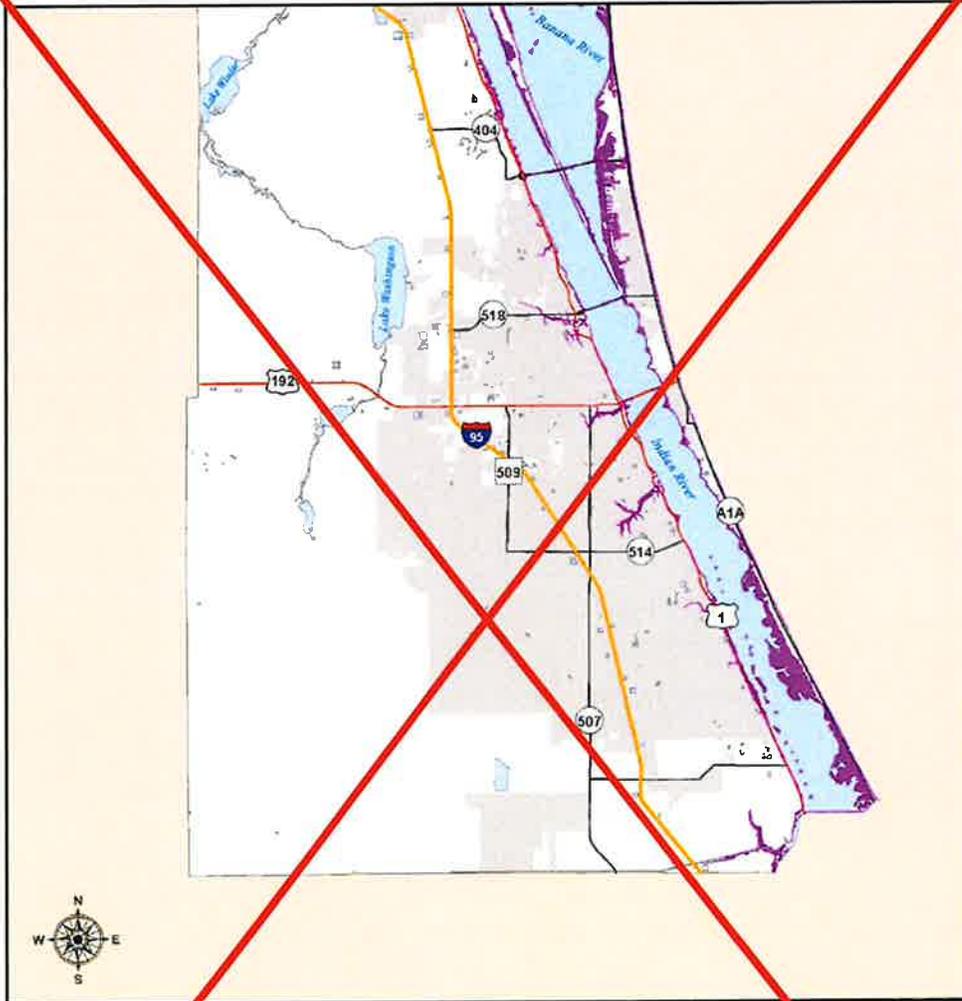
## COASTAL MANAGEMENT ELEMENT

July 17, 2025

X - 50

1413

# Brevard Coastal High Hazard Area Map



## Category 1

 Coastal High Hazard Area

Source: East Central Florida Regional Planning Council  
Regional Evacuation Study Program - Storm Tide Atlas



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South Brevard CHHA Region Display



## COASTAL MANAGEMENT ELEMENT

July 17, 2025

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**APPENDIX**

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| <b>1</b>      | <b>Diagram Reflecting the Spatial Relationship between the FDEP 1981 Coastal Construction Control Line (CCCL) and the Brevard County Coastal Setback Line (CSL)</b> | <b>6</b>    |

## MANATEE HABITAT FEATURE MAP SERIES AND UPDATE SCHEDULE

### MAPS:

1.—**Submerged Aquatic Vegetation (SAV)**—1994 coverage supplied with the draft MPP:

Source:

——— St. Johns River Water Management District  
——— (904) 329-4500

Update Schedule: As available

2.—**Manatee Abundance (Aerial Surveys)**—September 1997-September 1999 map supplied with the draft MPP:

Source:

——— Florida Fish and Wildlife Conservation Commission  
——— Bureau of Protected Species Management  
——— (904) 922-4330

Update Schedule: As available

3.—**Manatee Mortality**—Watercraft-related or Total Manatee Mortality (all causes) from 1974-2001 supplied with the draft MPP:

Source:

——— Florida Fish and Wildlife Conservation Commission  
——— Bureau of Protected Species Management  
——— (904) 922-4330

Update Schedule: As available

4.—**Manatee Protection Boat Speed Zones**—October 2000 as provided with the draft MPP, or more recent data:

Source:

——— Florida Fish and Wildlife Conservation Commission  
——— Bureau of Protected Species Management  
——— (904) 922-4330

Update Schedule: As needed

5.—**Manatee Freshwater Sources Map**—March 1994 as provided with the MPP:

Source:

——— Brevard County  
——— Natural Resources Management Department

## COASTAL MANAGEMENT ELEMENT

~~\_\_\_\_\_ (321) 633-2016  
Update Schedule: As available~~

~~6. **Class II Waterbody, Outstanding Florida Waterway (OFW), or Aquatic Preserve** -  
2001 as provided in the MPP:~~

~~Source:~~

~~\_\_\_\_\_ Florida Department of Environmental Protection  
\_\_\_\_\_ Division of Surface Water Quality  
\_\_\_\_\_ (850) 245-8427~~

~~Update Schedule: As available~~

**CHAPTER PART XI**  
**FUTURE LAND USE ELEMENT**

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## PREFACE

### **Planning Horizons**

Section 163.3177, F.S., requires that each comprehensive plan include at least two planning horizons: one for at least 10 years and one for at least 20 years. The two planning horizons established for the Brevard County Comprehensive Plan are fiscal year 2035 for the short-term planning period and fiscal year 2045 for the long-term planning period.

### **Future Land Use Map Designations**

The following Future Land Use designations shall be adopted as part of the Future Land Use Map:

#### **Residential**

- Residential 30 Directive (up to 30 dwelling units per acre)
- Residential 15 (up to 15 dwelling units per acre)
- Residential 12 Directive (up to 12 dwelling units per acre)
- Residential 10 (up to 10 dwelling units per acre)
- Residential 8 Directive (up to 8 dwelling units per acre)
- Residential 6 (up to 6 dwelling units per acre)
- Residential 6 Directive (up to 6 dwelling units per acre)
- Residential 5 Directive (up to 5 dwelling units per acre)
- Residential 4 (up to 4 dwelling units per acre)
- Residential 4 Directive (up to 4 dwelling units per acre)
- Residential 3 Directive (up to 3 dwelling units per acre)
- Residential 2 (up to 2 dwelling units per acre)
- Residential 2 Directive (up to 2 dwelling units per acre)
- Residential 1 (up to 1 dwelling unit per acre)
- Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres)

#### **Commercial**

- Neighborhood Commercial (NC)
- Community Commercial (CC)

#### **Industrial**

- Heavy/Light Industrial
- Planned Industrial

#### **Agricultural**

#### **Conservation**

- Public Conservation
- Private Conservation

#### **Public Facilities**

#### **Recreation**

#### **Developments of Regional Impact**

## FUTURE LAND USE ELEMENT

## ADMINISTRATIVE POLICIES

### Administrative Policy 1

The Brevard County zoning official, planners, and the Director of the Planning and Development Department, 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 by the Board of County Commissioners (“Board”), 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, **e**Comprehensive **p**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 **e**Comprehensive **p**Plan policies, zoning approval criteria, and other applicable written standards.
- B. Staff ~~shall~~ may 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~~ may record images or video 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

## FUTURE LAND USE ELEMENT

enjoyment of, safety or quality of life in existing neighborhoods within the area which could ~~foreseeably~~ foreseeably be affected by the proposed use<sup>+</sup>.

- 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 an 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 ~~e~~Elements of the Comprehensive Plan.
- E. 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.

#### **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.~~
- 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;~~

#### **FUTURE LAND USE ELEMENT**

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.

Brevard County shall allow a diverse mix of residential uses in the Commercial and Industrial land use categories as shown on the Future Land Use Map if the development provides affordable housing according to the provisions of section 125.0155(7), F.S., as may be amended from time to time. The provisions of this law do not apply to properties defined as recreational and commercial working waterfront in any area zoned as industrial.

### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, ~~and 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 service standards will be ~~compromised~~ exceeded;
- 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;

## **FUTURE LAND USE ELEMENT**

- 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 fFuture tLand uUse eElement, cCoastal mManagement eElement, cConservation eElement, pPotable wWater eElement, sSanitary sSewer eElement, sSolid wWaste mManagement eElement, cCapital iImprovements eElement, rRecreation and oOpen sSpace eElement, sSurface wWater Management eElement, and tTransportation eElements of the cComprehensive pPlan.

**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.

**Administrative Policy 9**

Brevard County shall not amend its Comprehensive Plan, Future Land Use Map, zoning districts, or tLand dDevelopment rRegulations in a matter that would conflict with a resiliency facility's classification as a permitted and allowable use and that would cause a resiliency facility to be a nonconforming use, structure, or development, per section 163.3210, F.S.

## GOAL, OBJECTIVES, AND POLICIES

### GOAL FLU

To manage growth in Brevard County in a manner that enhances natural and man-made systems and meets the public's social and economic needs.

### Residential Land Uses

#### Objective FLU 1

Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:

##### Criteria:

- A. Ensure the compatibility of new development with its surroundings;
- B. Ensure the delivery of services that meet or exceed established ~~t~~Levels of ~~s~~Service (LOS);
- C. Discourage the occurrence of inefficiencies inherent in urban sprawl as defined by Florida Statutes;
- D. Strive to decrease identified hurricane evacuation deficiencies;
- E. Produce neighborhoods that complement adjacent land uses;
- F. Permit mixed use developments which, through the application of appropriate performance standards, ~~juxtaposes juxtapose~~ juxtapose neighborhood services and employment centers with residential uses in order to promote efficient use of land; ~~and~~
- G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives; ;
- H. Protect environmental and ecological resources in accordance with the goals of the Conservation Element and Coastal Management Element; and
- I. Comply with the goals of Basin Management Action Plans (BMAP) that include the County.
- J. Binding Development Plans are not to be used to determine consistency with the zoning classifications outside of Section 62-1255 of the zoning regulations.

### FUTURE LAND USE ELEMENT

## Residential Land Use Designations

### Policy FLU 1.1

The residential land use designations adopted as part of the Future Land Use Map (FLUM) represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

#### Criteria:

- A. Environmental constraints, including BMAP requirements, identified in applicable objectives and policies of the Conservation Element and Coastal Management Element which impose more stringent density guidelines;
- B. Land use compatibility pursuant to Administrative Policy 3;
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy FLU 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element. Binding Development Plans shall not be used to exempt or otherwise waive compliance with infrastructure requirements contained in Policy FLU 1.2;
- D. Character of the general area, pursuant to Administrative Policy 4 3;
- E. Hurricane evacuation capabilities; and
- F. Policies established in specialized plans, including Binding Development Plans, as may be adopted by the Board of County Commissioners. Binding Development Plans shall not be used to establish consistency between Future Land Use Map FLUM designations and zoning classifications.
- G. The Future Land Use Map FLUM designations of RES 2 Directive, RES 3 Directive, RES 4 Directive, RES 5 Directive, RES 6 Directive, RES 8 Directive, and RES 12 Directive are limited to the stated density and are not entitled to density bonuses for development of a Planned Unit Development (PUD).

## Public Facilities and Services Requirements

### Policy FLU 1.2

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### Criteria:

- A. Adequate roadways, solid waste disposal, drainage, potable water, sanitary sewer, and recreation public school facilities to serve the needs of

associated development shall be available concurrent with development in all residential land use designations.

- B. Fire and police protection, ~~and emergency medical services, and recreation facilities~~ to serve the needs of associated development ~~shall~~ should be available concurrent with development in all residential land use designations ~~in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.~~
- C. In the Residential 30 Directive, Residential 15, Residential 12 Directive, Residential 10, Residential 8 Directive, Residential 6, Residential 6 Directive, ~~and Residential 5 Directive~~, Residential 4, and Residential 4 Directive future land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public ~~water sewer~~ service is available, residential development proposals ~~with densities greater than four units per acre~~ within BMAP areas shall be required to connect to ~~a centralized~~ the sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system. Within BMAP areas where public sewer service is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 3 Directive, Residential 2, Residential 2 Directive, or Residential 1 future land use designations unless within BMAP areas, or in ~~and~~ Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through Municipal Service Benefit Units (MSBU's), Municipal Service Taxing Units (MSTU's), and other means through which the recipients pay for the service or facility.

**Residential 30 Directive (maximum of 30 dwelling units per acre)**

**Policy FLU 1.3**

The Residential 30 Directive land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this ~~e~~Element. This future land use designation is limited to the Residential Density Rightsizing study areas, including the Avon by the Sea

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area, the Merritt Island area, and the South Cocoa Beach area. Parameters for this future land use designation include:

**Criteria:**

- A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.
  - 1. Areas located east of Interstate-95; and
  - 2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
  - 3. Areas adjacent to existing Residential 30 land use designation; and
  - 4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
  
- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:
  - 1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or
  - 2. Developments which are tied to a **b**Binding **d**Development **p**Plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.
  
- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, ~~except in the Coastal High Hazard Area (CHHA), where the **Planned Unit Development PUD** concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy **FLU 1.2** are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. ~~This density bonus shall not be utilized for properties within the CHHA.~~~~
  
- D. The Residential 30 Directive land use designation shall not be applied to lands within the Coastal High Hazard Area (CHHA).

**Residential 15 (maximum of 15 units per acre)**

**Policy FLU 1.4**

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as

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otherwise may be provided for within this eElement. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the **Planned Unit Development PUD** concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 12 Directive (maximum of 12 dwelling units per acre)**

**Policy FLU 1.5**

The Residential 12 Directive land use designation affords a transition in density between highly urbanized areas and lower intensity residential uses within the Port St. John Small Area Plan study area. This land use designation permits a maximum density of up to twelve (12) units per acre.

**Residential 10 (maximum of 10 dwelling units per acre)**

**Policy 1.5 FLU 1.6**

The Residential 10 land use designation affords a transition in density between highly urbanized areas and lower intensity residential uses. This land use designation permits a maximum density of up to ten (10) units per acre, except as otherwise may be provided for within this eElement. The Residential 10 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 Residential 10 or higher land use designations; or

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- B. Areas which serve as a transition between existing land uses or land use designations with density greater than ten (10) units per acre and areas with density of less than ten (10) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 10; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 12.5 dwelling units per acre may be considered where the **Planned Unit Development PUD** concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy **FLU 1.2** are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 8 Directive (maximum of 8 dwelling units per acre)**

**Policy FLU 1.7**

The Residential 8 Directive land use designation affords a transition in density between higher urbanized areas and lower intensity residential uses within the Port St. John, Canaveral Groves, and South Beaches Small Area Plan study areas. This land use designation permits a maximum density of up to eight (8) units per acre.

**Residential 6 (maximum of 6 dwelling units per acre)**

**Policy 1.6 FLU 1.8**

The Residential 6 land use designation affords a transition in density between higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this eElement. The Residential 6 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 Residential 6 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

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- D. Up to a 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the **Planned Unit Development PUD** concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy **FLU 1.2** are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 6 Directive (maximum of 6 dwelling units per acre)**

**Policy FLU 1.9**

The Residential 6 Directive land use designation affords a transition in density between higher urbanized areas and lower intensity land uses within the Canaveral Groves and South Beaches Small Area Plan study areas. This land use designation permits a maximum density of up to six (6) units per acre.

**Residential 5 Directive (maximum of 5 dwelling units per acre)**

**Policy FLU 1.10**

The Residential 5 Directive land use designation affords an additional step down in density from more highly urbanized areas within the Canaveral Groves Small Area Plan study area. This land use designation permits a maximum density of up to five (5) units per acre.

**Residential 4 (maximum of 4 dwelling units per acre)**

**Policy ~~1.7~~ FLU 1.11**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this **eElement**. The Residential 4 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 Residential 4 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.
- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a **Planned Unit Development PUD** where deemed compatible by the County with adjacent development, provided that

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minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 4 Directive (maximum of 4 dwelling units per acre)**

**Policy FLU 1.12**

The Residential 4 Directive land use designation affords a transition in density between higher urbanized areas and lower intensity land uses within the North Merritt Island and South Beaches Small Area Plan study areas. This land use designation permits a maximum density of up to four (4) units per acre.

**Residential 3 Directive (maximum of 3 units per acre)**

**Policy FLU 1.13**

The Residential 3 Directive land use designation serves as a transition between more highly urbanized and lower density residential development within the Canaveral Groves and Central and South Merritt Island Small Area Plan study areas. This land use designation permits a maximum density of up to three (3) units per acre.

**Residential 2 (maximum of 2 units per acre)**

**Policy 1-8 FLU 1.14**

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this eElement. The Residential 2 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 Residential 2 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.
- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the **Planned Unit Development PUD** concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with

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adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 2 Directive (maximum of 2 units per acre)**

**Policy FLU 1.15**

The Residential 2 Directive land use designation permits lower density residential development within the North Merritt Island Small Area Plan study area. This land use designation permits a maximum density of up to two (2) units per acre.

**Residential 1 (maximum of 1 unit per acre)**

**Policy 1.9 FLU 1.16**

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 eElement. 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 Residential 1 land use designation; or
- 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
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.
- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a **Planned Unit Development PUD** where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

**Residential 1:2.5 (maximum of 1 unit per 2.5 acres)**

**Policy 1.10 FLU 1.17**

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this eElement. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with

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surrounding uses. The Residential 1:2.5 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 Residential 1:2.5 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

**Density in Coastal High Hazard Areas (CHHA)**

**Policy 1.11 FLU 1.18**

The construction of additional infrastructure intended to remedy existing deficiencies, such as any new bridges or improvements to existing causeways over the Indian River Lagoon, shall not serve as a basis for increasing residential densities nor allowing residential density bonuses within the ~~Coastal High Hazard Area (CHHA)~~ above those programmed on the ~~Future Land Use Map FLUM~~.

**Protection of Residential Riverside Lands**

**Policy 1.12 FLU 1.19**

Brevard County shall identify lineal land use patterns which parallel the U.S. 1 corridor and the Indian River in order to promote the protection of residential designated lands lying easterly of U.S. 1 and to discourage the expansion and encroachment of non-residential designated lands into such lineal residential areas. These lineal land use patterns shall generally be identified in, but not limited to, the following areas of Brevard County:

- 1) Generally from the southern Titusville ~~city municipal limits (Section 26 Township 22 Range 35) (Section 1 Township 23 Range 35)~~ to SR 528 (Section 8 Township 24 Range 36).
- 2) Generally from south of Gus Hipp Boulevard (Section 23 Township 25 Range 36) to Pineda Causeway (Section 19 Township 26 Range 37).
- 3) Generally south of the ~~southern Malabar city limits (Section 17 Township 29 Range 38)~~ southern Grant-Valkaria ~~city municipal limits (Section 11 Township 30 Range 38)~~ to the south Brevard County line (Section 23 Township 30 Range 38).

## Promotion of Linear Parks in Residential Subdivisions

### Policy ~~1.13~~ FLU 1.20

Brevard County ~~shall~~ may prepare and implement development incentives to encourage the inclusion of linear parks which promote the integration of open space within residential subdivisions and interconnectivity with adjacent development.

## Breezeway/Visual Corridor

### Policy FLU 1.21

Brevard County shall maintain minimum breezeway and visual corridor requirements in its tLand dDevelopment rRegulations for oceanfront and riverfront development, in coordination with the Recreation and Open Space Element.

## Commercial Land Uses

### Objective FLU 2

Brevard County shall provide for adequate and appropriate lands for the location of commercial land uses, through the Land Development Regulations, to serve the needs of the projected residents and visitors to the County. Brevard County shall direct new commercial land use designations to areas which are determined to be appropriate based upon a suitability analysis, a market analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the Future Land Use Map, FLUM which would allow commercial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

#### **Criteria:**

- A. Floodplain policies contained within Conservation Objective CON 4;
- B. Aquifer protection policies contained within Conservation Objective ~~44~~ CON 10;
- C. Types, values, conditions, functions, and locations of wetlands, and wetlands protection policies contained in Conservation Objective CON 5.
- D. Availability of centralized potable water and wastewater treatment concurrent with the impacts of development.

## Role of the Comprehensive Plan in the Designation of Commercial Lands

### Policy FLU 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

#### **Criteria:**

- A. Overall accessibility to the site;

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- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;
- C. Existing and anticipated commercial development trend trends in the area as shown in a market analysis;
- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;
- E. Availability of required infrastructure at/above adopted ~~levels of service~~ LOS;
- F. Spacing from other commercial activities;
- G. Size of proposed commercial designation compared with current need for commercial lands;
- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems; and
- I. ~~Integration of open space~~; and
- J. L. Impacts upon strip commercial development.

**Role of Zoning Regulations in the Designation of Commercial Lands**  
**Policy FLU 2.2**

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility shall include consideration of the following standards:

**Criteria:**

- A. Permitted/prohibited uses;
- B. Existing commercial zoning trends in the area;
- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon ~~Level of Service (LOS)~~ standards for roads, potable water service, sanitary sewer service, drainage, and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

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**Role of Land Development Regulations in the Designation of Commercial Lands**  
**Policy FLU 2.3**

Land Development Regulations provide performance standards for evaluating the acceptability of proposed commercial development activities, including:

**Criteria:**

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;
- B. Buffering from adjacent existing/potential uses;
- C. Open space provisions, breezeway/visual corridor requirements, and balance of proportion between gross floor area and site size;
- D. Adequacy of pervious surface area in terms of drainage requirements;
- E. Placement of signage;
- F. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- G. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
- H. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
- I. Unique features and resources which may constrain site development, such as soils, existing vegetation, and historic significance; and
- J. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design.

**Public Facilities and Services Requirements**

**Policy FLU 2.4**

Minimum public facilities and services are required for commercial uses. The following criteria shall serve as guidelines for approving new commercial land use designations:

**Criteria:**

- A. Adequate roadways, solid waste disposal, hazardous waste disposal, potable water, wastewater treatment, and drainage facilities to serve the needs of the development shall be available concurrent with development in all commercial land use designations in accordance with policies set forth in

the “Service Delivery, Concurrency, and Growth” section of this Future Land Use Element.

- B. Adequate fire protection, police protection, and emergency medical services to serve the needs of the development should be available concurrent with the impacts of development in all commercial land use designations.
- C. Where public potable water service is available, commercial development proposals shall be required to connect to the public potable water system.
- D. Where public sewer facilities are available, commercial development proposals shall be required to connect to the public sewer system.
- E. Where public reclaimed water service is available, commercial development proposals shall be required to connect to the public reclaimed water system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in commercial land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU’s, MSTU’s and other means through which the recipients pay for the service or facility.

### **Commercial Future Land Use Designations**

#### **Policy 2.4 FLU 2.5**

The following two (2) commercial land use designations are adopted as part of the **Future Land Use Map FLUM**:

- Neighborhood Commercial (NC)
- Community Commercial (CC)

### **Activities Permitted in Neighborhood Commercial (NC) Future Land Use Designations**

#### **Policy 2.5 FLU 2.6**

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses;
- e) Institutional uses;

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- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.12: Resiliency Facilities, as defined by section 163.3210, F.S.

Zoning classifications that may be considered in Neighborhood Commercial as transitional uses are: RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU\_2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, BU-1-A, and IN(L).

## **Locational and Development Criteria for Neighborhood Commercial Uses**

### **Policy 2.6 FLU 2.7**

Locational and development criteria for neighborhood commercial land uses are as follows:

#### **Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may not be considered along those roadways if there is sufficient infrastructure to support commercial development; if the area has an established commercial character; and if they are consistent with the other applicable policies of this Comprehensive Plan.
- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.
- D. Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.
- E. The gross floor area of neighborhood commercial complexes should not exceed a Floor Area Ratio (FAR) of 0.75 unless zoned PUD and adequate roadways, solid waste disposal, hazardous waste disposal, potable water, wastewater treatment, and drainage facilities to serve the needs of the development are available concurrent with its impacts.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

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In summary, Table 2.1 reiterates the specific development parameters and issues for consideration discussed in Policies FLU 2.1 and ~~2.6~~ 2.7 when evaluating requests for NC land use designations. This table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies FLU 2.2 and 2.3.

**Activities Permitted in Community Commercial (CC) Future Land Use Designations  
Policy 2.7 FLU 2.8**

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal, and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.1; and Resiliency Facilities, as defined by section 163.3210, F.S.
- ~~m) Planned Industrial Park development (as permitted by PIP zoning);~~

**Locational and Development Criteria for Community Commercial Uses  
Policy 2.8 FLU 2.9**

Locational and development criteria for community commercial land uses are as follows:

**Criteria:**

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at an intersection.

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- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a **Planned Unit Development (PUD)** zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. **Floor Area Ratio (FAR)** of up to 1.00 will be permitted for Community Commercial sites unless ~~accompanied~~ accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

In summary, Table 2.2 reiterates the specific development parameters and issues for consideration, as discussed in Policies FLU 2.1 and ~~2-8~~ 2.9, when evaluating requests for CC land use designations. This table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies FLU 2.2 and 2.3.

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| <b>TABLE 2.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW NEIGHBORHOOD COMMERCIAL (NC) FUTURE LAND USES</b>                                  |   |  |
|---|---|--|
| <b>FIRST LEVEL OF REVIEW<br/>CONSISTENCY WITH COMPREHENSIVE PLAN<sup>1</sup></b>  | <b>SECOND LEVEL OF REVIEW<br/>CONSISTENCY WITH ZONING REGULATIONS<sup>2</sup></b>   | <b>THIRD LEVEL OF REVIEW<br/>CONSISTENCY WITH LAND DEVELOPMENT<br/>REGULATIONS<sup>3</sup></b>               |
| <b>Issues for Evaluation</b>  | <b>Issues for Evaluation</b>  | <b>Issues for Evaluation</b>   |
| Overall accessibility to the proposed NC site. (Policy 2.1.A)   | Permitted/prohibited uses. (Policy 2.2.A)   | Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)                         |
| Compatibility and inter-connectivity of proposed NC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)                          | Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)   | Access management features of the site design. (Policy 2.3.A)  |
| Existing commercial development trend in the area as shown in a market analysis. (Policy 2.1.C)   | Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)   | Adequacy of buffering provided. (Policy 2.3.B)   |
| Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)  | Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D) | Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)       |
| Availability of public facilities to accommodate proposed NC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)              | Impacts upon natural resources, including wetlands, floodplains and endangered species. (Policy 2.2.E)                          | Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D) |
| Minimum Spacing from Nearest Commercial Land Use: .5 (one half) mile, with exceptions. (Policies 2.1.F and 2.6D 2.7.D)                                    | Other issues which may emerge specific to a particular property. (Policy 2.2.F)   | Placement of signage on site. (Policy 2.3.E)   |
| Size of proposed NC designation compared with current need. (Policy 2.1.G)  | <b>Development Parameters Addressed by BU-1A Zoning Regulations</b>   | Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)            |
| Adherence of proposed NC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H) | Listing of permitted/prohibited uses.   | Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)                               |
| Integration of open space. <sup>4</sup> (Policy 2.1.I)  | Minimum building setbacks requirements.   | Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)   |
| Effect upon strip commercial development as a result of approving NC Future Land Use. (Policy 2.1.J 2.1.L)  | Minimum lot size requirements.  | Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)                                  |
| Location: Limited to intersections of Collector/Collector or Collector/Arterial roadways. (Policy 2.6-A 2.7.A)  | Minimum floor area requirements.  | Other performance based requirements. (Policy 2.3.J)   |
| NC Future Land Use Site Size: 2 acres maximum (Policy 2.6-G 2.7.C)  | Maximum building height allowances.   | <sup>3</sup> This table serves as a summary. Refer to Policies 2.3 and 2-6 2.7 for full details.             |
| Maximum Floor Area Ratio (FAR): .75 <sup>4</sup> (Policy 2.6-E 2.7.E)   | Buffering requirements.   |  |
| <sup>1</sup> This table serves as summary. Refer to Policies 2.1 and 2-6 2.7 for full details.  | Traffic impact allowances.  |  |
| <sup>4</sup> These parameters will be applied during the plan review process.   | <sup>2</sup> This table is a summary. Refer to Policies 2.2 and 2-6 2.9 for full details.                                       |  |

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| TABLE 2.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW COMMUNITY COMMERCIAL (CC) FUTURE LAND USES  |   |  |
|---|---|--|
| FIRST LEVEL OF REVIEW<br>CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>   | SECOND LEVEL OF REVIEW<br>CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>  | THIRD LEVEL OF REVIEW<br>CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>                          |
| Issues for Evaluation   | Issues for Evaluation   | Issues for Evaluation  |
| Overall accessibility to the proposed CC site. (Policy 2.1.A)   | Permitted/prohibited uses. (Policy 2.2.A)   | Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)                         |
| Compatibility and inter-connectivity of proposed CC site with adjacent adopted Future Land Designations and uses. (Policy 2.1.B)  | Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)   | Access management features of the site design. (Policy 2.3.A.)   |
| Existing commercial development trend in the area as shown in a market analysis. (Policy 2.1.C)   | Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)   | Adequacy of buffering provided. (Policy 2.3.B)   |
| Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)  | Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D) | Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)       |
| Availability of public facilities to accommodate proposed CC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)  | Impacts upon natural resources, including wetlands, flood plains, and endangered species. (Policy 2.2.E)                        | Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D) |
| Minimum Spacing from Nearest CC Land Use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policies 2.1.F and 2.6.G 2.9.C)  | Other issues which may emerge specific to a particular property. (Policy 2.2.F)   | Placement of signage on site. (Policy 2.3.E)   |
| Size of proposed CC designation compared with current need. (Policy 2.1.G)  | <b>Development Parameters Addressed by BU-1 &amp; BU-2 Zoning Regulations</b>   | Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)            |
| Adherence of proposed CC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)   | Listing of permitted/prohibited uses.   | Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)                               |
| Integration of open space. <sup>4</sup> (Policy 2.1-I)  | Minimum building setbacks requirements.   | Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)   |
| Effect upon strip commercial development as a result of approving CC Future Land Use. (Policy 2.1-J 2.1.I)  | Minimum lot size requirements.  | Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)                                  |
| Locations: Limited to intersections of Arterial/Arterial or Collector/Arterial roadways for sites up to 10 acres (with exceptions) and limited to Principal Arterial/Principal Arterial intersections for sites >10 acres. (Policy 2.6-A 2.9.A) | Minimum floor area requirements.  | Other performance based requirements. (Policy 2.3.J)   |
| CC Future Land Use Site Size: >2 acres and <40 acres. (Policy 2.6-B 2.9.B)  | Maximum building height allowances.   |  |
| Minimum spacing from nearest CC land use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policy 2.6-C 2.9.C)  | Buffering requirements.   |  |
| Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres unless within an approved PUD, then a maximum of 76,230 GFA per acre. <sup>4</sup> (Policy 2.6-D 2.9.D)            | <sup>2</sup> This table is a summary. Refer to Policies 2.2 and 2.6 2.9 for full details.                                       | <sup>3</sup> This table serves as a summary. Refer to Policies 2.3 and 2.6 2.9 for full details.             |
| Maximum Floor Area Ratio (FAR): 1.0 for sites up to 10 acres and 1.0 for sites >10 acres unless with PUD zoning classification wherein the FAR is up to 1.75. <sup>4</sup> (Policy 2.6-E 2.9.E)   |   |  |
| <sup>1</sup> This table serves as summary. Refer to Policies 2.1 and 2.6 2.9 for full details.  |   |  |
| <sup>4</sup> These parameters will be applied during the plan review process.   |   |  |

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## Regional Commercial Centers

### Policy 2.9 FLU 2.10

Regional commercial centers are those which meet the standards for Developments of Regional Impact, as defined by Chapter 380, F.S that exceed 40 acres in size and/or 400,000 square feet of gross leasable area. Such land uses shall only be located within the Development of Regional Impact (DRI) future land use designation. Project design and review standards shall be in accordance with the requirements of Chapter 380, F.S: FLU Policies 2.2, 2.3, 2.4, 2.8, and 2.9 of this eElement.

## Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations

### Policy 2.10 FLU 2.11

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map FLUM. Residential development is permissible in these commercial land use designations at a density as follows. of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street: residential designation within one-quarter mile on the same side of the street. If there are no residential designations within one-quarter mile on the same side of the street and along the street, then the property is limited to the adjacent residential designation on the same side of the street, or as designated in public hearing.

1. Density of one category higher than the closest residential designation within one-quarter mile on the same side of the street with frontage on the street.
2. If Criterion (1) of this section cannot be satisfied, then the development is limited to the adjacent residential designation on the same side of the street.
3. If Criteria (1) and (2) of this section cannot be satisfied, then the density shall be determined through a public hearing provided that public facilities to serve the proposed development will be available concurrent with its impact.

Increases in density beyond this allowance may be considered through a public hearing the provisions of 125.01055, F.S., for affordable housing and only when public facilities to serve the proposed development will be available concurrent with its impacts.

In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

#### Criteria:

- A. Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street

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~~parking, reduced lot line setbacks~~ PUD zoning or open space subdivision techniques and public transit facilities.

- B. Residential density bonuses as set forth in Policy FLU 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations in redevelopment districts as an incentive for redevelopment and gentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

### **Transitional Commercial Activities**

#### **Policy ~~2.11~~ FLU 2.12**

As a result of their intrinsic nature and scale of intensity, offices, non-retail, and neighborhood commercial activities may be utilized as transitional activities to afford buffering between higher and lower intensity uses, including transportation corridors. Due to their intrinsic nature and intensity of scale, offices, non-retail, neighborhood commercial, and multifamily residential uses may serve as a transition to buffer lower intensity uses from the impacts of higher intensity uses. The criteria listed below, ~~as summarized by Table 2.3,~~ should serve as locational guidelines for ~~employing such development as~~ approving transitional uses. Projects ~~which that~~ are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies ~~2.6~~ FLU 2.7 and ~~2.8~~ FLU 2.9 must be maintained to qualify for consideration as a transitional activity under this policy. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

#### **Criteria:**

- A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage, and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses; in the following listed Future Land Use designations:

|                        |   |
|------------------------|---|
| Higher Intensity Uses: | Heavy Industrial or Light Industrial activities.                              |
| Lower Intensity Uses:  | Community Commercial, Planned Industrial Park, or Planned Business Park uses. |

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Future Land Use designations: Community Commercial, Heavy/Light Industrial, or Planned Industrial (Planned Industrial permits PIP zone uses only).

Roadway Access Requirements: Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

B. Professional Office uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses: Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial, or a transportation corridor.

Lower Intensity Uses: Residential 3 Directive, Residential 4, Residential 5 Directive, Residential 6, Residential 8 Directive, Residential 10, Residential 12 Directive, or Residential 15

Future Land Use Designations: Neighborhood Commercial, Community Commercial, Residential 3 Directive, Residential 4, Residential 5 Directive, Residential 6, Residential 8 Directive, Residential 10, Residential 12 Directive, or Residential 15. These residential land use designations permit RP zone uses only.

Roadway Access Requirements: Direct access to collector or higher roadway.

C. Neighborhood Commercial uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses: Any higher intensity uses listed in Criteria A and B above.

Lower Intensity Uses: Professional Offices (RP and BU-1-A zone uses only) and any residential.

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Future Land Use Designations: Neighborhood Commercial and all Residential designations.  
Roadway Access Requirements: Direct access to collector or higher roadway.

D. Residential uses as authorized by section 125.01055, F.S., for affordable housing with densities higher than 10 units per acre may serve as a transition between higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses: Non-residential uses.  
Lower Intensity Uses: Residential 1:2.5, Residential 1, Residential 2, Residential 2 Directive, Residential 3 Directive, Residential 4, Residential 4 Directive, or Residential 5 Directive.

Future Land Use Designations: Neighborhood Commercial, Community Commercial, Heavy/Light Industrial, or Planned Industrial.

~~Future Land Use Designations~~ Roadway Access Requirements: Direct access to collector or higher roadway.

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TABLE 2-3

LOGATIONAL CRITERIA FOR TRANSITIONAL COMMERCIAL & INDUSTRIAL LAND USES<sup>1</sup>

| TRANSITIONAL <sup>1</sup> USE | TRANSITION FROM...   | TRANSITION TO...  | PERMITTED FUTURE LAND-USE DESIGNATION   | ROADWAY ACCESS REQUIREMENTS   |
|-------------------------------|--|---|---|---|
| Non-retail <sup>2</sup> Uses  | Light Industrial or Heavy Industrial   | Community Commercial; Planned Industrial Park; or Planned Business Park | Community Commercial; Heavy/Light Industrial; or Planned Industrial <sup>4</sup>  | Convenient access to a major transportation corridor or along a railroad corridor, but must be visually buffered from such corridors. |
| Professional Office           | Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial, or Transportation Corridors | Residential (4 units per acre or higher density)                        | Neighborhood Commercial; Community Commercial; Residential 4 <sup>3</sup> , Residential 6 <sup>3</sup> , Residential 10 <sup>3</sup> , Residential 15 <sup>3</sup> , or Residential 30 <sup>3</sup> | Direct access to collector or higher.   |
| Neighborhood Commercial       | Any of the above uses, plus Community Commercial   | Professional Offices <sup>3</sup> Residential                           | Neighborhood Commercial and all Residential Designations  | Direct access to collector or higher.   |

<sup>1</sup> This table serves as a summary. Refer to Policy 2-11 for full details.

<sup>2</sup> Generally includes wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses.

<sup>3</sup> Permits RP and BU-1-A zoning uses only.

<sup>4</sup> Permits PIP zoning uses only.

## **Strip Commercial Development**

### **Policy 2.12 FLU 2.13**

The creation/promotion of strip patterns of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Refer to Figure 1 in the Appendix, “Illustrative Examples of Commercial Infill vs. Extension of Strip Development.” Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 Policies FLU 2.1, 2.2, and 2.3 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.
- D. Adequacy of off-street parking, off-street loading facilities, and stormwater facilities.

## **Periodic Review of Commercial Area Allocations**

### **Policy 2.13 FLU 2.14**

As part of each Evaluation and Appraisal Report (EAR), Brevard County shall analyze the allocation of commercial acreage in the ~~Future Land Use Map~~ [FLUM](#). The evaluation of said allocation shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Commercial development trends;
- B. The types, intensities, locations, and land areas of commercial land use designations; and

- C. Commercial acreage allocations shall consider all commercial development, whether within or outside of commercial land use designations.

### **Institutional Future Land Use Designations**

#### **Policy 2.14 FLU 2.15**

Because of the contrasting nature of institutional activities, two types of institutional land uses are identified below. Institutional uses shall be evaluated according to the following location and development criteria:

#### **Criteria:**

- A. Low Intensity Institutional Uses
  - 1. Permitted in all Residential Land Use Designations and in the Neighborhood Commercial Land Use Designation
  - 2. Access to a roadway classified as a local street or higher
  - 3. Pedestrian access required
  - 4. Building scale and design compatible with the surrounding neighborhood
  
- B. High Intensity Institutional Uses
  - 1. Permitted in the Community Commercial Land Use Designation
  - 2. Access to a roadway classified as an arterial or higher
  - 3. Access to a roadway classified as a collector or higher in established Community
  - 4. Commercial areas' intrusion into residential areas shall be limited. High Intensity Institutional Uses shall be located in areas where commercial development is planned or established.

### **Industrial Land Uses**

#### **Objective FLU 3**

Brevard County shall provide for adequate and appropriate lands for the location of industrial land uses to support the role of these uses in the County's economy. Brevard County shall direct new industrial land use designations to areas which are determined to be appropriate based upon a suitability analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the **Future Land Use Map, FLUM** which would allow industrial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

#### **Criteria:**

- A. Floodplain policies contained within Conservation Objective CON 4.

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- B. Aquifer protection policies contained within Conservation Objective ~~11~~ CON 10.
- C. Types, values, conditions, functions, and locations of wetlands, and wetland protection policies contained in Conservation Objective CON 5.

**Role of the Comprehensive Plan in the Designation of Industrial Lands**

**Policy FLU 3.1**

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

**Criteria:**

- A. Compatibility with adjacent adopted Future Land Use designations and land uses;
- B. Existing industrial development trend in the area;
- C. Availability of required infrastructure at/above adopted ~~levels of service~~ LOS;
- D. Size of proposed industrial designation compared with current need for industrial lands;
- E. Accessibility to major transportation corridors, as well as air, water, and rail transportation facilities;
- F. Adherence to the objectives/policies of the Solid Waste and Hazardous Materials Element and the Conservation Element and minimization of impacts upon natural resources and systems; and
- G. Accessibility to labor, raw materials, and markets.

**Role of Zoning Regulations in the Designation of Industrial Lands**

**Policy FLU 3.2**

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

**Criteria:**

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;
- D. Impact upon ~~Level of Service (LOS)~~ standards for roads, potable water service, sanitary sewer service, and solid waste disposal; and

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- E. Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

**Role of Land Development Regulations in the Designation of Industrial Lands  
Policy FLU 3.3**

Once a proposed project is designed, site plan/~~t~~Land ~~d~~Development ~~r~~Regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities. Criteria include:

**Criteria:**

- A. Accessibility of site for vehicular and non-vehicular modes;
- B. Buffering from adjacent existing/potential uses in terms of set backs, landscaping, and open space as well as the arrangement of access and parking for the site;
- C. Open space provisions and balance of proportion between gross floor area and site size;
- D. Adequacy of pervious surfaces in terms of drainage requirements;
- E. Safety of on site vehicular circulation patterns (patrons, employees, and delivery vehicles) including loading facilities, truck parking, and points of conflict;
- F. Storage locations and buffering from the surrounding area;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Building placement/arrangement on the site;
- I. Provision of breezeway/visual corridor for riverfront and oceanfront properties;
- J. Placement of signage;
- K. Unique features and resources which may constrain site development, such as soils, existing vegetation, and historic significance.

- L. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design;
- M. Suitability of mixture of uses (if multiple uses proposed);
- N. Blending of the project with the character of the area; and
- O. Landscaping conforms with the policies of the Comprehensive Plan and Land Development Code.

**Public Facilities and Services Requirements**

**Policy FLU 3.4**

Minimum public facilities and services are required for industrial uses. The following criteria shall serve as guidelines for approving new industrial land use designations:

**Criteria:**

- A. Adequate roadways, solid waste disposal, hazardous waste disposal, potable water, wastewater treatment, and drainage facilities to serve the needs of the development shall be available concurrent with development in all industrial land use designations in accordance with policies set forth in the “Service Delivery, Concurrency, and Growth” section of this Future Land Use Element.
- B. Adequate fire protection, police protection, and emergency medical services to serve the needs of the development should be available concurrent with the impacts of development in all industrial land use designations.
- C. Where public potable water service is available, industrial development proposals shall be required to connect to the public potable water system.
- D. Where public sewer facilities are available, industrial development proposals shall be required to connect to the public sewer system.
- E. Where public reclaimed water service is available, industrial development proposals shall be required to connect to the public reclaimed water system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in industrial land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU’s, MSTU’s and other means through which the recipients pay for the service or facility.

## **Industrial Future Land Use Designations**

### **Policy 3.4 FLU 3.5**

The two (2) industrial land use designations adopted as part of the ~~Future Land Use Map~~ **FLUM** are:

- Planned Industrial
- Heavy/Light Industrial

## **Planned Industrial Land Use Designation**

### **Policy 3.5 FLU 3.6**

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing, and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Resiliency Facilities, as defined by section 163.3210, F.S. shall be a permitted use in this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan review, as described in Policies **FLU 3.2** and **FLU 3.3**.

#### **Criteria:**

- A. Planned industrial park project sites shall incorporate at least three (3) acres.
  
- B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

[This section intentionally left blank]

**TABLE 3.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW PLANNED INDUSTRIAL FUTURE LAND USES**

| FIRST LEVEL OF REVIEW<br>CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>   | SECOND LEVEL OF REVIEW<br>CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>  | THIRD LEVEL OF REVIEW<br>CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>                    |
|---|---|--|
| <b>Issues for Evaluation</b>  | <b>Issues for Evaluation</b>  | <b>Issues for Evaluation</b>   |
| Compatibility of proposed Planned Industrial Future Land Use with adjacent adopted Future Land designations and uses. (Policy 3.1.A)  | Permitted/prohibited uses. (Policy 3.2.A)   | Accessibility of site. (Policy 3.3.A)  |
| Existing Planned Industrial development trend in the area. (Policy 3.1.B)   | Proposed zoning is compatible with zoning trends for the area. (Policy 3.2.B)   | Buffering of adjacent existing/potential uses. (Policy 3.3.B)  |
| Availability of public facilities to accommodate proposed Planned Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)                      | Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)  | Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C) |
| Size of proposed Planned Industrial designation compared with current need for such lands. (Policy 3.1.D)   | Availability of public facilities to accommodate the proposed zoning at or above adopted Level of Service standards. (Policy 3.2.D) | Adequacy of pervious surface area in terms of drainage requirements. (Policy 3.3.D)                    |
| Accessibility to major transportation corridors, as well as air, water and rail transportation facilities. (Policy 3.1.E)   | Impacts upon natural resources, including wetlands, flood plains and endangered species. (Policy 3.2.E)                             | Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)          |
| Adherence to objectives/policies of the Solid Waste and Hazardous Materials Element and Conservation Element and the minimization of impacts upon natural systems. (Policy 3.1.F) | Other issues which may emerge specific to a particular property. (Policy 3.2.F)   | Storage locations and buffering from surrounding area. (Policy 3.3.F)                                  |
| Planned Industrial Park land use designation minimum acreage: 3 acres (Policy 3-5-A 3.6.A)  | <b>Development Parameters Addressed by PIP &amp; PBP Zoning Regulations</b>   | Arrangement of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 3.3.G)   |
| Planned Industrial Park land use designation must be within 660' of a major transportation corridor. (Policy 3-5-B 3.6.B)   | Listing of permitted/prohibited uses.   | Building placement/arrangement. (Policy 3.3.H)   |
|   | Minimum parks size requirements.  | Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)                       |
|   | Minimum buffering requirements.   | Location of signage. (Policy 3.3.J)  |
|   | Minimum lot size requirements.  | Site plan sensitivity to protecting unique natural features. (Policy 3.3.K)                            |
|   | Minimum building setback requirements.  | Other performance based requirements. (Policy 3.3.L)   |
| <sup>1</sup> This table serves as a summary. Refer to Policies 3.1 and 3-5 3.6 for details.   | Maximum lot coverage requirements.  | Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)                             |
| <sup>2</sup> This table serves as a summary. Refer to Policies 3.2 and 3-5 3.6 for full details.  | Maximum building height allowances.   | Blending with the character of the area. (Policy 3.3.N)  |
| <sup>3</sup> This table serves as a summary. Refer to Policies 3.3 and 3-5 3.6 for full details.  | Loading facility requirements.  | Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O) |
|   | Lighting standards.   |  |

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## **Heavy/Light Industrial Land Use Designation**

### **Policy 3.6 FLU 3.7**

The Heavy/Light Industrial land use designation is intended to accommodate an array of industrial activities ranging from those which involve indoor manufacturing to those which utilize prepared materials in the outdoor production of goods. Resiliency Facilities, as defined by section 163.3210, F.S., shall be a permitted use in this land use designation. IU and IU-1 uses may be permitted only within an area designated for Heavy/Light Industrial uses, ~~unless treated as a transitional use pursuant to Policy 2.2.~~ Heavy/Light industrial land uses shall be deemed appropriate provided that the generalized locational factors listed below are satisfied. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan reviews, as described in Policies FLU 3.2 and FLU 3.3.

#### **Criteria:**

- A. Industrial development shall be located with ~~convenient~~ resilient access to major transportation corridors, as well as air, water, and rail transportation facilities when such access is required for logistical purposes. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.
- B. Industrial land uses should be located with ~~convenient~~ resilient access to the labor supply, raw material sources, and market areas.
- C. Natural vegetative and other appropriate buffers, ~~potentially~~ primarily in the form of performance based standards, shall be employed as part of industrial site development to minimize the nuisance effects of industrial land uses, including noise, odor, and visual effects, and to provide aesthetically pleasing settings for such uses.

## **Light Industrial Uses in the Heavy/Light Industrial Designation**

### **Policy 3.7 FLU 3.8**

Light industrial land uses involve manufacturing, assembling, fabricating, and warehousing activities which are generally conducted indoors. Such uses have the potential to adversely affect surrounding land uses; therefore, light industrial development proposals shall be reviewed for compatibility with surrounding land uses. Locations for light industrial land uses shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Light industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are located west of railroad right-of-way along U. S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-dependent uses or meet the criteria below.
- C. Light industrial land uses may also be considered within 660 feet of the major transportation corridors if they are located contiguous to an

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established industrial park (lands separated by roads are considered contiguous), and if such lands have existing IU (light industrial) zoning and such zoning has existed for at least ten years, provided that such lands contain natural vegetation affording sufficient visual screening from the transportation corridor. Under these circumstances, all natural vegetation shall be retained within a minimum 15 foot roadway buffer area unless it is determined by the County that such vegetation needs to be replaced due to the poor health or viability of the vegetation. Drainage works and all other improvements shall not be permitted within the 15 foot roadway buffer area. The landscaping requirements of this provision shall be carried out in addition to the requirements of Brevard County Landscaping Regulations. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

- C. Sites for light industrial land uses shall be at least 20,000 square feet in size.
- D. ~~Floor Area Ratio (FAR)~~ for a light industrial land use project ~~should~~ shall not exceed 2.48.

**Heavy Industrial Uses in the Heavy/Light Industrial Land Use Designation  
Policy 3.8 FLU 3.9**

Heavy industrial land uses include indoor and outdoor activities such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, and paint and plastics production. Heavy industrial land uses have the potential to adversely affect surrounding land uses; therefore, such development proposals shall be reviewed for compatibility with surrounding land uses. Locations for heavy industrial land uses shall be based upon the following minimum criteria:

**Criteria:**

- A. Heavy industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are existing or are located west of the railroad right-of-way along U.S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-related uses. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.
- B. Sites for heavy industrial land uses shall ~~incorporate~~ be at least 40,000 square feet in size.
- C. Floor Area Ratio (FAR) for a heavy industrial land use project ~~should~~ shall not exceed 1.76.

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| TABLE 3.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW HEAVY/LIGHT INDUSTRIAL FUTURE LAND USES   |  |  |
|---|--|--|
| FIRST LEVEL OF REVIEW<br>CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>   | SECOND LEVEL OF REVIEW<br>CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>   | THIRD LEVEL OF REVIEW<br>CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>  |
| Issues for Evaluation   | Issues for Evaluation  | Issues for Evaluation  |
| Compatibility of proposed Heavy/Light Industrial Future Land Use with adopted Future Land Uses in the surrounding area. (Policy 3.1.A)  | Permitted/prohibited uses. (Policy 3.2.A)  | Accessibility of the site. (Policy 3.3.A)  |
| Existing Heavy/Light Industrial development trend in the area. (Policy 3.1.B)   | Proposed zoning is consistent with zoning trends for the area. (Policy 3.2.B)  | Buffering of adjacent existing/potential uses. (Policy 3.3.B)  |
| Availability of public facilities to accommodate proposed Heavy/Light Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)  | Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)   | Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C)   |
| Size of proposed Heavy/Light Industrial designation compared with current need for Heavy/Light Industrial lands. (Policy 3.1.D)   | Availability of public facilities to accommodate proposed zoning at or above LOS standards. (Policy 3.2.D)   | Adequacy of pervious surface areas in terms of drainage requirements (Policy 3.3.D)  |
| Accessibility to major transportation corridors, air, water and rail transportation facilities. (Policies 3.1.E and 3.6-A 3.7.A)  | Adherence of proposed zoning to the objectives/policies of the Conservation Element and minimization of impacts upon natural systems. (Policy 3.2.E) | Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)  |
| Minimization of impacts upon natural systems. (Policy 3.1.F)  | <b>Development Parameters Addressed by IU and IU-1 Zoning Regulations</b>  | Storage locations and buffering from rights of way and the surrounding area. (Policies 3.3.F and 3.7-B 3.8.B)  |
| Convenient access to labor, raw materials and market areas. (Policies 3.1.G and 3.6-B 3.7.B)  | Permitted/prohibited uses.   | Arrangement of site lighting and intrusiveness of lights upon the surrounding area. (Policy 3.3.G)   |
| Provision of natural vegetative or other appropriate buffers to minimize nuisance effects. (Policy 3.6-C 3.7.C)   | Minimum lot size requirements.   | Building placement/arrangement. (Policy 3.3.H)   |
| Other performance based standards to minimize nuisance effects. <sup>4</sup> (Policy 3.6-C 3.7.C)   | Minimum building setback requirements.   | Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)   |
| Light Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad along US 1 or are water dependent/related uses. (Policies 3.7-A 3.8.A and 3.7-B 3.8.B) | Floor Area Ratio requirements.   | Location of signage. (Policy 3.3.J)  |
| Minimum Lot Size for Light Industrial Uses: 20,000 s.f. (Policy 3.7-C 3.8.C)  | Maximum building height allowances.  | Site plan sensitivity to the protection of unique natural features. (Policy 3.3.K)   |
| Maximum Floor Area Ratio (FAR) for Light Industrial use: 2.48 <sup>4</sup> (Policy 3.7-D 3.8.D)   | Minimum buffering requirements.  | Other performance based requirements. (Policy 3.3.L)   |
| Heavy Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad, adjacent to US 1, or are water related/dependent uses. (Policies 3.8-A 3.9.A)         | Traffic impacts associated with the proposed use(s).   | Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)   |
| Minimum Lot Size for Heavy Industrial Uses: 40,000 s.f. (Policy 3.8-B 3.9.B)  |  | Provision of natural vegetative buffers, fencing materials or other buffers to minimize nuisance effects such as noise, odor, visual impacts. (Policies 3.3.B and 3.3.N) |
| Maximum Floor Area Ratio (FAR) for Heavy Industrial use: 1.76 <sup>4</sup> (Policy 3.8-C 3.9.C)   |  | Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O)   |

<sup>1</sup> This table serves as a summary. Refer to Policies 3.1, 3.6, 3.7 and 3.8, 3.7, 3.8, and 3.9 for full details.<sup>2</sup> This table serves as a summary. Refer to Policies 3.2 and 3.6, 3.7 and 3.8, 3.7, 3.8, and 3.9 for full details.<sup>3</sup> This table serves as a summary. Refer to Policies 3.3 and 3.6, 3.7 and 3.8, 3.7, 3.8, and 3.9 for full details.<sup>4</sup> These parameters will be applied during the plan review process.

## **Water-Related and Water-Dependent Industrial Uses**

### **Policy 3.9 FLU 3.10**

Waterfront parcels may be designated for Heavy/Light Industrial land use to satisfy unique locational needs for water-dependent and water-related industrial activities, provided that such activity is compatible with surrounding existing and programmed development and is consistent with these Industrial land use policies. Appropriate locations for water-dependent and water-related industrial land uses shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Only water-dependent industrial land uses, which must be carried out only on, in, or adjacent to water areas, may be considered for location along the Indian River ~~lagoon~~ Lagoon system.
- B. Water-related industrial land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River ~~lagoon~~ Lagoon system. Water-related uses are those which are not directly dependent upon access to a water body but which provide goods and services to uses which are water-dependent.
- C. Directives, policies and criteria in the Coastal Management and Conservation ~~e~~Elements of this Comprehensive Plan which address water-dependent and water-related land uses shall be utilized in the location of industrial uses adjacent to water bodies.

## **Agricultural Land Uses**

### **Objective FLU 4**

Brevard County recognizes the importance of agricultural lands to the community as the industry benefits the economy, reduces the extent of urban sprawl; and the costs of providing public facilities and services, provides environmental benefits, and provides open space and visual beauty. The County shall enhance and protect agricultural lands; and provide for the continuing viability of the agricultural industry in the County's economy.

## **Permitted Uses in Agricultural Land Use Designation**

### **Policy FLU 4.1**

Appropriate and adequate lands shall be designated Agricultural on the ~~Future Land Use Map~~ FLUM. Agricultural activities include, but are not limited to, row, vegetable, and fruit crop production; dairy, poultry, and livestock production; and aquaculture, silviculture, horticulture, and apiariculture. Solar facilities, per section 163.3205, F.S., shall be permitted in this land use designation. Large lot residential development which does not impede the use of lands for agricultural purposes shall be permitted in this land use designation. The following minimum criteria shall govern activities in this land use designation:

#### **Criteria:**

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- A. Residential densities shall not exceed one dwelling unit per five (5) acres.
- B. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development, unless there is an overriding public benefit which accrues to an area larger than the specific Agricultural area. However, the County will accept facilities through dedication, and provide services and utilities through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.
- C. The County shall actively promote Transfer of Development Rights from Agricultural Lands and restrict Open Space Subdivisions and corresponding density bonuses in those areas designated as Agricultural on the ~~Future Land Use Map~~ FLUM.
- ~~D. The County may allow agritourism activities, per section 570.85, F.S., on land classified as agricultural land under section 193.461, F.S.~~

**Maintenance of Agricultural Designated Lands**

**Policy FLU 4.2**

Brevard County shall support voluntary federal, ~~sState,~~ and private acquisition and incentive programs for the maintenance of agricultural lands ~~as opposed to eminent domain procedures.~~

**Policy FLU 4.3**

Agricultural lands which are unique to Brevard County should be identified and programs for the protection of such lands should be evaluated as part of each ~~Evaluation and Appraisal Report~~ EAR.

**Criteria:**

- A. Unique agricultural lands would be those lands in Brevard County which possess the physical and chemical conditions for a high level of production with a low level of input. Other factors to be used in defining these lands would include the location, growing season, climate, moisture supply, or technique utilized.
- B. Programs to be considered for protection of these agricultural lands should include, but not be limited to voluntary agricultural districts, time-certain dedications, purchase or transfer of development rights, and voluntary fee simple purchase of agricultural lands.

**Policy FLU 4.4**

Brevard County shall support the Florida Greenbelt Law, Chapter 193, Part II, F.S., in an effort to provide incentives for agricultural property owners to maintain their lands in ~~agriculture~~ bona fide agricultural use.

#### **Policy FLU 4.5**

~~Brevard County shall encourage the use of cost-sharing programs and technical assistance offered through agencies such as the Soil & Water Conservation District to assist in the application of technology to conserve water and land resources. Brevard County seeks to promote the application of technology that facilitates the conservation of water and land resources by partnering with state and federal agencies that offer cost-sharing and technical assistance.~~

### **Conservation Land Uses**

#### **Objective FLU 5**

Brevard County shall protect the natural and historic resources in the County from the adverse impacts of development; and coordinate development with appropriate topography and soil conditions.

### **Conservation Future Land Use Designations**

#### **Policy FLU 5.1**

The following two (2) conservation land use designations are adopted as part of the ~~Future Land Use Map~~ **FLUM**:

- Public Conservation
- Private Conservation

### **Public Conservation Lands**

#### **Policy FLU 5.2**

The ~~Future Land Use Map~~ **FLUM** shall designate lands as Public Conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation future land use designation is intended to accommodate lands and facilities which are managed by federal, ~~s~~State, and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

##### **Criteria:**

- A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.
- B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies in the Conservation Element related to natural resources; and the intent of this Comprehensive Plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect, or manage such lands for nature-based recreation, conservation, or

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preservation purposes for the benefit of the public shall be considered as consistent with this criterion.

- C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) which are located outside of the Public Conservation land use designation are protected through the policies of the Conservation Element of this Comprehensive Plan.
- D. Privately owned land shall not be designated as Public Conservation. If privately owned lands are acquired by ~~s~~State, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the ~~Future Land Use Map~~ **FLUM** may be amended pursuant to ~~Florida Statute~~ Section 163.3187, F.S., as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the ~~Future Land Use Map~~ **FLUM**.

**Residential Uses in Public Conservation Areas**  
**Policy FLU 5.3**

Residential densities for Public Conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA which are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such Public Conservation lands.

**Private Conservation Lands**  
**Policy FLU 5.4**

This land use designation ~~is~~ related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the ~~Future Land Use Map~~ **FLUM** prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any land uses designated Private Conservation after May 16, 2000, are lands which are privately owned and zoned Environmental Area (EA) or so designated by an approved ~~b~~Binding ~~d~~Development ~~p~~Plan ~~and~~ shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

**Public Facilities Land Uses**  
**Objective FLU 6**

Brevard County shall provide for adequate lands to meet the existing and future needs for public facilities and services, consistent with the Capital Improvements Program and the policies and the criteria of this Comprehensive Plan.

## **Designation of Public Facilities Lands**

### **Policy FLU 6.1**

Brevard County shall adopt a Public Facility land use designation as part of the ~~Future Land Use Map~~ [FLUM](#).

## **Locational Criteria for Public Facilities**

### **Policy FLU 6.2**

Appropriate locations for public facility land uses should be based upon the following minimum criteria:

#### **Criteria:**

- A. Public facilities are those uses which, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone, and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental, and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of .25
- B. Public facilities land uses may be considered for locations within all land use designations on the ~~Future Land Use Map~~ [FLUM](#) provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.
- C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the ~~Future Land Use Map~~ [FLUM](#).
- D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas, and other utilities.

## **Co-location of Public Facilities with Public School Sites**

### **Policy FLU 6.3**

In order to maximize the efficiency of public facilities and resources, Brevard County and ~~the Brevard County School Board~~ [Brevard Public Schools](#) should strive to coordinate use of existing school facilities for public use. In addition, development of new

libraries, parks and recreation facilities, children’s services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

## **Recreation Land Uses**

### **Objective FLU 7**

Brevard County ~~shall~~ should acquire or dedicate adequate public lands for parks and recreation to meet the County’s existing and future recreational needs consistent with the objectives and policies in the Recreation and Open Space Element of this Comprehensive Plan.

## **Locational Criteria for Recreation Lands**

### **Policy FLU 7.1**

The Recreation land use designation ~~shall~~ may be adopted as part of the ~~Future Land Use Map FLUM~~ Future Land Use Map FLUM to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

#### **Criteria:**

- A. Recreation land uses may be considered within all land use designations on the ~~Future Land Use Map FLUM~~ Future Land Use Map FLUM, provided such uses are compatible with adjacent land uses. The County shall consider compatibility parameters including, but not limited to, hours of operation, anticipated traffic volumes, and landscaping and buffering.
  
- B. Following ~~determination by Brevard County to utilize~~ acquisition by Brevard County of the property for public recreational purposes, the ~~Future Land Use Map FLUM~~ Future Land Use Map FLUM shall be amended to depict said property as Recreation on the ~~Future Land Use Map FLUM~~ Future Land Use Map FLUM.

## **Developments of Regional Impact (DRIs)**

### **Objective FLU 8**

Brevard County shall review and regulate ~~Developments of Regional Impact (DRIs) the~~ Viera Development of Regional Impact pursuant to the requirements of Chapter 380, Florida Statutes, ~~Chapters 91-2 and Chapter 28-24~~ Chapter 28-24 Florida Administrative Code and applicable local ordinances.

## **Designation of Development of Regional Impact on the Future Land Use Map**

### **Policy FLU 8.1**

Brevard County shall adopt a Development of Regional Impact (DRI) land use designation which depicts approved DRIs on the ~~Future Land Use Map FLUM~~ Future Land Use Map FLUM. Each DRI shall adhere to the conditions contained within its adopted Development Order as amended from time to time. The approved development amounts for each land use type are listed below for each DRI and may be exceeded by amending the approved Development Order only if the approved changes do not represent a Substantial Deviation

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pursuant to the requirements of ~~Subparagraph (b) of Subsection (19), Chapter section~~ 380.06, Florida Statutes.

**1. The Viera Development of Regional Impact**

The following shall guide land use and development of the Viera New Town:

Viera is planned as a mixed use community that incorporates smart growth principles with the functional integration of uses including residential, retail, office, attraction, theater, hotel, institutional, hospital, light industrial, educational, medical, and recreation uses and supporting infrastructure. The residential uses will provide for a full range of housing types including single family ownership and rental units supporting a broad range of family sizes and incomes and will be linked by pedestrian/bicycle friendly pathways to the various non-residential components. The town will also have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources. The overall approximate acreage of the DRI is 20,500 acres.

The ~~Future Land Use Map~~ FLUM Designation for Viera is Development of Regional Impact (DRI). The DRI area west of I-95 is a New Town as described in Objective FLU 9. Map 7 2 identifies the location of the New Town Land Use Areas/Districts of Viera including: Community; Regional Commerce; Town Center; Village; Interchange; Rural; and Conservation. These “Areas/Districts” (as defined in Policy FLU 9.1) are not separate future land use designations, but are intended to further guide the form and design of the development that is permitted within Viera. Viera is distinct from existing urban areas and surrounding land uses and is generally situated between Wickham Road and Barnes Boulevard on the east side of I-95 and between Post Road and Barnes Boulevard on the west side of I-95.

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**A. Viera DRI: Allowable Uses**

The following land uses and substantially similar land uses and corresponding densities and intensities are allowable in the ~~Viera New Town~~ West Viera Area:

| Land Use  | Maximum Density/Intensity   |
|---|-----------------------------|
| • Single Family Residential   | 7 units per net acre*       |
| • Multi Family Residential, including Nursing Home, ALF, and ILF  | 20 units per net acre*      |
| • Rural Residential (within the Rural Development District)   | 1 unit per 2.5 gross acres* |
| • Retail; Office including Medical Office and Clinic; Hotel; Movie Theaters, Attractions in Town Center**   | 3.0 FAR                     |
| • Retail; Office including Medical Office and Clinic; Hospital Hotel; Movie Theaters, Attractions Outside Town Center   | 2.0 FAR                     |
| • Institutional/Civic/Education   | .5 FAR                      |
| • Light Industrial/Office Warehouse   | .5 FAR                      |
| • Educational Campus  | 2.0 FAR                     |
| • Sports Stadium  | 9,000 seats                 |
| • Parks and Recreation  | Not Applicable              |
| • Agricultural Use (as defined in Policy <u>FLU 9.1</u> ) is permitted within the Rural Area and the Conservation Area prior to the transition of such areas to the Rural District and the Conservation District, respectively, in accordance with an approved staging plan set forth in the DRI Development Order. Upon transitioning to such districts, Agricultural Use is permitted within the Rural District and the Conservation District only in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits. Agricultural Use is permitted within any district in which development is occurring up to and until approval of a Site Plan or Subdivision Plat applicable to land which is subject to Agricultural Use. | Not Applicable              |
| • Land excavation for the creation or enhancement of lakes, water bodies, or drainage facilities and removal of materials in association or connection therewith are allowable uses.  | Not Applicable              |

Notes:

\* Maximum Density/Intensity is based on net developable acreage, which does not include additional acreage needed for storm water management, roads, parks and

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recreation, and conservation areas. Maximum Density/Intensity relates to the overall net density of the entire DRI, except as applied to Rural Residential which relates to the overall gross density of the Rural Development District, and is not intended to apply as a site specific maximum density limitation during sketch plan or site plan review.

\*\* The Town Center is generally located in an area north of Wickham Road, west of I-95; east of Stadium Parkway and south of Viera Boulevard. (See Map 7 2). Town Center uses within the Viera Town Center shall include government facilities as well as a full mix of other land uses such as office, retail, civic, and residential.

\*\*\*Agricultural Use within the Rural Area includes a limited number of temporary housing units for agricultural workers, not to exceed 50 total units.

\*\*\*\* Within the Conservation District and the Rural District no residential development will be permitted. Only that non-residential development which is consistent with an approved Habitat Management Plan (as part of the DRI Development Order) shall be permitted in the Conservation and Rural District.

(1) Special Standards for the Rural District

The following land uses and substantially similar land uses and corresponding densities and intensities are allowable in the Rural District:

| <b>Land Use</b> |                    |
|-----------------|--------------------|
| •               | Habitat Protection |
| •               | Agricultural Use   |
| •               | Recreation         |

Notes:

1. These uses are only permitted to the extent that they are consistent with the provisions of the approved Habitat Management Plan.

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**B. Viera: Mix of Uses**

The mix of uses for Viera (gross acreage) is as follows:

**Table 8.1: Viera DRI Development Program (2009 2019 Development Order)**

| Land Use (See Notes)   | Totals                                |
|--|---------------------------------------|
| Residential (units)  | <del>29,945</del> <u>31,619</u>       |
| Office Development (s.f.)  | <del>3,569,702</del> <u>3,504,467</u> |
| - General Office (s.f.)  | <del>3,391,702</del> <u>3,318,327</u> |
| - Government Office (s.f.)   | <del>178,000</del> <u>186,140</u>     |
| Hospital, Health Clinic (beds and s.f.)  |                                       |
| - VA Clinic (s.f.)   | 137,500                               |
| - Hospital Beds  | 322                                   |
| - ACLF Nursing Home (beds)   | 1,060                                 |
| Industrial Plants or Parks Distribution, Warehousing or Wholesaling Facilities | <del>302,518</del> <u>522,500</u>     |
| - Office/Warehouse (s.f.)  | 22,500                                |
| - Light Industrial (s.f.)  | <del>280,018</del> <u>500,000</u>     |
| Retail and Service Development (s.f.)  | 3,438,127                             |
| Hotel or Motel Development (rooms)   | <del>1,000</del> <u>750</u>           |
| Attractions and Recreation Facilities  |                                       |
| - Stadium (seats)  | 7,500                                 |
| - Theaters (screens/seats)   | 16 Screens/<br>3,600 Seats            |
| -Golf Course   | 72 Holes                              |

\* Government Office for Phases 1 and 2A is included in General Office

Notes:

- Office use includes medical office uses. Medical offices may include physician offices, medical clinics, labs, and diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, hospice, home health, pharmacies, cancer centers, hospitals or other similar medical office or specialty medical services or uses.
- Medical uses may include but are not limited to physician offices, medical clinics, labs, diagnostic centers, ambulatory facilities, surgery centers, urgent care centers,

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rehabilitation centers, medical equipment sales and service, pharmacies, cancer centers, hospitals, health fitness, hospice or home health care or other similar medical or health care uses, so long as they are consistent with the terms of the Viera DRI Development Order.

3. Retail service use includes fitness center/health club uses.
4. Residential use includes independent living uses.
5. Land uses such as elementary and secondary schools (public and private), churches, libraries, post offices, fire or police stations, golf courses and other public/civic uses are allowable in any development district, in addition to other designated uses shown on the DRI Map H.

### **New Town Overlay West Viera Area**

#### **Objective FLU 9**

Brevard County shall maintain development standards for ~~large scale mixed use New Town projects~~ the West Viera Area and provide incentives for ~~large-scale~~ environmental design.

#### **Definitions**

##### **Policy FLU 9.1**

**Agricultural Use:** Any use of land for bona fide agricultural purposes as described in Section 193.461(3)(b), Florida Statutes, or for activities of a farm operation as described in Section 823.14(3), Florida Statutes, or for Agriculture as defined in Section 570. 02(1), Florida Statutes; , including, but not limited to, temporary housing for agricultural workers ~~not to exceed a total of 50 units.~~

**Community District:** That portion of the ~~New Town Overlay West Viera Area~~ promoting mixed-use development in both infill and redevelopment scenarios. Allowed uses include residential, office, retail, light industrial, and institutional.

**Conservation Area:** That portion of the ~~New Town Overlay West Viera Area~~ to be dedicated to conservation purposes as mitigation for impacts related to development within subsequent phases of the DRI. Portions of the Conservation Area shall be dedicated to conservation purposes and designated as part of the Conservation District pursuant to an approved staging plan set forth in the DRI Development Order. Prior to designation as part of the Conservation District, Agricultural Use is permitted within the Conservation Area.

**Conservation District:** That portion of the ~~New Town Overlay West Viera Area~~ dedicated to conservation purposes and providing mitigation for impacts to wetlands and listed species habitat resulting from development within the ~~New Town Overlay West Viera Area~~. Land Uses and Agricultural Use within the Conservation District will be permitted only in a manner consistent with the Habitat Management Plan and applicable conservation easements specifically imposed on lands within the Conservation District.

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**Neighborhood:** Neighborhoods are predominantly residential areas, the collection of which constitutes a Village. They are designed around a centrally located park or other public space (a Neighborhood Center) and are characterized by a mix of residential housing and local services that include schools, parks, and churches. ~~(For more specific standards see Policy 9.7.)~~

**Habitat Management Plan:** Guidelines and practices for maintaining, enhancing, and managing listed species habitat and conducting Agricultural Use within the Rural District and the Conservation District which shall be attached as an exhibit to the DRI Development Order. ~~(For more specific provisions see Policy 9.9.1)~~

**Interchange District:** That portion of the ~~New Town Overlay West Viera Area~~ dedicated to providing opportunities for development compatible with adjacency to a major I-95 interchange. Potential uses include multi-family residential, office, retail, light industrial, and institutional.

**Neighborhood Center:** The required public focal point of a Neighborhood. Uses may include parks, open space, or public type facilities such as churches, community centers, or recreational facilities.

**Public/Civic:** A class of land uses that includes government service centers, public parks and recreational space, educational institutions, libraries, museums, and religious institutions.

**Recreational Space:** The lands within the Developed area of the ~~New Town West Viera Area~~ that are required to meet the recreational needs of residents; may include both active and passive parks.

**Regional Commerce:** That portion of the ~~New Town Overlay West Viera Area~~ dedicated to providing employment opportunities. Allowed uses include office, retail, light industrial, and higher density residential.

**Rural Area:** That portion of the ~~New Town Overlay West Viera Area~~ to be dedicated to listed species habitat enhancement and management as mitigation for impacts to listed species habitat within the ~~New Town Overlay West Viera Area~~ related to subsequent phases of the DRI. Rural Areas shall be dedicated to habitat enhancement and management purposes and designated as part of the Rural District pursuant to an approved phasing plan set forth in the DRI Development Order. Prior to designation as part of the Rural District, Agricultural Use (including temporary housing units for agricultural workers, ~~not to exceed 50 total units~~) is permitted within the Rural Area.

**Rural District:** That portion of the ~~New Town Overlay West Viera Area~~ dedicated to providing listed species habitat as mitigation for impacts arising from development within the ~~New Town Overlay West Viera Area~~ and accommodating long-term Agricultural Use in a

## FUTURE LAND USE ELEMENT

manner consistent therewith in accordance with the Habitat Management Plan. Listed species habitat will be enhanced and managed, and Land Uses and Agricultural Use are only permitted within the Rural District in a manner consistent with the Habitat Management Plan.

**Rural Development District:** That portion of the ~~New Town Overlay~~ West Viera Area designated for low-impact rural residential development. Rural residential development occurring within the Rural Development District shall be designed in a context sensitive manner to minimize impacts on the adjoining Rural District and/or Rural Area.

**Sketch Plan:** An illustration that demonstrates the specific requirements for development areas that further support and implement the baseline standards established as part of the PUD zoning. This is a required component of development approval within the Village District. ~~(For more specific standards, see Policy 9.9.2)~~

**Town Center:** That portion of the ~~New Town Overlay~~ West Viera Area designated as the central, mixed-use core for an entire ~~New Town~~ West Viera Area; emphasizes Traditional Neighborhood Design (TND) or Transit Oriented Design (TOD) development form ~~as specified in Objective 8, Section 3.D. Special Provisions.~~ Allowed uses include higher density residential, office, light industrial, retail, and institutional. ~~(For more specific standards see Policy 9.6.)~~

**Village:** That portion of the ~~New Town Overlay~~ West Viera Area designated to provide a sustainable mixed-use development form. Villages are a collection of Neighborhoods, offering a diverse mix of housing types, of which at least 50 percent are within ½ mile of a Village or Neighborhood Center. Villages shall be supported by centrally located, mixed-use Village Centers (designed specifically to serve the daily needs of Village residents). Residential densities transition from high within and around the Village Center to lower densities on the edges of each village. ~~(For more specific standards see Policy 9.7.)~~

**Village Center:** A centrally located and required mixed-use component of a Village designed to provide a sufficient mixture of non-residential uses so as to provide for the daily commercial needs of Village residents and residential uses of various densities, intensities, and types. This development form promotes walking between uses and a variety of transportation modes such as bicycles, transit, and automobiles. Allowed uses includes residential, retail, office, and civic uses including a park and/or school. ~~(For more specific development standards see Policy 9.5)~~

**New Town West Viera Area: General Principles**  
**Policy FLU 9.2**

~~Brevard County adopts, as part of the Future Land Use Map, a New Town Overlay to include those areas having the characteristics of a new town community. Brevard County may approve Alternative Development Standards to guide development in the West Viera Area.~~

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**Criteria:**

A. ~~A New Town Overlay~~ The West Viera Area shall consist of and be regulated by the following:

1. ~~Size of 1,500 acres at a minimum. The Viera Company shall establish and maintain the Viera Stewardship District to provide the necessary funding for the West Viera Area.~~
2. ~~All new town communities~~ The West Viera Area shall provide acceptable funding mechanisms such as Community Development Districts, Special Districts formed pursuant to Florida Law, other private funding and developers' agreements to the County that ensure all services and facilities proposed by the applicant will be funded, operated, and maintained, through the acceptable funding mechanism, for the utilization of the ~~new town's~~ West Viera Area's citizenry.
3. ~~A full and balanced mix of all major future land use categories set forth in Rule 9J-5, F.A.C. shall be provided, with the possible exception of agriculture, with a goal of planning land uses that will result in a balance of jobs to households. The West Viera Area shall provide a balanced mix of residential and non-residential uses with a goal of planning land uses with a balance of jobs to households.~~
4. ~~Initial control by a master developer of the land within the new town area.~~
5. ~~4.~~ Development ~~based on~~ shall be guided by a master development plan for the ~~new town area~~ detailed in Sketch Plans for each Village; as well as; the Alternate Development Standards adopted through the Planned Unit Development zoning process.
6. ~~Development that is clearly functionally distinct or geographically separated from existing urban areas and surrounding land uses.~~
7. ~~5.~~ Central potable water and sewer service and availability of other public facilities and services including roads, storm water management, parks and recreation, police and fire protection, emergency medical services, schools, and solid waste service shall be planned and provided in accordance with applicable policies of the Capital Improvements Element, if not already available.
8. ~~6.~~ It shall be clearly demonstrated ~~The master development plan shall clearly demonstrate~~ in a conceptual manner how future land uses will function as an interrelated community.
9. ~~All New Town Overlay areas shall be evaluated as part of the Evaluation and Appraisal Report (EAR) process.~~

B. Maximum allowable ~~residential~~ densities and non-residential intensities ~~within a New Town Overlay area~~ shall be established as provided ~~by other policies of this element in the Viera DRI Amended and Restated Development Order, the master development plan for the West Viera Area,~~

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and other policies established in the Comprehensive Plan.

- C. A full range of housing types meeting the Standard Housing Code, including single family ownership and rental units that are considered affordable to all income levels, shall be allowed within ~~a new town~~ the West Viera Area. Provision of this range of housing shall be supported by cooperative developer/government efforts to provide opportunities for affordable single family home ownership. Specifically, opportunity for development of a variety of affordable housing units shall be made available which reflect the incomes of persons employed within the ~~new town area~~ West Viera Area.
- D. ~~A New Town Overlay~~ The West Viera area shall have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources.
- ~~E. All New Town Overlay areas should have similar land use designations, directives, policies, and criteria. The new town developer shall assist local governments in developing uniform new town designations, policies, directives, and criteria. Brevard County shall, as part of its Evaluation and Appraisal Report (EAR) process, initiate appropriate amendments to fulfill this requirement.~~
- ~~F. The establishment of a New Town Overlay area on the Future Land Use Map is not intended to imply, nor does it express an intent by the Board of County Commissioners, that development is being directed to a New Town Overlay area, and to guide development away from other areas of Brevard County. Nor does Brevard County plan to reduce development potential in other areas of the County. Brevard County will always support additional development elsewhere in the County wherever appropriate.~~
- ~~G. E.~~ The County recognizes that prevention of urban sprawl and the creation of compact, mixed-use development support an important public purpose. The County also recognizes the value of regional resource protection and accepts that wetland protection and enhancement measures shall be addressed as a part of established mitigation managed pursuant to a Habitat Management Plan.
- ~~H. F.~~ New Towns The West Viera Area shall conserve, appropriately use, and protect native vegetative communities, including forests as appropriate, through the protection of regionally valuable ecological resources adjacent to publicly-owned lands, located wholly within Brevard County, and managed pursuant to an approved Habitat Management Plan.

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- f. ~~G.~~ In order to provide community green space and clustering developments, all development shall comply with environmental design criteria in the form of alternative land clearing, tree protection, and landscaping standards included in applicable PUD zoning (approved by the Natural Resources Management Department).
- J. ~~Landscaping, Land Clearing & Tree Protection~~  
~~In order to facilitate development consistent with the objectives, principles and standards of the New Town Overlay, development shall follow alternative standards for landscape, land clearing and tree protection as set forth in applicable PUD zoning.~~
- K. ~~H.~~ Brevard County shall continue to implement regulations for land excavation operations within ~~a New Town Overlay~~ the West Viera Area. The regulations ~~which~~ shall include the following:
  1. Provisions to prevent adverse effects on water quality and quantity.
  2. Depiction of stormwater ponds and recreational lakes, including approximate locations and configurations, with details of side slopes, pond depths, normal water levels, and any required planting areas.
  3. Material removed from recreational lakes and stormwater ponds, or other excavation areas approved and consistent with the requirements as listed in Policy FLU 9.2 (K)(4), may be utilized for fill material inside and outside of ~~a New Town~~ the West Viera Area.
  4. Construction and operation of Stormwater ponds and recreational lakes and associated facilities that are part of a Stormwater Management system approved by the County Engineer and included within an approved subdivision, sketch plan, site plan, or plat shall not be considered a Land Alteration activity and shall not be subject to the regulations titled or pertaining to Land Alteration or Private Lakes.
- L. ~~I.~~ ~~New Town~~ West Viera Area developments require central water, wastewater, and irrigation services except in the Rural Development District. ~~The New Town~~ West Viera Area development shall identify, through the Zoning Approval Process, the method for the provision of infrastructure for the water, wastewater, and irrigation systems for the development.
- M. ~~J.~~ All subsequent development submittals within ~~a New Town~~ the West Viera Area shall demonstrate that the integrity of the mixed-use district is not compromised by allowing extensive single-uses. The land use mix shall be phased to provide an adequate mix of non-residential uses to serve residential development within each development phase.

**FUTURE LAND USE ELEMENT**

**New Town West Viera Area: Commercial and Industrial Location Standards in Community District**  
**Policy FLU 9.3**

If consistent with other criteria in this policy and the master development plan, uses within the ~~New Town Overlay West Viera Area~~ Community District ~~area~~ need not be consistent in all cases with commercial and industrial locational criteria, due to the integrated nature and large scale of ~~New Town~~ development, if they comply with the following:

**Criteria:**

A. Commercial Land Uses

Regional commercial uses shall be located in proximity to Interstate highways or other existing or planned arterial roadways. Sites for regional commercial centers shall be a minimum of 50 acres in size and should consist of 500,000 square feet of gross leasable area. A major component of the regional center may be a mall with at least two anchor stores. The site plan for the center shall ~~ensure for~~ **include** a pedestrian circulation system that is integrated with the ~~new town's West Viera Area's~~ overall pedestrian system. ~~The site plan Site plans for all regional commercial development in close proximity to the center shall ensure that a pedestrian circulation system is provided that is provide pedestrian facilities that are~~ integrated into the ~~Town Center's center's~~ overall pedestrian system, ~~where such regional commercial development is in close proximity to the Town Center.~~ The regional commercial center shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

1. Tourist commercial uses shall be located in proximity to other tourist uses such as sports facilities, entertainment facilities, and other tourist-related uses. These uses shall be accessed from an existing or planned arterial street. Tourist commercial uses shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.
2. Local commercial centers shall be integrated with residential uses and shall be accessible from the ~~New Town's West Viera Area's~~ pedestrian/bicycle pathway system and an additional transit corridor. The minimum acreage of a local commercial center is 10 acres with a gross leasable area to 125,000 square feet or less. Local centers may be spaced from 1 to 1.5 miles apart within the community. The centers are intended to serve the shopping needs of the residents living within the community and the immediate surrounding neighborhood. Sub-regional uses shall be permitted within local commercial centers, they shall have a minimum acreage of 20 acres and may have a gross leasable area of 500,000 square feet or less. Sub-regional uses shall be located adjacent to existing or planned

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arterial roadways. Local commercial centers shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

3. Convenience commercial shall consist of a minimum of 1 to 5 acres in size, and shall provide access to residential neighborhoods via the ~~New Town's~~ West Viera Area's pedestrian/bicycle pathway system. The gross leasable area shall be up to 50,000 square feet. The convenience commercial center shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

B. Office Uses

Office uses may be located in regional commercial centers, local commercial centers, convenience commercial centers, or serve as a transitional use between residential uses and more intense non-residential uses and between residential uses and transportation facilities. Office uses shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

C. Industrial Uses

The negative impacts of industrial land uses on the functions of the natural systems shall be minimized. Sites for industrial development shall be accessible to essential public and private facilities and services including transportation, potable water, an appropriate sewage treatment facility, solid waste, and drainage. Sites for industrial development shall be located with access from existing planned arterial streets or highways. Industrial use shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

**~~New Town~~ West Viera Area: Regional Commerce District Standards**

**Policy FLU 9.4**

For those areas within ~~a New Town~~ the West Viera Area that are designated as "Regional Commerce District", the following standards shall apply:

**Criteria:**

- A. Regional Commerce Districts should be developed with the goal of increasing full-time employment opportunities through office uses. Retail, light industrial, and high density residential uses are also allowed.
- B. Regional Commerce Districts shall include a mixture of uses wherein the residential uses are integrated with the non-residential uses through an interconnected network of streets. This street network shall also be

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interconnected and accessible from the ~~New Town's~~ West Viera Area's pedestrian/bicycle pathway system and a transit corridor. Site plans for development shall ensure that the pedestrian circulation system for the Regional Commerce development is integrated with the ~~New Town's~~ West Viera Area's overall pedestrian system.

## **~~New Town~~ West Viera Area: Urban Design Principles**

### **Policy FLU 9.5**

Districts within a ~~New Town~~ the West Viera Area that are designated as either “Town Center”; or “Village” shall ~~exhibit elements of the following Traditional Neighborhood Design principles:~~ adhere to the Alternative Development Standards that have been approved through the ~~Planned Unit Development~~ PUD zoning process.

#### **Criteria:**

- A. Village or Town Centers with Mixed Uses. Village Center and Town Centers shall be designed to ~~insure~~ ensure a mixture of non-residential and residential uses of various densities, intensities, and types designed to promote walking between uses and a variety of transportation modes such as bicycles, transit, and automobiles.
- B. Pedestrian Scale Commercial Development. Commercial areas shall be designed to a pedestrian scale and orientation served by an urban street network with a block structure and urban building frontages along street faces.
- C. Functional Neighborhoods. Residential areas shall be located and designed as neighborhoods, which embrace a full range of urban facilities including neighborhood retail centers, a variety of housing types, public/civic space and a variety of open space amenities, schools, central water and sewer, and fire/safety accessibility.
- D. Walkable Streets. Neighborhoods shall be designed to reinforce reasonable walking distances from Village or Neighborhood Centers and the location of parking, and the design of streetlights, signs, and sidewalks shall respect the pedestrian orientation of the development.
- E. Interconnected Circulation Network. The Villages and Town Center shall be designed along an interconnected street system that accommodates pedestrians and bicycle features and links neighborhoods to shopping areas, civic uses, and parks and other recreational features.

## **~~New Town~~ West Viera Area: Town Center Standards**

### **Policy FLU 9.6**

For those Districts within a ~~New Town~~ the West Viera Area that are designated as a Town Center, the additional following standards shall apply:

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**Criteria:**

- A. The Town Center is a strong core of higher density residential, employment, and commercial uses, which shall be interconnected and accessible by pedestrians to surrounding areas and shall be designed to encourage and accommodate regional transit.
- B. The quantity of non-residential development permitted in the Town Center will be related to the demand for community commercial, office, civic, and government use development within the New Town West Viera Area.

**New Town West Viera Area: Village Standards**

**Policy FLU 9.7**

For those Districts within a New Town the West Viera Area that are designated as a Village, the additional following standards shall apply:

**Criteria:**

- A. The planning principles that shall guide the development of all Villages shall include the following:
- B. The development pattern of all Villages shall respect the environment by reinforcing the consolidated, connected open space systems of the New Town West Viera Area which ~~enhances~~ enhance regional environmental systems ~~where appropriate whenever possible and mitigated according to the terms of the Viera DRI Amended and Restated Development Order when adverse impacts to environmental systems occur;~~
- C. The development shall create self-sufficient communities that provide a fully connected system of streets and roads that encourage alternative means of transportation such as pedestrians, bicycle, and transit; and
- D. The development shall be formed around the Village Center and Neighborhoods which, collectively, shall include a diversity of housing types.
- E. Villages shall be a minimum of 1000 acres and shall be designed as a collection of Neighborhoods where a majority of the housing units are within a half mile walking distance of a Village or Neighborhood Center with higher densities closer to the Village Center. Villages shall be supported by internally designed, mixed-use Village Centers (designed specifically to serve the daily needs of Village residents).
- F. Villages shall include a mix of uses, including residential, commercial, office, Public/Civic, schools, and Recreational Space, that serve the daily needs of residents;

- G. Villages shall include a Village Center with sufficient non-residential uses to provide for the daily needs of Village residents, by phase of development, in a form that can be conveniently served by regional bus service;
- H. Villages shall include a range of housing types that supports a broad range of family sizes and incomes.
- I. Villages shall include compact design that includes a system of land subdivision and development which links one Neighborhood to another;
- J. Villages shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists, and motor vehicles, and which are built with design speeds that are appropriate. Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees, and on-street parking which provide distinct separation between pedestrians and traffic; and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation. Within Village Centers, ~~spatially define~~ primary streets and sidewalks should be spatially defined by arranging commercial and multi-family buildings in a regular pattern ~~that are~~ unbroken by parking lots;
- K. Villages shall provide Recreational Spaces that meet the recreational needs of the community, reinforce the design of the development by providing a variety of Recreational Space amenities that serve a range of interests, and distribute Recreational Space amenities throughout the development.
- L. Villages shall have a system of connected open space which includes elements of public edge throughout the neighborhoods that connect each ~~v~~Village.

**New Town West Viera Area: Rural Development Standards  
Policy FLU 9.8**

~~For those Districts within a New Town that are designated as Rural Development, the additional following standards shall apply:~~ Within the West Viera Area, the following additional standards shall apply within the Rural Development District:

**Criteria:**

- A. Residential development within the Rural Development District shall be limited to ~~a specified acreage~~ an overall density of 1 unit per 2.5 acres.
- B. The development design shall be context-sensitive in order to minimize adverse impacts to adjacent lands.
- C. Residential development should promote rural character when viewed from public roads and from abutting properties.

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- D. Low-density residential development and rural residential clusters shall both be considered compatible forms of development.
- E. At the request of an applicant, the boundary of the Rural Development District (as shown on ~~an overlay~~ the West Viera Area map) may be changed administratively by Brevard County provided that the change does not create a development enclave; and does not exceed the overall approved acreage of the Rural Development District; or reduce the existing overall acreage of the Rural District.

**New Town West Viera Area: Standards for Rural and Conservation Districts**  
**Policy FLU 9.9**

The Rural District and the Conservation District shall accommodate and provide mitigation for impacts to wetlands and/or listed species habitat resulting from development within the ~~New Town Overlay~~ West Viera Area. The transition of land into either the Rural District or the Conservation District shall occur in accordance with a phasing plan set forth in the DRI Development Order. Such transition shall be implemented by the conveyance of either (1) fee simple title to such lands or (2) a conservation easement over such lands, to an independent special district formed under Chapter 189 or Chapter 190 of the Florida Statutes or other governmental entity, which may include, but not be limited to, the Viera Stewardship District, Brevard County, ~~the St. Johns River Water Management District~~ SJRWMD, the Florida Fish and Wildlife Conservation Commission (FWC), or the U.S. Fish and Wildlife Service (FWS). The following criteria apply to the Rural District and the Conservation District within the ~~New Town Overlay~~ West Viera Area:

**Criteria:**

- A. Agricultural Use is only permitted within the Rural District and the Conservation District in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits.
- B. Passive recreational uses are allowed within the Rural District and the Conservation District in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits.
- C. The Rural District and the Conservation District shall be administered by an independent special district formed under Chapter 189 or Chapter 190 of the Florida Statutes or other governmental entity satisfactory to Brevard County, which the administrator of which shall provide for the long term management of such districts and the implementation of all management, enhancement, and preservation activities required in accordance with the Habitat Management Plan and applicable conservation easements and regulatory permits.

## Habitat Management Plan

### Policy FLU 9.10

A Habitat Management Plan shall be submitted to and approved by Brevard County Natural Resources Management Department, as a part of the DRI approval process and compliance with said plan shall become a condition of the development approval. The specific requirements listed below shall be defined through the subsequent permitting process and incorporated into the Habitat Management Plan in accordance with the DRI Development Order.

#### Criteria:

- A. Resource protection and conservation will occur through the legal protection of Conservation and Rural Districts;
- B. Specific responsibilities for the regular and periodic operation and maintenance of the area including the identification of on-going management strategies for conservation and/or restoration of native habitats to meet mitigation requirements;
- C. Standards and timelines for monitoring that will evaluate listed species behavior and productivity, enhancement activities, and ongoing land management;
- D. Operational standards, including the standards for regular maintenance of infrastructure; and providing wildlife management, to ensure the long-term success of natural resource management in a mitigation area; and
- E. Operational standards to ensure the continuation of Agricultural Use in a manner compatible with long-term natural resource management goals.

## Review and Approval Process

### Policy FLU 9.11

#### Criteria:

- A. Standards for Review  
Development within the ~~New Town Overlay~~ West Viera Area Village, Town Center, Regional Commerce, and Interchange Districts must demonstrate the following:
  - 1. That the development complies with all applicable County environmental preservation regulations provided, however, that the development shall also separately comply with applicable federal and ~~s~~State environmental preservation regulations.;
  - 2. That the location of the developed areas on the site respects existing adjacent development patterns;
  - 3. Permits the most density and intensity in areas that are most proximate to Town Centers and Village Centers; and

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4. That, where applicable, the integrity of the mixed-use district is not compromised by allowing extensive single-uses. The land use mix shall be phased to provide an adequate mix of non-residential uses to serve residential development within each development phase.

B. Approval Process

Development within the ~~New Town Overlay~~ West Viera Area includes the approval of a ~~Planned Unit Development~~ PUD Zoning District rezoning and a more specific Sketch Plan approval process for each Village within the Village District. As part of the ~~Planned Unit Development~~ PUD Zoning, each Village must be master planned as shown on a Preliminary Development Plan before an individual neighborhood can proceed through the Sketch Plan Process. The applicant may submit more than one Village Sketch Plan at a time for review and approval.

C. Approval Process: Zoning Standards

The ~~Planned Unit Development~~ PUD Zoning District rezoning shall establish the general baseline regulation for the development including standards for physical design, development approval processing, proposed phasing, and the identification and definition of the types of major modifications to the Zoning District approval that shall require the review and approval of the Board of County Commissioners and minor modifications that shall require only the review and approval of eCounty staff. The ~~Planned Unit Development~~ PUD Zoning shall include a Preliminary Development Plan as required by Brevard County Land Development Code Section 62 Subdivision V.

D. Approval Process: Sketch Plan Standards

The Sketch Plan review and approval process shall establish the specific requirements for Village development that further support and implement the baseline standards established as a part of the ~~Planned Unit Development~~ PUD Zoning and shall include the following information:

- Location of each Neighborhood, Neighborhood Center, Village, and a block layout of a Village Center or Town Center where applicable
- Recreational Space
- Land Use Mix
- Density and intensity of land uses proposed
- Circulation routes for auto, transit (where applicable), pedestrian, and bicycles modes
- Design Criteria for landscaping and signage
- Transportation Network Connections

- Preserved wetland areas, associated upland buffers, impacted wetland areas, and a quantification of wetland impacts within the Sketch Plan area.

A Sketch Plan shall be considered an integrated site plan or commercial subdivision as referenced in Chapter 1 Policy 5.2 (5) (a) (iii). The approval of a Sketch Plan and modifications thereto shall only require the review and approval of eCounty staff.

- E. Approval Process: Site Plan or Subdivision Plan  
Site Plan or Subdivision Plan review for individual sites within an approved Sketch Plan shall follow the procedures outlined in Articles VII and VIII of the Brevard County Land Development Regulations, provided that Site Plans and Subdivision Plans for individual sites within any Sketch Plan area shall be consistent with such Sketch Plan.
- F. Appeals related to any administrative decision or determination concerning implementation or application of Policy FLU 9.9 provisions shall follow the established appeal procedures as included in the Brevard County Code of Ordinances (Sec. 62-506. Appeals generally.)

## **Transfer of Development Rights (TDRs)**

### **Objective FLU 10**

Brevard County shall encourage preservation of unique aspects of the natural environment by recognizing Transfer of Development Rights (TDRs) which permit more intense activity in areas deemed suitable for development.

### **Criteria for Transfer of Development Rights**

#### **Policy FLU 10.1**

~~Transfer of development rights (TDRs)~~ may be obtained through the ~~Conditional Use Permit or DRI~~ ~~Planned Unit Development (PUD)~~ or ~~Open Space Subdivision~~ process to direct residential development to areas which are deemed suitable for growth with the intent of furthering County goals related to preservation of the physical (including historic) and/or natural environment. TDRs may be transferred: (1) to an approved offsite location which is designated a receiving district; or (2) internally within a project from an approved sending district. In either circumstance, the utilization of TDRs must adhere to the following minimum criteria:

#### **Criteria:**

- A. TDRs may be utilized in a project via ~~Planned Unit Development (PUD)~~, ~~DRI~~ ~~Open Space Subdivision~~ process, or ~~binding development agreements~~ ~~Binding Development Plans~~ with binding development restrictions.
- B. The density of a project receiving TDRs shall not exceed 150% of the density permitted in the designated land use category. The maximum allowable

## **FUTURE LAND USE ELEMENT**

density of a development shall take into consideration all other requirements of the Comprehensive Plan.

- C. The density assigned to a wetland area on the **Future Land Use Map FLUM** series may be transferred to an upland area within the same project. The transfer shall be subject to the provisions contained in Criterion B above.
- D. Compatibility with surrounding development patterns within receiving areas shall be ensured.
- E. TDRs may be considered due to environmental considerations; for the protection of historic resources; to encourage the preservation of Agricultural lands, to encourage urban infill development; to provide additional open space; and to encourage development within specified area(s).
- F. Applications for projects proposing to utilize TDRs shall include an analysis of the impacts that the increased density will have on public facilities and infrastructure as well as the school system.
- G. The CHHA is considered a sending district for TDRs, but cannot be a receiving district, except for intra-area transfers.
- H. To promote the protection of Agricultural lands, **the transfer of development rights TDRs** from Agricultural land **to non-agricultural land** will receive a 25% density bonus. Example: A TDR of 4 dwelling units from an Agricultural sending district will be 5 dwelling units to the non-Agricultural receiving district.

**Receiving Districts for Transfer of Development Rights  
Policy FLU 10.2**

The following land use designations may be considered receiving districts for **Transfer of Development Rights TDRs**:

- Residential 30 Directive
- Residential 15
- Residential 10
- Residential 6
- Residential 4
- ~~Neighborhood Commercial~~
- ~~Community Commercial~~

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**Sending Districts for Transfer of Development Rights  
Policy FLU 10.3**

The following land use designations may be considered as sending districts for ~~Transfer of Development Rights~~ TDRs:

- Agricultural (25% bonus applicable)
- Conservation
- ~~Coastal High Hazard Areas~~ CHHA

**Redevelopment & Regentrification  
Objective FLU 11**

Brevard County ~~shall~~ should alleviate the impacts of inadequate public facilities and services; and substandard structures and lot configurations in blighted or other affected areas in the County through redevelopment initiatives.

**Criteria for Redevelopment Plans  
Policy FLU 11.1**

Brevard County ~~shall~~ should continue to identify areas that are candidates for redevelopment, such as those addressed in the Merritt Island Redevelopment Plan, and adopt redevelopment plans in order to improve traffic circulation and parking; and to provide for aesthetically pleasing and environmentally sound commercial, office, and residential opportunities, consistent with this Comprehensive Plan. At a minimum, the following criteria ~~shall~~ should apply:

**Criteria:**

- A. Redevelopment plans shall be coordinated with the availability of the following public facilities and services at ~~levels of service~~ LOS adopted in this Comprehensive Plan: roadways, potable water, sanitary sewer, drainage, solid waste, public schools, fire protection, and emergency medical services.
- B. Redevelopment plans shall be coordinated with transportation improvements including marginal access, existing roadway networks in the study area, limitation of access points, parking, pedestrian and bicycle facilities, and mass transit.
- C. Redevelopment plans shall address the impacts of redevelopment activities on the natural systems. Redevelopment activities shall be conducted consistent with the Conservation, Coastal Management, and Surface Water Management ~~e~~Elements of this Comprehensive Plan.
- D. Redevelopment plans shall address appropriate development patterns in the study area. Primary emphasis shall be given to compatible retail commercial, high density residential, professional office, and mixed-use

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projects. Clustered development patterns shall be preferred over strip development patterns.

- E. Redevelopment plans shall provide for the visual continuity of the study area through landscaping, signage, and architectural and design requirements.
- F. Redevelopment plans shall address economic development strategies such as business recruitment, commercial revitalization, and marketing campaigns.
- G. Redevelopment plans shall identify structures which are substandard and shall address measures for rehabilitation or replacement.
- H. Redevelopment plans shall include relocation strategies for residents and businesses displaced by implementation of said Plan. These strategies shall ensure that those displaced are provided adequate notice, equitable compensation, and assistance in locating comparable relocation accommodations.

**Policy FLU 11.2**

Redevelopment Districts may be established consistent with criteria set forth in Chapter 163, Part III, F.S. Such districts may receive special attention and flexibility, in accordance with current or new ~~t~~Land ~~d~~Development ~~r~~Regulations which may be adopted by the Board of County Commissioners in accordance with Criterion C, in order to ~~assure~~ ~~ensure~~ the elimination of factors contributing to economic debilitation. To that end, Redevelopment Districts shall be developed according to the following minimum criteria:

**Criteria:**

- A. A Redevelopment District shall be developed in accordance with its adopted Redevelopment Plan.
- B. Redevelopment Districts shall be permitted in any land use designation.
- C. Redevelopment agencies shall promulgate ~~t~~Land ~~d~~Development ~~r~~Regulations, design standards, rehabilitation and maintenance standards, and other regulatory or planning programs to establish performance standards, guide growth, or implement the adopted Redevelopment Plan, as may be amended and adopted by the ~~Brevard County~~ Board of County Commissioners.
- D. Allowable non-residential development activities shall reflect the character and nature of the District. If a Redevelopment District has the potential to become an urban central business district, then adequate opportunities should be provided for pedestrian movement, activity centers, urban spaces, and other characteristics of urban core areas.

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- E. Residential development activities shall be encouraged to complement the types, styles, and ranges of residential development standards assigned through the respective Redevelopment Agency's Land Development Regulations.
- F. A density bonus program that provides developer incentives for the rehabilitation and reconstruction of housing should be implemented in appropriate Redevelopment Districts, as follows:

| <b>Land Use Designation</b> | <b>Maximum Number of Units Permitted</b> |
|-----------------------------|--|
| Residential 30 Directive    | 37.5 du/ac.                              |
| Residential 15              | 18.75 du/ac.                             |
| Residential 10              | 12.5 du/ac.                              |
| Residential 6               | 7.5 du/ac.                               |
| Residential 4               | 5 du/ac.                                 |
| Residential 2               | 2.5 du/ac.                               |
| Residential 1               | 1.25 du/ac.                              |

Density bonuses in the CHHA shall be approved by the Board of County Commissioners and shall be subject to environmental constraints, availability of public facilities, land use compatibility, and **level of service** LOS requirements set forth in this Plan. Residential densities, of up to 37.5 dwelling units per acre, may be considered in the Merritt Island Redevelopment Area and shall be incorporated if approved by the Board of County Commissioners as part of a redevelopment plan.

- G. Appropriate areas shall be set aside within each Redevelopment District for conservation, open space, recreation, or public facility usage.

**Platted Lands with Development Limitations**

**Policy FLU 11.3**

Brevard County ~~shall continue to~~ may support State and local initiatives that seek to address those lands which are platted but possess limitations to development based upon inadequate public facilities and services, substandard lot configurations, or environmental constraints.

**Property Rights**

**Policy FLU 11.4**

Brevard County shall address all constitutional and statutory property rights considerations in the evaluation of applications for development orders and permits, in coordination with the Property Rights Element, and shall maintain a process for appeals.

**Policy 11.5**

~~Brevard County shall encourage private redevelopment projects which are not regulated under Chapter 163, Part III, F.S. through the establishment of the Planned~~

**FUTURE LAND USE ELEMENT**

Redevelopment District Future Land Use designation. This land use designation is intended to enable the County to consider preliminary redevelopment proposals in which only maximum thresholds for buildout and other general development information are provided. Under this approach, the identification of specific land use tracts may be reserved until re-zoning (if required) or the site plan approval process. The following minimum criteria must be met in order to request the Planned Redevelopment District land use designation:

**Criteria:**

- A. — Parcels seeking this designation must currently be substantially improved and proposed for redevelopment; and
- B. — The minimum land assemblage requirement for this future land use designation is twenty-five (25) acres, all of which is held under one ownership, consolidated under a Unity of Title or similarly bound by other legal instrument, to ensure that the site remains undivided and that the project is built out and maintained in a manner contemplated at the time of the FLUM amendment approval; and
- C. — A property utilizing this future land use designation must abut one or more improved arterial roadways at the time of the FLUM amendment request.

**Policy 11.6**

Since the Planned Redevelopment District land use designation is based upon broad conceptual information rather than specific details relating to the proposed layout/arrangement of use(s) on site, such amendment requests shall, at a minimum, be accompanied by the following information:

**Criteria:**

- A. — Project description explaining the intent/scope of the project; and
- B. — Listing of the types of general land uses proposed (i.e., residential, commercial, industrial, etc.) and potential zoning classifications in the project; and
- C. — Details of each residential component, if proposed, including acreage breakdown(s), maximum number of dwelling units, density caps, and types of housing styles for each residential component of the project; and
- D. — Details of each non-residential component, if proposed, including acreage breakdown(s) and type(s) of non-residential uses; and

- E. ~~Description of special amenities proposed for the project to promote a cohesive character and encourage alternative transportation modes. Such amenities may include, but are not limited to the following:
 
  - 1. ~~Greenbelts;~~
  - 2. ~~Sidewalks;~~
  - 3. ~~Bikepaths;~~
  - 4. ~~Features to accommodate mass transit services.~~~~
  
- F. ~~Analysis of the compatibility of the proposed project with surrounding land uses and the Future Land Use designations in the area; and~~
  
- G. ~~Anticipated time limit for build-out of the project (time extensions may be considered by the Board and shall require amendment to the Comprehensive Plan); and~~
  
- H. ~~Relocation plan for displaced residents/business, if applicable; and~~
  
- I. ~~At the time of adoption for a particular parcel, the developer must proffer a fully executed development agreement which specifies the nature of the approved development, as outlined by the above criteria.~~

**Policy 11.7**

When reviewing a request for Planned Redevelopment District, the County shall consider the following factors:

**Criteria:**

- A. ~~Future land use designations and residential density guideline allowance for the subject parcel and surrounding area;~~
  
- B. ~~Development trends in the area;~~
  
- C. ~~Compatibility and interconnectivity with adjacent adopted future land use designations and existing land uses;~~
  
- D. ~~Accessibility of the site;~~
  
- E. ~~Availability of required infrastructure at or above adopted level of service standards;~~
  
- F. ~~Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;~~
  
- G. ~~Integration of open space and interconnectivity within the proposed project area; and~~

- H. — Promotion of alternative transportation modes, including pedestrian movement, bicycles and mass transit within the project.

**Policy 11.8**

During the zoning process for projects designated Planned Redevelopment District, the County shall consider the following factors:

**Criteria:**

- A. — Types of permitted/prohibited uses associated with the requested zoning;
- B. — Impact of anticipated land use mix in maximizing trip capture within the project;
- C. — Existing zoning trends in the area;
- D. — Compatibility of requested zoning with the area;
- E. — Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- F. — Impact upon natural resources, including wetlands, floodplains and endangered species; and
- G. — Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria:

**Policy 11.9**

Development within the Planned Redevelopment District land use designation shall be designed to encourage a cohesive arrangement of interdependent land uses which promote internal interconnectivity and support the use of alternative circulation modes within the project boundaries. At the time of site plan review, the County shall consider the following, at a minimum:

**Criteria:**

- A. — Buffering from adjacent existing/potential uses;
- B. — Arrangement of land uses in terms of maximizing trip capture within the development;
- C. — Provision of open space, as defined by Section 62-1102 of the Zoning Code, as set forth in applicable zoning districts and in this Comprehensive Plan;
- D. — Adequacy of pervious areas in terms of drainage requirements;
- E. — Unique features and resources which may constrain site development, such as soils, existing vegetation, and historic significance;

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- F. ~~Safety of on-site circulation patterns and interconnectivity within the project area to encourage alternative transportation modes, such as pedestrian movement, bicycling, and mass transit options;~~
- G. ~~Landscaping, as it relates to applicable land development regulations and the Comprehensive Plan;~~
- H. ~~Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.~~

**Policy 11.10**

~~Once a Planned Redevelopment District future land use designation is adopted for a parcel, the specific development criteria approved by the County shall be incorporated into the Future Land Use Element. Modifications to approved development criteria shall require amendment to the Comprehensive Plan.~~

**Service Delivery, Concurrency, and Growth**

**Objective FLU 12**

Through concurrency management, Brevard County shall oversee development activities in order to ~~assure~~ ensure that existing and future needs for public facilities and services are available consistent with the ~~Capital Improvements Program~~ Capital Improvements Element Schedule of Improvements and the policies of this Comprehensive Plan. Brevard County shall utilize a 5-year short-range, and 10-year mid-range, and 20-year long-range planning periods.

**Public Facilities Siting and Capacity Needs**

**Policy FLU 12.1**

Public facilities and services ~~shall~~ should be designed with capacities sufficient to support the needs of the projected population and the intensity of future development.

**Policy FLU 12.2**

Planning for public facility and service expansions should consider the area's suitability for urbanization based upon environmental constraints, existing and future land uses, the availability of potable water, and the availability of other facilities and services. The provision of public facilities and services shall be encouraged within existing or future service areas as designated in this Comprehensive Plan, unless an overriding public benefit can be demonstrated, in an effort to limit urban sprawl. Plans for the expansion of existing facilities, services, and corridors or the construction of new facilities, services, and corridors should include measures to mitigate negative impacts upon the surrounding area during construction.

**Policy FLU 12.3**

Future public facility sites and corridors should be identified in currently undeveloped areas to anticipate and plan for the needs of future development.

**Rights of Way Needs**

**Policy FLU 12.4**

Brevard County should coordinate with appropriate authorities including, but not limited to, the Florida Department of Transportation ([FDOT](#)), the Space Coast ~~TPO~~ [Transportation Planning Organization](#), and affected municipalities in defining right-of-way needs for proposed roadway improvements, extensions, or new corridors and establishing mechanisms for right-of-way acquisition and protection, as identified in the Transportation Element of this Comprehensive Plan.

**Public Drainage Facilities Needs**

**Policy FLU 12.5**

The provision of public drainage facilities should be contingent upon the ~~Master Stormwater Management Plan~~, ~~stormwater area studies~~ recommended in the Surface Water Management Element of this Comprehensive Plan, which will identify deficiencies and establish priorities for facility improvements.

**Community Facilities Needs (Fire and Police Stations, Libraries, Schools, Water Facilities, and Prisons)**

**Policy FLU 12.6**

Brevard County ~~shall~~ should designate, acquire, or dedicate adequate and appropriate lands for community facilities, such as ~~public schools~~, water system facilities, fire protection and emergency medical services, police protection, and libraries as established in the Capital Improvements Element of this Comprehensive Plan based upon the following minimum criteria:

**Criteria:**

- A. Fire and emergency medical service stations should be ~~located so as to~~ sited at locations that provide a ~~level of service~~ LOS consistent with the response time goals adopted by the Emergency Medical Services Advisory Council. Access should be available to roadways of sufficient capacity to allow for emergency vehicle accessibility.
  
- B. Sheriff offices should be ~~located so as to~~ sited at locations that minimize the response time within the districts to be served. Districts should be comprised of a homogeneous area, not limited by natural or physical barriers such as water bodies, major transportation corridors, or railroads. Stations should be located near concentrations of commercial or industrial uses and the areas with the highest crime rates. Access should be available to roadways of sufficient capacity to allow for vehicle accessibility.

- C. New public library sites should be located at least five miles from existing public libraries.
- D. Sites for correctional facilities should be of sufficient size, ~~no less than 50 acres,~~ to allow for a secure compound and to limit the impacts upon the surrounding community. The site should be located within 15 miles of the communities which provide staff or other support and at least 1/2 mile from the nearest residential area. The population within a two-mile radius of the site should not exceed 1,000.
- E. To the extent allowed by law, the construction of a new Community Water System (per ~~62-550.200(12)~~ 62-550.200, F.A.C.) located within the unincorporated area of Brevard County which is designed to serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents, shall be reviewed and approved by Brevard County. This review shall be limited to those construction activities which increase existing or create new supply, treatment, or storage facilities. Brevard County review shall be consistent with the provisions of Brevard County Ordinance No. 2003-32 and the consents recited therein.

**Public School Needs**

**Policy FLU 12.7**

Brevard County should encourage ~~the School Board~~ Brevard Public Schools to locate public schools in accordance with the following criteria:

**Criteria:**

- A. School facilities should be centrally located within the residential areas to be served and should be of sufficient size to accommodate the projected enrollment.
- B. Convenient pedestrian access to school sites is desirable.
- C. Locations on major roadways; in commercial or industrial areas should be avoided to limit the hazards of vehicular traffic; and to minimize disturbances from noise, odors, or fumes.
- D. Joint locations with recreational facilities should be encouraged.
- E. The general location of school facilities should be consistent with the comprehensive plan of the appropriate local governing body developed pursuant to provisions of Chapter 163, F.S.

## Concurrency Evaluation Practices

### Policy FLU 12.8

Brevard County shall periodically update its Land Development Regulations regarding concurrency and proportionate share contributions to maintain consistency with Florida Statutes and continue to utilize a concurrency evaluation system to review the impacts of all development proposals on existing public facilities to ensure that service levels are not degraded below acceptable ~~level-of-service~~ LOS standards as adopted in this Comprehensive Plan.

### Policy FLU 12.9

Brevard County shall continue to implement a concurrency evaluation system using Best-Evaluation-Practices professionally accepted methods for evaluating impacts to the adopted ~~levels-of-service~~ LOS, and ~~shall~~ should conduct and apply the system, and any subsequent system, in accordance with the following criteria:

#### Criteria:

- A. The concurrency evaluation system shall measure the potential impact of any development order or permit proposal upon the established minimum acceptable ~~level-of-service~~ LOS for a roadway, solid waste, potable water, drainage, sanitary sewer, or ~~park~~ public school facility or service.
- B. The most current available information and data regarding the above public facilities or services operating ~~level-of-services~~ LOS ~~shall~~ should be utilized for concurrency evaluations.
- C. If the result of the concurrency evaluation ~~test~~ finds that any development order proposal will cause a deficiency on any public facility or service serving the proposed development site for which a minimum acceptable ~~level-of~~ service LOS has been established, Brevard County reserves the authority to deny or defer the development proposal, to cause the development order proposal to be modified to achieve consistency with the minimum acceptable ~~level-of-services~~ LOS, or to process it as a conditional development order proposal pursuant to Policy FLU 12.10.
- D. A non-deficiency finding for a development order proposal by a concurrency evaluation ~~test~~ shall remain valid for the following prescribed time-frames, provided the permit application is submitted within 180 days after the date of the test results:
  1. For a site development plan approval, the finding shall remain valid for a period not to exceed 18 months, except where the intensiveness of the approved use is exceeded. In the latter instances, another concurrency evaluation test shall be required.
  2. For a residential subdivision, or phase or unit thereof, including residential subdivision phases of ~~planned unit developments~~ PUD, the finding shall remain valid for a period not to exceed 36 months

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- from the date of the construction permit's approval, providing the work authorized proceeds in a timely manner.
3. For a commercial, industrial, or multi-family building permit, the finding shall remain valid until construction has been completed and a certificate of occupancy issued; or for the life of the permit until it is revoked or suspended for failure to proceed in a timely manner as prescribed.
- E. A non-deficiency finding for an individual single-family development proposal shall remain valid for 24 months, provided a construction building permit is obtained within that timeframe, and work authorized proceeds in a timely manner.
  - F. Concurrency evaluation tests for commercial and industrial subdivisions, for the purpose of approving a final development order, shall be conducted as a component of a development agreement, and if concurrency is found or guaranteed, the timeframe for the finding's validity shall be set forth in the agreement.
  - G. Property owners shall have the option of pursuing a development agreement with Brevard County as provided for in Policy FLU 13.2, as opposed to the reliance upon a development permit.
  - H. The concurrency evaluation system shall maintain a cumulative record of the ~~level of service~~ LOS allocations permitted by the approval of final development orders relative to the operating ~~levels of service~~ LOS for all applicable public facilities and services which have established ~~levels of service~~ LOS.

### **Conditional Approval of Development Orders Which May Result in Concurrency Deficiencies**

#### **Policy FLU 12.10**

If the concurrency evaluation test indicates that the potential impact of a proposed rezoning, site development plan, subdivision, or building development order will cause a deficiency to occur to minimum acceptable ~~level of service~~ LOS, Brevard County may conditionally approve the development order pursuant to the policies of the Capital Improvements Element.

### **Co-location Opportunities for Aero-Space Related Development**

#### **Policy FLU 12.11**

Brevard County shall secure long term global economic ~~opportunity~~ opportunities for its residents by maximizing its advantages of unique space-related resources, high tech manufacturing, transportation systems, education strategies, telecommunications industries, and geographic location. The County, in cooperation with the State of Florida,

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will capitalize on the National Space Policy and growth in this industry by encouraging technology driven development proposals within the boundaries of the County.

## **Land Development Regulations**

### **Objective FLU 13**

Brevard County shall manage growth and development through the preparation, adoption, amendment, implementation, and enforcement of the Land Development Regulations which fulfill the intent of this Comprehensive Plan.

## **Regulations to Implement the Comprehensive Plan**

### **Policy FLU 13.1**

Brevard County shall maintain Land Development Regulations to implement this Comprehensive Plan which, at a minimum, meet the requirements of Chapter 163, F. S., governing County and ~~M~~municipal ~~P~~lanning and ~~L~~and ~~D~~evelopment ~~R~~egulation.

## **Regulations to Permit Development Agreements**

### **Policy FLU 13.2**

Brevard County shall provide for provisions in the Land Development Regulations that allow Brevard County to enter into development agreements with property owners, consistent with the Comprehensive Plan, pursuant to the requirements set forth in ~~Chapter 163~~ sections 163.3220-163.3243, F.S., the “Florida Local Government Development Agreement Act,” as amended, with the following additional requirements:

#### **Criteria:**

- A. A description of the ~~level-of-service~~ LOS allocations to be permitted by the development agreement;
- B. Specific dates shall be identified that define the development's phasing, if applicable, and the commencement and completion of construction in each phase.
- C. Contrary to the requirement of Chapter 163, F. S., the duration shall not exceed five years, unless extended by mutual agreement according to prescribed due process.

## **Regulations for Zoning Classifications to be Consistent with the Future Land Use Map**

### **Policy FLU 13.3**

The Land Development Regulations shall designate adequate zoning classifications for the location of residential and non-residential development activities which implement the Future Land Use Element, Housing Element, and ~~Future Land Use Map~~ FLUM Series.

**Regulations to Require Economic and Environmental Impact Assessments**  
**Policy FLU 13.4**

As directed by the Board of County Commissioners, all new Land Development Regulations prepared pursuant to this Comprehensive Plan should include an economic and environmental impact assessment for the public and private sectors.

**Establishment of Zoning Classifications to Meet Residential Needs**  
**Objective FLU 14**

Brevard County shall maintain zoning regulations as part of its Land Development Regulations to establish adequate zoning classifications for residential development in terms of allowing for a variety of housing types while providing residents with choices in terms of residential locations.

**General Zoning Regulations Criteria**  
**Policy FLU 14.1**

Zoning regulations shall adhere to the following criteria:

**Criteria:**

- A. Residential zoning classifications shall be designated for single family, multi-family, and mobile home developments to meet the housing needs demonstrated in the Housing Element of this Comprehensive Plan.
- B. The densities of these classifications, as applied, shall not exceed those established for each residential designation as adopted on the **Future Land Use Map FLUM**, unless otherwise provided for by this Element.
- C. Proposed locations for residentially-zoned lands should be consistent with the residential designations shown on the **Future Land Use Map FLUM** and consistent with this Comprehensive Plan.
- D. At a minimum, residential zoning classifications shall provide for a variety of minimum lot sizes, minimum floor areas, setbacks, and residential land use mixes that allow for choice in housing types, designs, and price levels. These residential zoning classifications shall provide for both urban and rural residential environments.

**Zoning Regulations to Promote Creative Utilization of Land**  
**Policy FLU 14.2**

Zoning regulations should continue to provide for flexibility regarding development patterns and land use mix. The County encourages implementation of innovative residential and commercial development patterns and lot layout techniques which achieve efficient use of public resources, reduced land consumption, and preservation of interconnected open spaces. These techniques include:

**Criteria:**

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- A. The **Planned Unit Development PUD** concept, where appropriate, to encourage creativity in development design, provision of connected open spaces, protection of environmental features, and an integrated mix of residential and non-residential land uses and employment opportunities.
- B. The use of zero-lot line residential development patterns, shared driveways, and reduced setbacks, where appropriate, to encourage more compact subdivision layouts and to generally provide increased flexibility in the design and use of the lot area.
- C. Designed integration of residential, employment, and commercial uses as permitted in the context of this Element, to promote compact mixed use development patterns within a single structure or complex of structures.
- D. Mixed use developments to promote efficient use of land and public resources by integrating neighborhood support services and employment centers with residential uses. Mixed use patterns should be implemented and achieved through the use of performance standards and other mitigating techniques to ensure compatibility between land uses.
- E. Creative clustering of residential and commercial lots and streets which preserve undisturbed vegetative corridors and consolidate cleared land areas. Innovative techniques may include reduced lot sizes, shared driveways, and other design features. In furtherance of the County's Master Plan of Linear Open Spaces, clustered development schemes which permanently preserve interconnected networks of open space within subdivisions and link same with adjacent subdivisions and parks will be considered for density bonuses or other development incentives **(Figure 2 in the Appendix depicts an example of a clustered land development technique in comparison with a conventional subdivision layout).**

**Policy FLU 14.3**

Brevard County shall update its Land Development Regulations to expand the use of floating solar facilities and to encourage this use in locations described in section 163.32051, F.S., as amended.

**Consistency with Comprehensive Plan, Zoning, and Land Development Regulations Objective FLU 15**

~~Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations not approve rezoning applications that are inconsistent with the Comprehensive Plan and the Land Development Regulations, and thereafter, shall should reduce the number of existing land uses which are properties with zoning that is non-conforming to the Comprehensive Plan.~~

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## **Authority to Initiate Administrative Actions**

### **Policy FLU 15.1**

Brevard County retains the authority to initiate appropriate administrative actions, such as administrative rezonings.

## **Administrative Rezonings for Consistency with the Future Land Use Map**

### **Policy 15.2**

County staff may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application:

#### **Criteria:**

- A. — Determination of appropriate zoning classifications for these properties shall be pursuant to the policies and criteria which govern the Future Land Use Map and future land use designations established in this element.
- B. — The zoning classifications which are appropriate pursuant to the Future Land Use Element and Maps shall be presented as options to the property owner.

### **Policy 15.3**

Brevard County shall continue to administratively rezone those properties with zoning classifications which are inconsistent with the Future Land Use Map, the acceptable levels of service, and this Comprehensive Plan.

#### **Criteria:**

- A. — Administrative rezonings shall not be required for single family or duplex residential lots which meet the requirements of the Brevard County Zoning Code and which are located within Neighborhood Commercial, Community Commercial Agricultural or any residential land use designations.
- B. — Prior to commencement of the administrative rezonings, small area plans shall be completed by the appropriate County staff for each area. These plans shall consider, at a minimum, compatibility issues, character of the area, environmental constraints, hurricane evacuation capabilities, and the availability of public facilities and services. Advisory committees may be appointed by the Commission to work with staff in the development of these plans and public hearings shall be held for the adoption of these plans.

## **Provisions for Non-conforming Uses**

### **Policy 15.4 FLU 15.2**

Brevard County shall maintain procedures that address existing land uses which are non-conforming with this Comprehensive Plan. At a minimum, the following criteria shall apply:

#### **Criteria:**

- A. Non-conforming land uses are those existing development activities which were conforming to the zoning and Comprehensive Plan regulations of

Brevard County at the time of record but which are inconsistent with this Comprehensive Plan.

- B. Existing non-conforming land uses, damaged beyond 50 percent of their assessed value by natural or man-made causes, shall not be allowed to be reconstructed to a use which is non-conforming to this Comprehensive Plan, except as provided for in the Zoning Code.
- C. The addition, expansion, or re-establishment of existing non-conforming land uses shall be governed by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County ~~Land Development~~ Zoning Regulations.

**Policy 15.5 FLU 15.3**

The following provisions for the development of non-conforming lots to allow for the reasonable use of such properties shall apply. At a minimum, the following criteria shall apply:

**Criteria:**

- A. Non-conforming lots of record are those properties which meet the non-conforming provisions of the Brevard County Zoning Code but which are non-conforming to this Comprehensive Plan and/or Zoning regulations.
- B. Non-conforming lots of record may be developed to a use permitted by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County ~~Land Development~~ Zoning Regulations, provided that it is also a use permitted by the ~~Future Land Use Map~~ FLUM of this Comprehensive Plan.
- C. The Land Development Regulations should continue to include provisions for minimum lot dimensions and setbacks for non-conforming lots of record to ensure that these uses will be compatible with surrounding land uses.
- D. If an existing non-conforming lot does not meet the minimum lot size established by this ~~e~~Element, relief may be obtained in accordance with the Zoning Code of Brevard County.

**Provisions for Pre-existing Uses**

**Policy 15.6 FLU 15.4**

Brevard County should maintain and enforce criteria for Pre-existing Uses, as defined by the County's Land Development Regulations. Applications for Pre-existing Uses shall be reviewed against the requirements found in the Land Development Regulations.

## **Preclusion of Development**

### **Policy 15.7 FLU 15.5**

If a land use designation in the Comprehensive Plan is determined to preclude all development of such land and an amendment to the Comprehensive Plan is required, an amendment alleviating the preclusion of development may be considered at the next available transmittal or adoption public hearing of the Comprehensive Plan. A development order consistent with the proposed amendment may be submitted for review; however, final approval will not be granted until a finding of compliance and after the appeal period pursuant to Chapter 163, F.S.

## **Provision for Appeals**

### **Policy 15.8 FLU 15.6**

Brevard County shall provide a method of appeals to address alleged errors in any order, requirement, decision, or determination made in the enforcement of any ordinance, regulation, law, policy, or procedure relative to the Land Use Regulations.

## **Military Base Land Use Compatibility**

### **Objective FLU 16**

Brevard County shall cooperate with Patrick Air Space Force Base (PAFB PSFB) to encourage compatible land use, help prevent incompatible encroachment of new development, and facilitate the continued presence of Patrick Air Space Force Base PSFB. This Objective and its policies are intended to only apply to new development. Development, including but not limited to buildings and structures, existing on the effective date of this amendment are exempt from the requirements of Objective FLU 16 and its policies, as long as there are no increases in building height or residential density beyond that which is permitted by the applicable zoning classification.

### **Policy FLU 16.1**

Brevard County shall transmit to PAFB PSFB information relating to proposed changes to the Comprehensive Plan, plan amendments, and proposed changes to Land Development Regulations which, if approved, would affect the density, intensity, or use of land on Merritt Island south of the Pineda Causeway. Brevard County shall provide PAFB PSFB an opportunity to review and comment on the proposed changes.

### **Policy FLU 16.2**

PAFB PSFB is encouraged to provide comments to the County on the impact such proposed changes may have on the mission of PAFB PSFB, whether the proposed changes are compatible with the safety and noise standards in the Air Installation Compatible Use Zone adopted by PAFB PSFB, and whether such changes are incompatible with the findings of the Joint Land Use Study for PAFB PSFB.

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**Policy FLU 16.3**

Brevard County shall take into consideration any comments provided by PAFB PSFB when such decision regarding comprehensive planning or land development regulation. Brevard County shall include a copy of any such comments to the Florida Dept. of Economic Opportunity or its successor agency sState land planning agency.

**Policy FLU 16.4**

To facilitate the exchange of information, Brevard County shall maintain a representative appointed by PAFB PSFB as an ex officio, nonvoting member of the County’s Local Planning Agency as required by Section 62-182, Brevard County Code.

**Policy FLU 16.5**

The Commanding Officer of PAFB PSFB is encouraged to provide information about any community planning assistance grants that may be available to Brevard County through the Federal Office of Economic Adjustment to facilitate joint community planning efforts.

**Policy FLU 16.6**

To ensure continuing compatibility with the operations of PAFB PSFB and the existing character of the neighborhood, the Future Land Use designation for properties located on Merritt Island south of the Pineda Causeway shall not exceed the adopted Future Land Use designation of Residential 2.

**The Farmton Local Plan**

**Objective FLU 17**

Establish a long-range, sustainable plan for the Farmton Tract in northern Brevard County based upon permanent conservation of Regional Wildlife Corridors, together with reservation of suitable areas for future compact mixed use development which meets the highest levels of sustainability.

**Policy FLU 17.1**

The Farmton Local Plan is defined by Objective FLU 17 and implementing policies. It is a flexible and innovative planning strategy to allow the conversion of agricultural lands to other uses while protecting environmentally sensitive areas. The plan uses transfer of development rights and provisions for open space protection, clustering, and mixed use development with high standards of sustainability to preserve environmental resources and reserve suitable areas for sustainable development.

**Criteria:**

- A. The Farmton Local Plan is the planning framework for the Farmton Tract consisting of approximately 11,500 acres in northern Brevard County. The Farmton Local Plan shall establish land uses, objectives, and policies for resource conservation and sustainable development. The policies are designed to:

**FUTURE LAND USE ELEMENT**

1. Provide opportunities for economic development and job growth
  2. Preserve lands prioritized by natural resources stakeholders
  3. Preserve significant integrated habitat for regional wildlife corridors
  4. Provide for a variety of land uses to support residences of diverse ages, incomes, and family sizes
  5. Direct population growth and development away from flood plains
  6. Discourage urban sprawl
  7. Avoid large lot rural subdivisions which fragment natural resources
  8. Create efficiencies in provision for infrastructure
  9. Conserve water and energy
  10. Balance jobs with housing
  11. Continue opportunities for agriculture
  12. Reduce vehicle miles traveled
  13. Reduce greenhouse gas emissions
- B. The Farmton Local Plan is the result of a peer reviewed collaborative stakeholder process designed to holistically address varying community needs in a flexible, yet systematic manner. Land Development Regulations, Mixed Use Zoning provisions, Master Plans, and **Development of Regional Impact DRI** Development Orders which implement this plan shall utilize innovative land use techniques, creative urban design, highest levels of environmental protection, and the use of sustainable development principles as they may evolve over time.
- C. The overall planning horizon shall be consistent with the County's Comprehensive Plan horizon. There shall be no increases in the number of residential units beyond what is allowed by the future land use plan in effect at the time of adoption of this amendment.
- D. The Farmton Local Plan shall maintain at least 75% of the total area as Agriculture. These lands shall include prioritized conservation lands that have been identified by stakeholders, mitigation banks, and lands adjacent to Buck Lake Conservation Area together with buffers and designated uplands so as to establish interconnected regional wildlife corridors. Such lands shall be subject to a conservation easement and conservation management plan which shall sever all development rights and protect the lands in perpetuity.
- E. The **Future Land Use Map FLUM** shall identify two land uses within the Farmton Local Plan: Agriculture and Farmton Mixed Use Area (FMU). Within FMU are districts with distinct policies as set forth herein. The final shape and acreage for the developable portion of the Farmton Mixed Use Area shall be determined at the time of rezoning, but the total buildable area, exclusive of stormwater management facilities, shall not exceed 1,500 upland acres.

#### FUTURE LAND USE ELEMENT

In making the determination of which lands are suitable for development, decision support models used in the Greenprint process described in Policy FLU 17.2 A and groundtruthing shall be utilized to identify wetlands, floodplains, mitigation areas, vegetative buffers, specialized habitat for listed species, and under-represented natural communities. Priority shall be given to lands on the perimeter of the FMU which are contiguous to Agriculture lands to promote habitat connectivity. Such lands shall be re-zoned Environmental Area (EA) and made subject to a perpetual conservation easement and conservation management plan.

F. Maximum development potential: The Farmton Local Plan shall utilize an internal system of ~~transfer of development rights~~ TDRs to establish densities. For the purposes of this plan, Agriculture shall be designated Sending Areas and the Farmton Mixed Use (FMU) Area shall be designated as the Receiving Area. The underlying residential densities for the planning area shall be based upon existing Future Land Use. Upon the adoption of the Farmton Local Plan and after the ~~transfer of development rights~~ TDR, the underlying density of Agriculture shall be Zero and the Farmton Mixed Use Area shall have a maximum of 2,306 dwelling units.

1. Maximum Development Potential through buildout: The residential component through buildout of the Farmton Local Plan shall not exceed 2,306 dwelling units.
2. The maximum non-residential square footage through buildout of the Farmton Local Plan shall not exceed 1.25 million square feet exclusive of public institutional uses (i.e., fire stations, government office, public schools, etc...). The term “Commercial” as referenced in the implementing policies for Objective FLU 17 includes retail, service, restaurants, and other customary business uses. The total maximum and minimum development for Residential and non-residential land uses within the FMU shall be:

|             | <b>Maximum</b> | <b>Minimum</b> |
|-------------|----------------|----------------|
| Residential | 2,306 units    | 2,000 units    |
| Commercial  | 340,000 SF     | 200,000 SF     |
| Office      | 420,000 SF     | 180,000 SF     |
| Industrial  | 390,000 SF     | 192,000 SF     |
| Hotel       | 200 rooms      | 120 Rooms      |
| Public Inst | 50,000 SF      | 20,000 SF      |

G. Farmton Mixed Use Areas within the Farmton Local Plan shall be located within the areas identified as most suitable for development. The total FMU area shall not exceed 2,800 acres. FMU shall be designed in a compact form including sustainable development planning and building techniques as more fully set forth herein. Densities and intensities for districts within Farmton Mixed Use Area are as set forth in Policy FLU 17.3. The mix of uses

**FUTURE LAND USE ELEMENT**

shall be in accordance with Policy FLU 17.1F (2) for the Farmton Mixed Use Area.

- H. No development shall take place within Farmton Mixed Use Area until special ~~t~~Land ~~d~~Development ~~r~~Regulations are approved as part of a Mixed Use Zoning (MXD) district or upon approval of a Master Plan as part of a ~~Development of Regional Impact DRI~~ Development Order pursuant to ~~Ch. 380.06, Fl. Stat. section 380.06, F.S.~~ No certificate of occupancy may be issued for development within the Farmton Mixed Used Area prior to January 1, 2016. The timing restriction regarding certificates of occupancy shall not apply in the event that a ~~e~~Comprehensive ~~p~~Plan amendment is adopted and in effect prior to January 1, 2016, which results in a financially feasible capital improvement schedule, taking into account the impacts of the FMU land use change and anticipated development through January 1, 2016, as presented in the supporting analysis for the capital improvement schedule amendment.
- I. This plan shall be consistent with the provisions of the Conservation Element, with particular emphasis on Policy CON 5.2.E.(6) and Policy CON 5.2.E.(7), as amended.

**Policy FLU 17.2**

Protect Natural Resources of Regional Significance by promoting perpetual preservation of interconnected regional wildlife corridors.

**Criteria:**

- A. Decision Support Models. The designation of at least 8,700 acres of Agriculture in perpetuity is the result of a Greenprinting process which utilizes recognized decision support models, including but not limited to the Natural Resources of Regional Significance model (~~NRORS~~) of the East Central Florida Regional Planning Council (~~ECFRPC~~), Critical Lands and Waters Identification Project (~~CLIP~~) of the Florida Century Commission, consultation areas of the USFWS, and biodiversity matrix of Florida Natural Areas Inventory, to make preliminary identification of significant habitat. As these areas were identified, the landowner used ground-truthing through scientifically accepted procedures to identify habitats and ecosystems in order to identify regional wildlife corridors, an integrated habitat protection area, and reserve areas for future development. As Farmton Mixed Use Area is planned in the future for development, these decision support models shall be employed to identify additional lands within which can be rezoned to Environmental Area (EA) and made subject to a conservation easement and conservation management plan. Priority shall be given to lands on the perimeter of the FMU which are contiguous to Agriculture lands.

- B. As a result of the process identified in Policy FLU 17.2A, at least eighty percent (80%) of lands within the Farnton Local Plan shall be subject to a conservation easement and conservation management plan and preserved in perpetuity. This will include all lands designated as Agriculture together with those wetlands, mitigation areas, vegetative buffers, specialized habitat for flora or fauna, passive parks, and trails designated as EA within Farnton Mixed Use Area during the rezoning or DRI process.
- C. The identification of areas to be maintained as permanent Agriculture and subject to a conservation management plan shall be approved in consultation with ~~the Florida Fish and Wildlife Conservation Commission~~ FWC, ~~the Florida Department of Environmental Protection, St. Johns River Water Management District~~ SJRWMD, the Brevard Environmentally Endangered Lands Program, ~~and~~ the Brevard Natural Resources Management Department, and ~~by~~ at least one tax exempt conservation organization, such as the Florida Audubon Society as consistent with Policy FLU 17.6M.
- D. Landowners shall implement an ecological monitoring program to monitor the quality and quantity of habitat type as well as species number and diversity. This information shall be used in preparation of the conservation management plan and the landowner shall not undertake management practices which diminish the quality of habitat within the area.
- E. Agriculture land and land rezoned to EA shall be subject to a conservation management plan which shall provide for ongoing conservation of listed species and other indigenous species which may require special habitat protection. The plan shall include a black bear management plan which shall be developed in consultation with ~~the Florida Fish and Wildlife Conservation Commission~~ FWC consistent with its Black Bear Habitat Management Guidelines.
- F. Any future transportation facilities built across Agriculture land shall be designed to avoid and minimize conflicts between motor vehicles and the movement of wildlife consistent with the Transportation Element. To the greatest extent practicable, the transportation spine network will be within the Farnton Mixed Use Area and cross agricultural lands at suitable locations. Tools to minimize this conflict include locational criteria, landscaping techniques, fencing, speed limits, wildlife underpasses or overpasses, and bridging over known corridors. Transportation facilities shall be designed to avoid the area permitted for mitigation banking.

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**Policy FLU 17.3**

Establish principles of sustainability and land use standards for Agriculture and Farmton Mixed Use Area.

**Criteria:**

- A. Principles of Sustainability. To ensure that the Farmton Local Plan is truly sustainable, the following principles shall be applied throughout the planning process:
  - 1. The Farmton Local Plan shall preserve regional wildlife corridors and important environmental systems first as part of a holistic approach to sustainability of the land.
  - 2. Farmton Mixed Use Area (FMU) shall contain a mixture of uses that provide for a balance of commercial, residential, recreational, open space (active and passive), resource protection, educational, and other supporting uses.
  - 3. FMU shall be designed with principles of smart growth, ~~traditional neighborhood design (“TND”)~~, New Urbanism, or ~~transit oriented development (“TOD”)~~ including walkability, compact development patterns, quality architecture, and urban design, and a hierarchy of street systems to foster connectivity and pedestrian mobility as well as alternate modes of travel, including transit.
  - 4. FMU shall promote income diversity and choice through a mixture of housing types and price points using higher density, compact development patterns, and variety to limit sprawl.
  - 5. FMU shall provide opportunities throughout all phases of the development for residents to work in the community they live in, thereby reducing automobile dependence.
  
- B. FMU shall utilize sustainable development techniques that promote the reduction of greenhouse gases and efficient and effective use of infrastructure.
  
- C. Permanent designation of Agriculture shall be used as the foundation of land use decisions. Other areas may be reserved for future Mixed Use Zoning which shall demonstrate how the values of the adjacent conservation area will be protected and maintained.
  
- D. Agriculture shall be subject to a conservation easement approved by the County, and the residential density shall be zero units per acre after the transfer of development rights is completed. Water resource development, stormwater management facilities, or central potable water wellfields shall be allowed within Agriculture and Mixed Use lands after obtaining required permits.

E. Farmton Mixed Use Areas. Within areas designated on the **Future Land Use Map FLUM** as Farmton Mixed Use Area, the following districts are permitted:

1. WorkPlace. The WorkPlace land use district is intended to provide and promote employment centers as well as provide work force housing in close proximity. Permitted uses include industrial uses, community and regional scale commercial, institutional uses, hotels, and residential uses. The WorkPlace district shall have a minimum density of 10 units per acre and a maximum of 15 units per acre as applied to lands developed with residential use. The maximum overall floor area ratio (FAR) for lands developed with non residential uses is as follows:

|                  |                        |
|------------------|------------------------|
| Commercial       | 1.0 FAR (0.35 minimum) |
| Light Industrial | 2.48 FAR               |
| Hotel            | 2.0 FAR                |

The DRI development order or MXD zoning and/or special **Land Development Regulations** shall require a mix of uses, including maximums and minimums for the WorkPlace land use district.

2. Villages. Villages are compact residential areas containing a mix of residential housing types to encourage affordability for a wide range of economic levels. Villages shall be supported by internally designed mixed use village centers which provide key goods and services and public facilities at the neighborhood level. Villages shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists, and motor vehicles, and which are built with design speeds that are appropriate for neighborhoods. Villages shall be adjacent to large expanses of Agriculture land that are designed to protect the character of the rural landscape.

Villages shall adhere to the following basic guidelines:

- a. Villages shall include compact design that includes a system of land subdivision and development which links one neighborhood to another. No Village shall be greater than 900 acres in size. Preserved wetlands and floodplain within a Village shall be excluded from the calculation of the maximum acreage;
- b. Villages shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists, and motor vehicles, and which are built with design speeds that are appropriate for neighborhoods;
- c. Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees, and on-street parking which provide distinct separation between pedestrians and traffic, spatially define streets and sidewalks by arranging buildings in a regular pattern that are unbroken by

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parking lots; , and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation;

- d. At least 75% of all housing in a Village shall be within one half mile of the village center to encourage walkability.
- e. Each village shall contain a village center, the purpose of which is to provide key goods and services at the neighborhood level (vs. regional level).
- f. The village center shall be located approximately in the center of a designated village and shall not exceed 90 acres in size (excepting wetlands and school campuses).
- g. The target market of a village center shall have a focus towards the residential areas within one mile. In addition to commercial, village centers shall include civic and recreational uses as well as open space in the form of greens, commons, parks, squares, and recreation areas.
- h. The transportation system within a village shall consist of collector and local streets and pedestrian and bike systems that provide linkages to other land use components of the Farmton Mixed Use Area.
- i. Each village center shall be designed to accommodate a transit stop to help facilitate transition from bicycling or walking to bus or trolley. Therefore, the transit stop should include bicycle racks and/or the bus or trolley should include racks.
- j. The village center shall be located near the juncture of two collector roads, but may, depending on environmental constraints, be located near the juncture of a collector and local road.
- k. Each village shall contain a mix of housing types to encourage affordability for a wide range of economic levels.

Approved uses within a Village include single and multi family residential, office, commercial, institutional, open space, and bed and breakfast. Non-residential uses, except for licensed home occupations, are limited to the village center. The maximum overall floor area ratio for non residential developments within a village center shall be as follows:

Commercial: 1.0 FAR (min. 0.3)

The following densities apply to lands developed with residential use within Villages:

|               | Maximum <del>dupa</del> du/ac | Minimum <del>dupa</del> du/ac |
|---------------|-------------------------------|-------------------------------|
| Single Family | 8 <                           | 4                             |
| Multi-family  | 15                            | 8                             |

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- The Village Center shall achieve an average density of 7 ~~dupa~~ du/ac applied to lands developed with residential use.
3. Mixed Use Requirements. To ensure a sustainable mix of uses, the minimums and maximums per use are per ~~policy~~ Policy FLU 17.1F.

**Policy FLU 17.4**

Development within Farmton shall incorporate and promote high standards for sustainability, water conservation, energy efficiency, and greenhouse gases.

**Criteria:**

- A. Farmton Mixed Use Area shall require protection of green infrastructure, natural resource protection, water and energy conservation features, and lower impact development, and compact development. Higher density, mixed use, and compact development shall be required as it is recognized as a more energy efficient land use pattern to reduce trip lengths, promote walking, support regional mass transit, and reduce the development foot print. It also is recognized to provide tangible social and cultural benefits by encouraging more connected social support systems and a stronger sense of community.
- B. Reduction in Greenhouse Gases. By utilizing higher standards of sustainability and the principles of smart growth including ~~traditional neighborhood design~~ TND and ~~transit-oriented development~~ TOD, the Farmton Local Plan seeks to reduce reliance on the automobile; and, therefore, reduce the production of greenhouse gases. Additionally, the Farmton Local Plan desires to lessen the demand for energy utilized to heat and cool houses and commercial structures built in the Farmton Mixed Use Area, not only to reduce the production of greenhouse gases, but to conserve available energy resources.
- C. The Farmton Local Plan shall promote carbon neutrality through energy conservation features such as protecting natural areas, greenways, wetlands, forests, and other natural resources that reduce energy demand; energy efficient land use patterns which reduce energy consumption, promote walkability, and reduce automobile use; water and energy conservation; and promotion of solar power and other alternatives to achieve overall reduction in production of greenhouse gases.
- D. Farmton Mixed Use Area shall undertake the physical development of the community using a whole systems approach to the design, development, construction, and operation of the community and to do so in a way where defined benchmarks and metrics can be used to measure its success. The details for these standards will be developed in cooperation with the University of Florida Program for Resource Efficient Communities (PREC)

and will be set forth in the Master Plan and DRI Development Order and will implement the following goals of sustainability:

1. Site Design and Land Use shall encourage a walkable transit-ready community with a jobs-to-dwelling-units ratio to create the required synergies for a sustainable community. At build out, all homes shall be within one half (0.5) mile of transit, a village center, workplace, or an institutional or civic use such as a school or government office.
  2. Landscape design shall incorporate biodiversity using native vegetation with a goal of reducing water usage and treating groundwater.
  3. Transportation design shall create multi-modal synergies that facilitate a reduction in the use of the automobile; and promote pedestrian and bicycle utilization and the use of mass transit when available.
  4. FMU design shall incorporate water conservation measures so that as nearly as possible it incorporates water neutrality into the construction and operation of the development. Water neutrality shall mean that potable and nonpotable sources of water are provided solely within the boundaries of the Farmton Local Plan and sources outside the boundaries of the Farmton Local Plan are not needed to support development within.
  5. Community design shall incorporate walkability with linkages to employment centers and developing around multi-use compact cores so that the community can coexist harmoniously with the natural, social, and economic environment.
- E. Proposed development shall meet the requirements of a certification program from either [the U.S. Green Building Council \(USGBC\) Leadership in Energy and Environmental Design \(LEED\)](#) for Neighborhood Development, [the Florida Green Building Coalition FGBC](#) Green Development Designation Standard, or another third party program deemed acceptable by Brevard County.
- F. Outdoor lighting in the community will be encouraged to achieve the standards of the International Dark-Sky Association. Particularly effective best practices established in cooperation with the PREC or other credible agency will be integrated as prerequisites or established as minimum community standards such as solar powered street and pathway lighting.
- G. Infrastructure within the Farmton Local Plan shall incorporate water and energy conservation standards as part of the ~~t~~Land ~~d~~Development ~~r~~Regulations.
- H. Individual septic tanks shall be prohibited.

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- I. ENERGY STAR® and Florida Water Star<sup>SM</sup> standards shall be met for residential development.
- J. Solar panels shall be permitted on all buildings and in all districts.
- K. Waterwise and Florida Friendly principles shall be applied in the design of all landscape areas.
- L. Energy Efficiency Criteria. The Farmton Local Plan shall develop in a manner that establishes energy efficient land use patterns. The specific criteria to be evaluated and incorporated in the implementing Land Development Regulations shall include:
  - 1. Measures to promote walkability;
  - 2. Inclusion of a bike trail system in future development applications that demonstrates connectivity to a larger external system, to include the regional bike trail network, and provision for bicycle racks at all transit stops;
  - 3. A mix of uses that provides residents and employees with opportunities to obtain goods and services utilizing non automotive travel modes;
  - 4. Permitting solar panels on any structure;
  - 5. The provision of at least one recharging station at each Village Center; and WorkPlace for personal electric vehicles (PEV); and
  - 6. Demonstration that the application was coordinated with the school board Brevard Public Schools to promote safe, alternative travel modes for school children;
- M. Adaptive Management. It is recognized that the standards and protocols which define sustainability are constantly evolving such that what is determined to be acceptable today may be unacceptable in the future and that supportive programs may emerge tomorrow that more adequately accomplish the goal of the Farmton Local Plan. For the purpose of achieving sustainability goals, adaptive management will be employed over the life of the plan so as to ensure that the most current programs, policies, and protocols are used throughout the life of the community.
- N. Environmental Education. Proposed development shall provide for an on-site naturalist to provide environmental education and uphold the environmental and sustainability standards for any proposed development within the Farmton Local Plan. Environmental education shall focus on the following and be the responsibility of the Homeowners Association or Community Development District as appropriate:
  - 1. Landscaping activities;

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2. Monitoring of environmental conditions and sustainability performance such as energy consumption, greenhouse gas emissions, water consumption, water quality on site, and biodiversity;
  3. Analysis and education on community performance standards for energy and water use efficiency and facilitation of carbon credit sales for energy efficiency;
  4. Distribution of educational materials for home buyers that include landscape plans/lists of plants installed on their lots and basic maintenance requirements of any home features that received credits under the ENERGY STAR® or Florida Water Star<sup>SM</sup> certification programs;
  5. Distribution of educational and interpretive materials on bikeways and trail systems, wildlife, and habitat protection issues.
- O. Jobs to housing ratio. The Farmton Local Plan shall develop and implement a program designed to ensure an adequate number of jobs per residential dwelling unit exist in the Farmton Mixed Use Area at buildout. The standard jobs-to-housing balance of 0.65 jobs per residential unit shall be required concurrently with housing development after the first 1,000 dwelling units are permitted.
- P. Diversity of Dwelling Styles. Residential neighborhoods and mixed use areas shall include a variety of dwelling types and lot sizes to provide opportunities for different age and income groups within an integrated and diverse community so as to avoid rigid segregation of dwelling types by price point within the community. Housing types may include, but are not limited to, mid-rise multifamily, single family detached, residential above commercial, townhouses, carriage houses, garden apartments, duplexes, triplexes, zero lot line, owner-occupied, and for rent product. The mix of housing product will vary depending on the section of the community in which the housing is developed.
- Q. Within Farmton, ten (10) percent of residential units shall qualify as “affordable housing” as currently defined by the Comprehensive Plan and Land Development Regulations.
- R. The 10% allocation required by subpolicy Q shall be located within a 1/3 mile of transit stops or on-site employment opportunities.
- S. Institutional uses (e.g. churches, libraries, public and private schools, recreation facilities, government buildings, police/fire/emergency medical services, water and sewer plants) shall be allowed in the FMU land use category; but shall not be allowed in the Agriculture land use category.

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- T. Implementing **t**Land **d**Development **r**Regulations of the Farmton Mixed Use Area shall require the early identification of external access locations and a process through which access improvements, if needed, will be guaranteed.
- U. Implementation of appropriate “firewise” community planning practices shall be identified during the subdivision/site plan review process. As part of the development review process, a covenant will be placed on properties near or adjacent to public conservation or preservation land to notify future property owners and residents that the nearby or adjacent public land or conservation areas will be managed by natural resource management practices including prescribed fire and other techniques.
- V. A phase I cultural resource assessment survey shall occur prior to initiating any project related land clearing or ground disturbing activities that are not agriculturally related within the project area. The purpose of this survey will be to locate and assess the significance of any historic properties present. The resultant survey report must conform to the specifications set forth in Chapter 1A- 46, Florida Administrative Code, and be forward to the Division of Historical Resources for comment and recommendation in order to complete the process of reviewing the impact of the proposed project on historic resources. Should significant resources be present, additional archaeological testing may be necessary, and/or protection and preservation of significant sites may be required.

**Policy FLU 17.5**

Adopt general development guidelines and standards for Farmton Mixed Use Areas which provide for delivery of services and provision for infrastructure and fiscal neutrality.

**Criteria:**

- A. Floodplains. Any development within the Farmton Local Plan shall be consistent with Objective **CON 4** of the **Brevard County** Conservation Element and its implementing **t**Land **d**Development **r**Regulations including those policies promoting clustering of residential densities and non-residential intensities.
- B. Development proposals within Farmton Mixed Use Area shall only be processed with a Master Plan associated with a Development Order reviewed as a **development of regional impact (DRI)** per Chapter 380 of **Florida Statutes, F.S.**, or a MXD. As required through the DRI process, financial feasibility of required mitigation to regionally significant off-site transportation facilities will be identified. Recognizing that regionally significant transportation facilities can also be impacted by auto-occupancy factors and transportation mode shifts due to influences such as economic and environmental changes affecting lifestyles, the Farmton Mixed Use Area

land use planning and site design must further the goals of trip reduction and vehicle miles of travel reduction, both on- and off-site.

- C. The use of septic tanks is prohibited within Farmton unless preexisting.
- D. Minimum buffers and setbacks
  1. Boundary buffer: The purpose of the boundary buffer is to minimize visual and noise impacts on surrounding land owners. The boundary buffer around Farmton Mixed Use Areas shall be a minimum of 200 feet. There shall be no encroachment within the buffer except for bike paths, equestrian; and walking trails, fire lines, existing logging roads, and public roadways.
  2. Arterial buffer: The purpose of buffers and setbacks on arterial roads shall be to minimize visual intrusion of development activity on the traveling public. A minimum 75 foot “no encroachment” buffer is required on arterials. The no encroachment buffer prohibits intrusion of any kind, excepting intersecting roadways and one monument project signage at such intersections intended for project identification and way finding. Lakes may also encroach into this buffer. However, in such an event, any building setback shall be 200 feet from the arterial right of way.
  3. Collector buffer: For roads that are functionally classified as “collector” by the County, an applicant shall provide a buffer of 50 feet, except that stormwater facilities may be located within this buffer or for roadway segments within the village center(s).
  4. Wetland buffer: All preserved wetlands shall have a minimum 50 foot upland buffer or greater, if required by law or administrative rule.
  5. East Central Regional Rail Trail Buffer: A rail trail corridor ranging in width between 100 and 200 feet extends through the area of the Farmton Local Plan and will ultimately be developed as a public access multi-use trail. A minimum 200 feet wide vegetative buffer shall be maintained on each side of the centerline of the trail right of way so as to minimize encroachments on the trail and enhance the experience of the trail user.
- E. Water Resources. Farmton Water Resources LLC (FWR) is a utility certified by the Florida Public Service Commission and is the authorized water provider to the Farmton Local Plan area. FWR and the City of Titusville have established TIFA LLC, which is a joint venture for development of water supply on Farmton which initially reserves 0.6 million(s) of gallons per day (mgd) for the Farmton Mixed Use Area. FWR, through extensive well placement and stress testing, has determined that significant groundwater resources exist within its jurisdictional perimeter that are far in excess of the

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water needs required by buildout under the Farmton Local Plan. TIFA LLC shall apply for a Consumptive Use Permit (CUP) from SJRWMD to supply groundwater to the area and the proposed development allowed by the Farmton Local Plan. In the event that ~~St. Johns River Water Management District (SJRWMD)~~ deems the existing ground water insufficient to serve buildout of the Farmton Local Plan, then any additional water supply needed shall be provided by an alternative water supply source identified in SJRWMD's District Regional Water Supply Plan. ~~FWR shall coordinate with the City of Titusville and, County, to revise their 10-year water supply facilities work plans to include FWR's service area and descriptions of projects needed to provide potable and nonpotable water to the service area. In addition, shall propose additions to the District Water Supply Plan to provide for water resource development and alternative water supply plans including storage of water, and acceptance of reuse or storm water, and augmentation or wetlands restoration. FWR shall coordinate with Brevard County with respect to updates of the County's Water Supply Facilities Work Plans and other water resources issues as required by Florida Statutes.~~ FWR is responsible for providing onsite and offsite infrastructure improvements necessary to provide potable and nonpotable water and waste water to development within the Farmton Local Plan area. Infrastructure improvements shall include wells, surface water intake facilities, pumps, raw water transmission lines, water treatment plants, wastewater treatment plants (meeting public access reclaimed water standards), finished water transmission lines, reclaimed water transmission lines, and potable and nonpotable water storage facilities. ~~As the infrastructure projects are identified and approved by the County and the SJRWMD, those projects shall be included in the County's Water Supply Facilities Work Plan and Capital Improvements Element during the annual update. At FWR's request, Brevard County will include projects administered by FWR in the annual update of the Capital Improvements Element Schedule of Improvements.~~

- F. The County shall not issue any development orders or development permits for Farmton without first determining that adequate water supplies (potable and nonpotable) exist to serve the new development and will be available no later than the anticipated date of issuance of building permits. The availability of water supply shall be demonstrated through:
1. Before the County issues a ~~DD~~ development order (except a ~~DD~~ development order issued under Chapter 380, F.S.), the County shall receive a Concurrency Certificate from the water supplier verifying that it has the facilities and capacity to serve the development;
  2. CUP issued by SJRWMD to TIFA LLC for potable water to site;

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3. The availability of reclaimed water and stormwater for irrigation use within the developments and the quantity of potable water these sources will offset; and
  4. The potential for water conservation practices to reduce demand, such as installation of high-efficiency plumbing fixtures, appliances, and other water conserving devices in households, as well as public and commercial restroom facilities and the use of waterwise and Florida Friendly principles in all landscaped areas, where ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable so as not to require irrigation. The Farmton Local Plan shall comply with the Aquifer Recharge policies of the Brevard County Comprehensive Plan (Conservation Element) and its implementing ~~t~~Land ~~d~~Development ~~r~~Regulations. Reuse and water conservation methods shall be implemented in accordance with the applicable requirements of ~~policy~~ Policy FLU 17.4 to reduce water demand.
- G. The owner shall also reserve and dedicate at no expense to the County a 200 foot right of way to allow ~~the~~ for the future extension of an arterial roadway from the SR 5A interchange with I-95 through the FMU to the County line to connect with Williamson Road Extension in Volusia County in the event that road is established. The developer shall also reserve and dedicate a utility easement along any transportation facilities that connects to the SR 5A interchange with I-95 to the FMU. The alignment of the transportation and utility facilities shall be as generally depicted on the “Farmton Local Plan Boundary & Arterial Transportation Network” Map ~~13~~ 3, but the final alignment shall be after groundtruthing to avoid, to the greatest extent practicable, impacts to wetlands and flood plains within the Agriculture lands.

**Policy FLU 17.6**

Agriculture within Farmton shall be managed for natural resource protection and conserved in perpetuity.

**Criteria:**

- A. Lands designated as Agriculture together with lands rezoned EA within FMU shall be subject to a conservation management plan and protected by a perpetual conservation easement.
- B. The initial conservation easement severing development rights for the area designated as Agriculture on the ~~Future Land Use Map~~ FLUM shall be recorded by the owner with the ~~Clerk of the Circuit Court~~ Brevard County Clerk of the Court and Comptroller within 30 days of effective date of the Ordinance adopting the Farmton Local Plan which is subject to the final determination of compliance and the expiration of any and all deadlines for

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appeal. Additional areas designated as EA within Farmton Mixed Use shall be recorded prior to the issuance of certificate of occupancy(ies) for the associated development. Conservation easements shall be conveyed to the County and combination of other public agencies or qualified conservation organizations experienced in holding and maintaining conservation easements (such as the Florida Audubon Society) subject to their acceptance after review and approval of the easement as to form and content.

- C. The conservation easement(s) shall accommodate a limited number of crossings of the easements for arterial roads, utilities, and trails. Roads and utilities shall share crossings unless the utility is pre-existing. The conservation easement(s) shall also accommodate potable wellfields or other water resource development to supply water to the FMU(s) subject to required permitting. No new roads or new utility crossings shall be allowed in the area permitted for mitigation banking.
- D. The conservation easement(s) shall incorporate provisions for a conservation management plan which shall include agriculture, silviculture, and conservation objectives and outcomes and a financial plan for meeting the obligations of the program over time.
- E. Areas set aside for Agriculture may be accessed by walkways, boardwalks, trails, and bikeways where such access is consistent with the maintenance of the ecological resource, its habitat values, and the bone fide commercial agricultural operation, as well as consistent with the Conservation Management Plan. Agriculture may include facilities for environmental education and research and potable wellfields subject to required permitting.
- F. Uses within Agriculture designated areas may include agriculture, conservation, and passive recreation.
- G. Agriculture land shall have the highest level of protection and conservation management plans shall protect natural resource values identified within those areas consistent with agriculture.
- H. Agriculture land shall be designed to eliminate or minimize fragmentation and promote the formation of linked networks to adjacent properties managed for conservation purposes.
- I. To the extent that transportation and utility facilities are necessary for access to the Farmton Mixed Use Area, they shall be designed to avoid

#### **FUTURE LAND USE ELEMENT**

wetlands and other ecological resources except as allowed by policy and as necessary; and shall avoid the area permitted for mitigation banking.

- J. Conservation Management Plan. A conservation management plan shall be adequately funded to meet the requirements of the plan over time. The conservation management plan shall set resource protection standards and management protocols designed to ensure the long-term maintenance of the ecology of the areas subject to a conservation easement. The plan shall be developed within one year of the recording of the initial conservation easement. The County and the owner shall establish an advisory committee made up of representatives of the owner and grantees under the conservation easement and the community stewardship organization and others with special expertise to develop the management plan which, upon approval of the landowner; and owner of the conservation easements, shall be incorporated into the conservation easement and made enforceable. The intent of the conservation management plan is to prevent the quality of habitat in the Farnton Local Plan from being diminished and encourage the improvement of habitat quality which may include habitat restoration. Areas which have been formally opened as a mitigation bank shall be managed subject to the permit conditions, financial responsibility provisions, and terms of the conservation easement pertaining to the mitigation bank. The conservation management plan shall establish conservation goals and objectives for diversified habitats within the Farnton Local Plan which are consistent with respective habitat requirements, ecological communities, and other natural resource requirements, as well as conditions associated with public access, hunting, and passive recreational use. The conservation management plan shall address at a minimum, the following matters:
1. A prioritized list of natural resource management objectives for the site and implementation methods that protect and enhance ecosystem integrity, function, and biodiversity.
  2. Identification of special areas, including but not limited to the Maytown Flatwoods Florida Forever Project and ~~US~~FWS consultation areas.
  3. Identification of natural and cultural resources in need of protection and discussion on how those resources will be protected.
  4. Description of natural communities and establish desired future conditions by specific habitat type.
  5. Identification of known threatened or endangered plants and animals occurring on site and strategies and habitat management plans as identified in the best available scientific literature.
  6. Identification of exotic species and a plan for treatment/control .

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7. Forestry stewardship provisions consistent with Best Management Practices (BMPs) for silviculture, including location and logging road access management plan.
8. Provisions for significant water resources (such as streams, creeks, natural drainage ways, floodplains, and wetlands) protection, enhancement, and restoration and planned hydrological restoration.
9. Provisions for protection of habitat of listed or imperiled species and other indigenous species which may require special habitat protection.
10. Provisions for water resource development, well fields, and protection of wellfields
11. Erosion control.
12. Fencing, appropriate public access, hunting, and, if consistent with maintenance of the ecological resource, its habitat values and the bone fide commercial agricultural operation, possible development of trails, boardwalks, and interpretive facilities.
13. Provisions for elevated roadways or wildlife crossings.
14. Prescribed fires specific to habitat types, Division of Forestry criteria, and addressing flexibility associated with climatic conditions and catastrophic events.
15. Coordination of management plans with adjacent conservation lands and mitigation banks.
16. Identification of ownership and management responsibilities including financial responsibility.
17. Establishment of a timetable for implementation of the conservation management plan and development of a monitoring and reporting program to track the implementation.
18. Provisions for passive recreational use, environmental education, and public access where appropriate.
19. Provisions for security and maintenance.
20. Coordination of conservation management plans with the management plan of the East Central Florida Regional Trail.

- K. To the extent that transportation and utility facilities are necessary for access to the Farmton Mixed Use Area, they shall be designed to avoid wetlands and other ecological resources except as allowed by policy and as necessary, and shall avoid the area permitted for mitigation banking.
1. ~~b~~Bicycle, pedestrian, and equestrian trails; ~~;~~ trailheads; and rest areas for trails to include restrooms, water fountains, government initiated parking facilities for trail users, ~~and~~ shelters to provide protection/relief from the weather.
  2. ~~t~~Utility lines.
  3. ~~s~~Solar energy facilities to provide all, or portions of, the power source for illumination of on-site signage or on-site security.

#### FUTURE LAND USE ELEMENT

4. ~~s~~Stormwater retention facilities only when required for public infrastructure projects.
5. ~~r~~Roads, rights of way, or transportation facilities which cross Agriculture land.
6. ~~f~~Fencing if specifically directed by ~~the~~ appropriate public agency.
7. ~~a~~Agricultural or silvicultural activities using BMPs and which do not require irrigation.
8. ~~r~~Replacement of existing structures.
9. ~~e~~Environmental education or interpretation facilities.
10. ~~w~~Well fields, water storage and water reservoirs and other water resource development projects.
11. Maintenance or replacement of existing hunting camp facilities.

L. The maximum impervious surface ratio for uses identified in Policy FLU 17.6K shall not exceed those established in the County's Land Development Regulations.

M. Agriculture land shall be permanently protected by conservation easement such that areas are and remain undeveloped in perpetuity. The applicant shall draft a conservation easement agreement in a format acceptable to the County. The easement shall be conveyed to the County and combination of other public agencies or qualified conservation organizations experienced in holding and maintaining conservation easements subject to their acceptance after review and approval of the easement as to form and content.

N. A Community Stewardship Organization or other tax exempt not for profit conservation organization (CSO) pursuant to Sec. 170(h)(3) I.R.C. shall have perpetual existence and be established for the purpose of conservation of areas of significant ecological integrity through fee acquisition of natural sites, acceptance or creation of conservation easements, or development of managed and interpretive public access to areas of special ecological, aesthetic, and educational value. The owner/applicant shall fund and facilitate the creation of the CSO, but its governance shall be independent from the owner/applicant. The CSO shall be governed by a board of directors of seven individuals. At least four of the members of the board shall be representatives of ~~s~~Statewide or national non-profit environmental/conservation organizations in existence at the time of the adoption of the Farmton Local Plan such as the Nature Conservancy, Florida Audubon Society, Trust for Public Lands, and Florida Wildlife Federation. The owner shall be represented on the board and other board members may include representatives of public agencies, stakeholders, and other interested citizens who participated in the development of the plan. The CSO may take title to designated Agriculture or EA lands; or co-hold a

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conservation easement over such lands and shall participate in the development of the conservation management plan. The CSO may enter into contracts with the landowner or public agencies to undertake management responsibilities set forth in the conservation management plan and may manage and operate environmental or interpretive facilities associated with the site.

**Policy FLU 17.7**

The Farmton Local Plan shall promote Sustainable Agriculture.

**Criteria:**

- A. Unless modified by DRI Development Order or MXD zoning or Conservation Management Plans adopted as part of a Conservation Easement, agricultural activities may continue on Farmton lands.
- B. Future agricultural operations may be provided for within the Farmton Mixed Use Area as may continue in the DRI Development Order or MXD zoning.
- C. Silviculture may continue subject to **Best Management Practices BMPs** approved by the Commissioner of Agriculture and Consumer Services.
- D. Right to Farm. Florida’s Right to Farm laws apply to existing and new agricultural uses in the Farmton Local Plan. DRI Development Orders or MXD shall have requirements for purchasers of homes within Farmton to acknowledge, via covenants, conditions, and restrictions, that existing silvicultural/agricultural activities are allowed to continue on surrounding lands.

**Policy FLU 17.8**

The Farmton Local Plan shall promote an efficient transportation system that maximizes on-site traffic capture, mitigates its impacts, and provides for continuous modeling and monitoring to assess the operation of the transportation system. The Farmton Local Plan shall be developed in a manner to promote a transportation system, both on-site and off-site, consistent with the goals of providing mobility that is energy efficient, includes green development principles, and is financially feasible. A key component of the Plan shall be a shift in emphasis from providing for the movement of vehicles to the provision of mobility of people. The Plan shall also identify the procedures for determining transportation needs, identifying funding mechanisms, the protection of transportation facilities, and the monitoring of transportation impacts.

**Criteria:**

- A. The Farmton Local Plan shall include the concept of transportation mobility in all aspects of the transportation network design. This emphasis is consistent with the concepts of reduced energy requirements, reduced greenhouse emissions, and reduced transportation facility expenditures. All

development within the Farmton Local Plan shall implement these design concepts.

1. The Farmton Local Plan shall be developed consistent with walkable community design standards to encourage walking as a means of transportation, recreation, and social interaction.
  - a. A mix of land uses, multi-modal transportation stations, and transit stops shall be provided in close proximity to each other to foster walking as a viable means of transportation.
  - b. Shade shall be provided in the form of tree canopy or man-made structures in the WorkPlace and Villages to accommodate walking by providing relief from direct sunlight and the elements.
  - c. Sidewalks shall be wide enough to accommodate pedestrian activity and shall otherwise comply with the [Land Development Regulations](#).
  - d. Safely lit sidewalks with physical separation from adjacent roadways (via curbing or otherwise adequate spatial separation) shall be provided to encourage night-time use.
2. The Farmton Local Plan shall include a network of interconnected multiuse paths designed to accommodate pedestrian, bicycle, and low speed electric vehicles. The path network shall connect neighborhoods to reasonably proximate destinations including public and commercial land uses. The County shall require the developer to submit to the County both a bicycle routing plan and mobility plan, including a trail plan, as part of the MXD master development plan to be reviewed and approved by the County.
  - a. Multi-use paths shall be provided connecting neighborhoods with the WorkPlace, Villages, recreational centers, schools, and parks.
    - i). Multi-use paths shall not be less than 12 ft. in width.
    - ii). Multi-use paths shall accommodate pedestrians, bicycles, skaters, rollerbladers, skateboarders, and low speed electric vehicles.
    - iii). Rest areas, including parking areas, water fountains, restroom facilities, shelter from the weather, shall be provided for trail users with access from public roads.
  - b. Accommodation of electric vehicles shall be provided in the development of residential units and at significant public, recreational, educational, and commercial destinations.
    - i). Use of low speed electric vehicles on local streets and on multi-use paths shall be permitted.
    - ii). Major public and commercial destinations as well as multimodal stations in the WorkPlace and Village Centers shall provide for parking spaces specifically

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- designed and designated for low speed electric vehicles. The provision of electric vehicle charging stations should be provided where practical.
3. The Farmton Local Plan shall incorporate the features of transit-oriented development in the WorkPlace and Villages.
    - a. The WorkPlace shall incorporate a multi-modal station accommodating transit adjacent to the core area.
    - b. Villages shall incorporate transit stops within the Village Center.
    - c. Transit stops shall be designed to provide convenient walking distances for all neighborhoods.
    - d. Bicycle racks for the temporary, secure storage of bicycles shall be provided at all transit stops and at major public facilities, commercial destinations, recreational facilities, and schools.
  4. FMU within the Farmton Local Plan shall include an efficient road network designed to safely accommodate access to the external road network and the internal road network for all modes of transportation.
    - a. A hierarchy of roads shall be developed that accommodates local transportation needs as well as access to the external road network. An approved plan providing for a hierarchy of transportation facilities will be required to accommodate this goal prior to the development of the FMU.
      - i). Internal access within the WorkPlace and the Villages shall consist of interconnected local streets and collectors meant to disperse traffic and avoid funneling traffic to a reduced number of collectors and arterials. This design requires a pattern of mixed uses, commercial, and residential in proximity to each other. Cul-de-sacs shall be prohibited except in perimeter areas. The interconnected network of local streets shall be posted at lower, bicycle/pedestrian friendly speeds (30 mph or less). On-street bicycle use and on-street parking shall be accommodated on local streets.
      - ii). Access between the Workplace and the Villages, as well as access to the external road network, shall be provided by a system of arterial(s).
  5. The Master Plan shall include a designation of arterial roads identifying approximate alignments, right-of-way widths, path crossings, wildlife corridor crossings, setbacks, and design elements consistent with the needs of access between major uses on-site and access to the external transportation network.
    - a. Concurrency requirements may require improvements, including interchange improvements, which shall be evaluated

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in determining the use of proportionate share funds and other contributions toward prioritized improvements that will benefit the regional transportation system.

- b. The owner shall reserve and dedicate at no expense to the County a 200 foot right of way to allow for the future extension of an arterial from the SR 5A interchange with I-95 through the FMU to the County line. All development within the Farmton Local Plan shall provide for, and protect, this corridor and shall include accommodations for multi-modal transportation. Future interchange access to Interstate 95 at the existing SR 5A interchange shall be included in the Master Plan and may be required as mitigation to any over-capacity conditions projected with the development of the Farmton Local Plan. Development shall be setback from the proposed SR 5A interchange and shall be required to protect the traffic-handling capacity of the proposed interchange. Said access to Interstate 95 at the existing SR 5A interchange shall be included in the Traffic Element.
  - c. Designated bicycle lanes shall be provided on all arterial roads.
- 6. The Farmton Local Plan shall accommodate a transit system design within its major transportation facilities connecting on-site transit stops and stations to external transit line routes as may be developed by transit providers in Brevard County.
  - 7. Given the potential for innovation in transportation, provision should be made for accommodating state-of-the-art travel modes (both for on-site facilities and access to off-site facilities) as they evolve throughout the development of the Farmton Local Plan to the extent practical.
- B. The transportation mobility focus for the Farmton Local Plan represents a change from the historic approach to providing for mobility which previously focused on the personal automobile. This new focus is on reduction of vehicle miles traveled, increased vehicle occupancy, reduced energy costs, and reduced greenhouse gas emissions while increasing the mobility of the traveling public. A byproduct of this approach will be a reduction in the rate of trip generation on a per vehicle basis. This is a necessary goal given the prevalent and growing deficits in the public's ability to fund new roads. Transportation goals are now focused on reducing travel demand while preserving existing transportation facilities. The County's goal for the Farmton Mixed Use Area is to attain a 30 percent internal traffic capture by encouraging a balanced mix of uses. In order to document the effectiveness of this objective, several policies are proposed that address transportation needs through the build-out.

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1. Any proposed development within the Farmton Local Plan shall be required to meet concurrency or mobility standards as may be established by Brevard County. Satisfaction of the standards shall include providing proportionate share funding for off-site transportation improvements. Transportation impact fees and/or mobility fees will be fully-creditable against off-site proportionate share funding of transportation improvements. On-site transportation improvements shall be the sole responsibility of developer(s) of the Farmton Local Plan.
2. Monitoring of the transportation system impacts, both on-site and off-site, will be required at least every seven years after the commencement of construction of the first development in the FMU within the Farmton Local Plan and shall coincide with the County's **Evaluation and Appraisal Report EAP** process.
  - a. The monitoring effort shall address transportation impacts for a study area inclusive of transportation facilities impacted by existing approved Farmton Local Plan development at five percent or greater of each facility's capacity at the adopted **level-of-service LOS** (significant impacts) as established by the governing body of the facility's jurisdiction.
  - b. The monitoring effort shall be documented in a written report detailing the analysis procedure, results, recommendations, and funding sources necessary to mitigate any transportation deficiencies whereon the trip generation caused by the Farmton Local Plan is significant and results in total traffic volumes exceeding the established capacity (adverse impacts) of the facility.
  - c. The monitoring effort shall document the extent to which external trip generation varies from anticipated industry standards as projected by the Model. The documentation shall address which strategies of travel demand management are being implemented and shall assess the probable effectiveness of each strategy.
3. Modeling of future transportation system impacts due to the Farmton Local Plan shall be required at least every seven years following commencement of construction of the first development in the FMU within the Farmton Local Plan and shall coincide with the County's **Evaluation and Appraisal Report EAP** process. The modeling period shall address, at a minimum, a 5-year and a 10-year future analysis development period from the date of the biennial modeling effort. The modeling effort shall address transportation impacts for a study area inclusive of transportation facilities impacted by proposed Farmton Local Plan cumulative development at five percent or greater of each facility's capacity at the adopted **level-of-service LOS** (significant

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- impacts) as established by the governing body of the facility's jurisdiction. The modeling effort shall be documented in a written report detailing the analysis procedure, results, recommendations, and funding sources necessary to mitigate any transportation deficiencies whereon the trip generation caused by the Farmton Local Plan is significant and results in total traffic volumes exceeding the established capacity (adverse impacts) of the facility.
4. Transportation impact analyses of the Farmton Local Plan shall be coordinated with adjacent jurisdictions including Seminole County as well as significantly impacted municipalities ~~and towns~~ within Brevard and Volusia Counties (significance shall be ~~determine~~ determined consistent with procedures identified in ~~Ch~~ Section 380.06, F.S.).

#### **Policy FLU 17.9**

Establish a Farmton implementation strategy and development review process.

- A. Contemporaneously with the adoption of the Farmton Local Plan, the ~~Future Land Use Map~~ FLUM shall be amended to show Agriculture and Farmton Mixed Use Area. The County shall adopt a Mixed Use Zoning District (MXD) to implement the Farmton Mixed Use Area land uses, land use districts, concurrency management systems, and procedures for development within the Farmton Local Plan.
- B. Land Development Regulations. The County shall adopt amendments to the Zoning Ordinance and Land Development Code to establish the specific requirements for developments within the Farmton Mixed Use Area to ensure consistency with the plan through a Mixed Use Zoning District (MXD). The Zoning Ordinance and Land Development Code will establish a Mixed Use Zoning district and design standards with general baseline regulations including physical design, development approval processing, requirements for the fiscal neutrality plan, the ratio of non-residential to residential development, as well as baseline design guidelines for Workplace and Village development. The general design standards will include, at minimum, architectural standards, street design, transit friendly design requirements, landscaping, lighting, access and circulation, parking, lot development standards, parks, and internal recreational space and facility requirements. In addition, innovative resource conservation measures will also be included to address water conservation, non-potable water usage, and other resource conservation measures including, but not limited to, materials and energy. No development may be approved or permitted until this Mixed Use Zoning District and design standards are adopted.
- C. FMU Re-Zoning Process: Development activity within Farmton Mixed Use Area must be approved through a MXD district and/or ~~Development of~~

#### **FUTURE LAND USE ELEMENT**

**Regional Impact DRI** process and shall be planned through a master development plan process that integrates development, Agriculture land, and infrastructure. In addition to standard requirements for a MXD or DRI application, the application and development order shall include the following:

1. Master Development Plan
2. Specific Design Guidelines for the Development
3. Fiscal Neutrality Plan and Procedure for Monitoring Fiscal Neutrality for on-site improvements and proportionate share mitigation for off-site improvements.
4. Conservation Management Plan for Agriculture land
5. Phasing Plan for development (including timing and amount and phasing of residential and non-residential development)
6. Adequacy of infrastructure including transportation and public schools
7. Provisions for water and energy conservation measures.

D. Master Development Plan Requirements. The County shall adopt amendments to the Zoning Ordinance and Land Development Code to establish the specific requirements of Master Development Plan submittals and the standards for the review of those Master Development Plans.

E. Phasing. Development within the Farmton Local Plan shall be phased according to a plan approved in the Master Plan and MXD zoning or DRI Development Order which shall establish the timing and conditions upon when future phases will be approved.

Facilities Capacity. The phasing conditions of each development shall address at a minimum:

- a. The requirement that adequate public facilities and services be available to accommodate the development and maintain the adopted **level of service LOS** standards, and
- b. The availability of water supply to serve the development, -and
- c. The provision of a transportation network within the Farmton Mixed Use Area that is projected to be needed to support the development through buildout.

F. Monitoring Program. To ensure efficient planning for public infrastructure, the County shall annually monitor the actual growth within the County, including development within the FMU, and adopt any necessary amendments to the Farmton Local Plan in conjunction with the update of the Capital Improvements Plan. Any amendments to the Capital Improvements Plan will be made consistent with the requirement for Fiscal Neutrality for FMU.

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- G. Fiscal Neutrality. Development within the Farmton Mixed Use Area shall provide adequate infrastructure that meets or exceeds the **levels of service LOS** standards adopted by the County and be fiscally neutral or results in a fiscal benefit to the County, ~~School Board~~ Brevard Public Schools, and residents outside that development. The intent of Fiscal Neutrality is that the costs of additional local government services and infrastructure that are built or provided for the Farmton Mixed Use Area shall be funded by properties within the approved FMU.
1. Landowners, developers, or Community Development Districts shall demonstrate fiscal neutrality as part of the master development plan approval process, according to the procedures established by the County. Such procedures shall require that Fiscal Neutrality be determined for development on a case-by-case basis, considering the location, phasing, and development program of the project. For off-site impacts, the procedures will require that the total proportionate share cost of infrastructure be included and not simply the existing impact fee rates. Notwithstanding the provisions of the Concurrency Management System, this shall include, but not be limited to, both localized and Countywide impacts on County, **City municipal**, State, and **Ffederal** transportation facilities (such as roads, intersections, sidewalks, lighting, medians, etc.), public transit, schools, water supply and delivery, sewage transmission and treatment, solid waste, **and** storm and surface water management.
  2. For off-site transportation improvements, if a development needs to pay proportionate fair-share or proportionate share toward a needed improvement to meet concurrency and the remainder of that improvement's cost is not programmed for funding in either the 5-year Capital Improvements Element or the 10-year Concurrency Management System, then the sum of those proportionate share dollars shall be directed to improve specific facilities (pipe-lining) on a priority basis as determined by the **eCounty**, except as it relates to **the Florida Department of Transportation (FDOT)** Strategic Intermodal System (SIS) facilities wherein FDOT will determine how funds will be directed. The County will consult and coordinate with all impacted roadway maintaining agencies (including FDOT and the **Cities municipalities**) regarding priorities on other than SIS facilities. The development will be approved if an agreement is executed on how the funds will be directed. The County reserves the right to condition approval of development on the availability of funding for all necessary infrastructure to support and provide capacity for the proposed development. Off-site **eCounty** roads constructed by the developer with proportionate share dollars may be eligible for transportation impact fee and/or mobility fee credits. However, any said credit shall not exceed the amount of impact fee and/or mobility

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- fees actually paid by the development. The arterial connection from SR 5A interchange to and within the Farmton Mixed Use Area shall be the sole responsibility of the developer(s) of Farmton and not eligible for transportation impact fee and/or mobility fee credits.
3. The County may require that these procedures for measuring fiscal neutrality may be reviewed and certified by independent advisors retained by the County at the expense of the landowner, developer, or Community Development District prior to acceptance by the County.
  4. Development within the FMU shall have a financial strategy approved by the County to construct and maintain all required infrastructure. Community Development Districts are identified as the preferred financing technique for infrastructure needs.

H. Review by State Agencies. The Farmton Local Plan provides no exemption from reviews otherwise required by ~~s~~State and regional agencies.

## **Sustainability/Energy Efficiency**

### **Objective FLU 18**

Brevard County ~~shall~~ should aim at achieving a sustainable/energy efficient environment by minimizing the emission of greenhouse gases and reducing the vehicle miles of travel.

#### **Policy FLU 18.1**

LEED Certification. The County ~~shall~~ should encourage new development to be LEED certified by ~~the US Green Building Council~~ USGBC or similar program.

#### **Policy FLU 18.2**

Reduction of Vehicle Miles of Travel. The County ~~shall~~ should promote walking, bicycle-riding, and use of public transit by requiring compact design, shared facilities between adjacent or nearby uses, and providing for interconnected walkways, bicycle ways, ~~and~~ parking, and bus stops as part of development approvals, where applicable.

#### **Policy FLU 18.3**

Bicycle Parking. The County ~~shall~~ should continue to utilize and enhance bicycle parking standards, including quantity and location of bike racks, to help reduce parking demand and encourage the use of alternative transportation modes.

#### **Policy FLU 18.4**

Brevard County shall protect its established and planned greenway network trail facilities by prohibiting ingress and egress crossings to those properties that have alternative access options. Driveway cuts into existing and planned trails shall be avoided whenever possible and only approved where no other option for the private property owner exists.

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## **Working Waterfronts**

### **Objective FLU 19**

To manage future growth and development in order to ~~To~~ promote and preserve the recreational and commercial working waterfronts of Brevard County and to provide ~~e~~Countywide, Brevard County may consider incentives and criteria to ensure the continued availability of publicly accessible recreational and commercial working waterfronts countywide.

### **Policy FLU 19.1**

~~Brevard County shall provide land-use bonuses or~~ may consider incentives to encourage non-residential development that provides public access to the shorelines and waters of Brevard County provided that such incentives do not result in adverse impacts to the safety of Brevard County residents or diminish the effect of the County's environmental remediation programs. ~~These bonuses or incentives may be granted in the form of increased FAR of twenty percent, a twenty-five percent increase in number of slips, a twenty-five percent increase in area for other uses, or other measure as provided for in the Land Use Regulations. Mixed use developments that include a publically accessible water-dependent, water-related or water-enhanced residential component may be eligible for these incentives.~~

### **Policy FLU 19.2**

Waterfront parcels may be designated for use as water-dependent; or water-related as defined in Florida Statutes. Waterfront parcels may also be designated for water-enhanced uses as defined in the Glossary. The underlying land-use and unique locational needs for water-dependent and water-related activities ~~shall~~ should be given development priority and be compatible with surrounding existing and programmed development at these sites. In order to ensure appropriate use of the County's waterfront, shoreline development shall be prioritized and based upon the following minimum criteria:

#### **Criteria:**

- A. ~~Priority shall be given to water-dependent and water-related land uses, which must be carried out only on, in or adjacent to water areas, may be considered for location along the Indian River lagoon system. Priority should be given to preserving and/or expanding water-dependent and water-related land uses that must be located on or adjacent to water bodies such as the Indian River Lagoon system.~~ Priority may also be given consistent with Coastal Management Element Policy 5-15 CM 5.14 and may also include the expansion of working waterfronts.
- B. Water-related land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River lagoon system. Water-related uses are those which are not directly dependent upon access to a water body but which provide goods and services to uses which are water-dependent.

- C. For Industrial land uses, directives, policies, and criteria in the Coastal Management, Conservation, and Future Land Use Elements of this Comprehensive Plan which address water-dependent and water-related shall be utilized in the location of industrial projects adjacent to water bodies utilizing criteria established in Policy 3-9 FLU 3.10.

### **Public Airport Land Use Compatibility**

#### **Objective FLU 20**

Brevard County shall cooperate with the relevant airport authority responsible for the oversight of Merritt Island Airport to discourage incompatible encroachment of new land uses and facilitate the continued presence of the Merritt Island Airport.

#### **Policy FLU 20.1**

Brevard County shall transmit to the airport authority information relating to proposed changes to the Comprehensive Plan, plan amendments, and proposed changes to Land Development Regulations, which, if approved, would affect the density, intensity, or use of land within a one-half mile radius of the airport property.

#### **Policy FLU 20.2**

The airport authority is encouraged to provide comments on the impact that such proposed changes may have upon the airport and whether the proposed changes are compatible with the safety; and noise standards as regulated by State and Federal agencies.

#### **Policy FLU 20.3**

Brevard County will take into consideration any comments provided by the airport authority or his or her designee when such a decision regarding comprehensive planning or land development regulation is being considered. Brevard County shall include a copy of any such comments to the Florida Department of Community Affairs or its successor agency State land planning agency.

### **Implement Directives from Small Area Studies**

#### **Objective FLU 21**

Brevard County may establish Citizen Resource Groups, appointive bodies, to evaluate a community's future development needs or desires. This group may be tasked with making recommendation(s) regarding future development trends, evaluating the character of the area, and/or conceptualizing a new vision for previously undeveloped parcels within a study area.

#### **Policy FLU 21.1**

Future Development Trends. The Board of County Commissioners may create a specialized local plan called a Small Area Study (SAS) to be initiated to support a

## **FUTURE LAND USE ELEMENT**

community's desires to participate in its own vision of the future. The outcome of the SAS may culminate with an amendment of the ~~Future Land Use Map~~ **FLUM**, this Element, other Elements of the Comprehensive Plan, and/or update of ~~eCounty~~ **Land** ~~dDevelopment~~ **eCodes**. At a minimum, these criteria address the following:

**Criteria:**

- A. Identify recent development trends in the area;
- B. Identify changes to the character of an area;
- C. Encourage development or preservation of residential densities in rural areas;
- D. Preservation of existing agricultural areas;
- E. Evaluate commercial expansion techniques for new development areas.

**Port St. John Study Area**

**Policy FLU 21.2**

Brevard County shall implement the recommendations of the Port St. John Small Area Study through the following directive:

1. Residential densities east of the Florida East Coast Railroad from Kings Highway to Camp Road will be implemented by the following densities: East of US-1 to the Indian River from Kings Highway to Camp Road, densities may be a maximum of 12 residential dwelling units per acre. This would include portions of Sections 18, 19, and 30, Township 23, Range 36 and a portion of Section 13, Township 23, Range 35, ~~as generally depicted on Map 9~~. West of US-1 to the Florida East Coast railroad tracks from Kings Highway to Camp Road, densities may be 12 dwelling units per acre with a maximum cap of 8 residential dwelling units per acre. This would include portions of Sections 13, 18, 19, and 30, Township 23, Range 36 and portions of Sections 13 and 24, Township 23, Range 35, ~~as generally depicted on Map 9~~.

**Canaveral Groves Study Area**

**Policy FLU 21.3**

Brevard County shall implement the recommendations of the Canaveral Groves Small Area Study through the following directives:

1. The maximum density to be considered for the Friday Acres subdivision, located in Section 14, Township 24, Range 35, shall be three dwelling units per acre (3 du/ac). ~~This area is depicted in Map 10.~~
2. The maximum density to be considered in a portion of the northeast quarter of Section 15, Township 24, Range 35 shall be five dwelling units per acre (5 du/ac). ~~This area is depicted in Map 10.~~

3. The maximum density to be considered in the northeastern portion of Section 13, Township 24, Range 35 shall be 6 dwelling units per acre where existing RU-1-9 is designated. ~~The area is depicted on Map 11.~~
4. All types of commercial uses shall be considered in the neighborhood/ community commercial district lying in the portion of Section 27, Township 24, Range 35 north of State Route 524. ~~This area is depicted on Map 11a.~~
5. The maximum density to be considered in the portion of Section 27, Township 24, Range 35 north of State Route 524 shall be eight dwelling units per acre (8 du/ac). ~~This area is depicted on Map 11b.~~

### **North Merritt Island Study Area**

#### **Policy FLU 21.4**

Brevard County shall implement the recommendations of the North Merritt Island Small Area Study through the following directives.

1. In the area described as Orange Haven Unrecorded Lots in Section 23, Township 23, Range 36, the residential density designation shall be two (2) dwelling units per acre. ~~This area is depicted on Map 12.~~
2. In the area described as Parcel 17 and Kings Park Unit #3, Lots 9, 10, 11, 12 not to include the east 100 feet parallel to the west right of way of Eagle Way in Section 26, Township 23, Range 36, the residential density designation shall be four (4) dwelling units per acre. ~~This area is depicted on Map 13.~~

### **South Beaches Study Area**

#### **Policy FLU 21.5**

~~Brevard County shall implement the recommendations of the South Beaches Small Area Plan Study through the following directives: The recommendations and directives of the South Beaches Study Area have been incorporated into the Brevard Barrier Island Area, which has been designated an Area of Critical State Concern by the State of Florida. Please refer to the Brevard Barrier Island Area, Part XVI of the Comprehensive Plan.~~

1. ~~The property described as Parcel 4, Sections 33 and 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 14.~~
2. ~~The property described as Parcels 3, 5 and 6, Section 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 15.~~
3. ~~The property described as Parcels 763 and 776, Sections 10 and 11, Township 29 South, Range 38 East shall be four (4) dwelling units per acre. This area is depicted on Map 16.~~
4. ~~The property described as Parcel 3.1, Section 23, Township 29 South, Range 38 East shall be designated as four (4) dwelling units per acre. This area is depicted on Map 17.~~
5. ~~The property described as Lot 32, Block 7, New Melbourne Beach Subdivision Section 3, Township 29 South, Range 38 East shall be~~

## **FUTURE LAND USE ELEMENT**

designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map 18:

6. The properties described in the south 1260 feet of Section 17, Township 28 South, Range 38 East and the properties described as the north 1280 feet of Sections 20 and 21, Township 28 South, Range 38 East shall be limited to the maximum residential densities as depicted on Map 19. The maximum residential density within this directive is eight (8) dwelling units per acre.
7. The properties described in Sections 20 and 21, Township 28 South, Range 38 East, starting 1280 feet from the north section(s) line and ending 3770 feet from the north section(s) line shall be limited to the maximum residential densities range from two (2) dwelling units per acre to eight (8) dwelling units per acre. The area is depicted on Map 20:

### **Central and South Merritt Island Study Area**

#### **Policy FLU 21.6**

Brevard County shall implement the recommendations of the Central and South Merritt Island Small Area Study through the following directives:

1. Within the area depicted on Map 21 (Sections 11, 12, 13, 24, and 25, of Township 25, Range 36 and the western portions of Sections 18, 19, and a portion of Section 30, Township 25, Range 37), the only residential zoning classifications that may be considered in shall be EU, SR, SEU, RR-1, REU, AU, PA, GU, AGR, RRMH-1, RRMH-2.5, RRMH-5, and TR-2. RP residential professional zoning may be considered on South Courtenay Parkway with a minimum lot size consistent with EU zoning and/or the aforementioned zonings. The maximum density within the described area shall be three (3) dwelling units per acre.

### **Residential Density Rightsizing Study Areas**

#### **Objective FLU 22**

Brevard County shall should maintain maximum densities in the Residential Density Rightsizing Study Areas.

### **Avon by the Sea**

#### **Policy FLU 22.1**

1. The property described as Winslow Reserve Subdivision #27, Lot 13, in Section 26, Township 24, Range 37 shall should have a maximum residential density of 30 dwelling units per acre. ~~This property is depicted on Map 5.~~
2. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 12, 12.01, and 14 shall should have a maximum residential density of 30 dwelling units per acre. ~~This property is depicted on Map 5.~~
3. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 2, 3, 4, and 5 shall should have a maximum residential density of 30 dwelling units per acre. ~~This property is depicted on Map 5.~~

## **FUTURE LAND USE ELEMENT**

**Merritt Island Area**

**Policy FLU 22.2**

1. The property described as Moore and Catine Subdivision #52, Lot 13, Section 35, Township 24, Range 36 ~~shall~~ should have a maximum residential density of 30 dwelling units per acre. ~~This property is described on Map 6.~~

**South Cocoa Beach Area**

**Policy FLU 22.3**

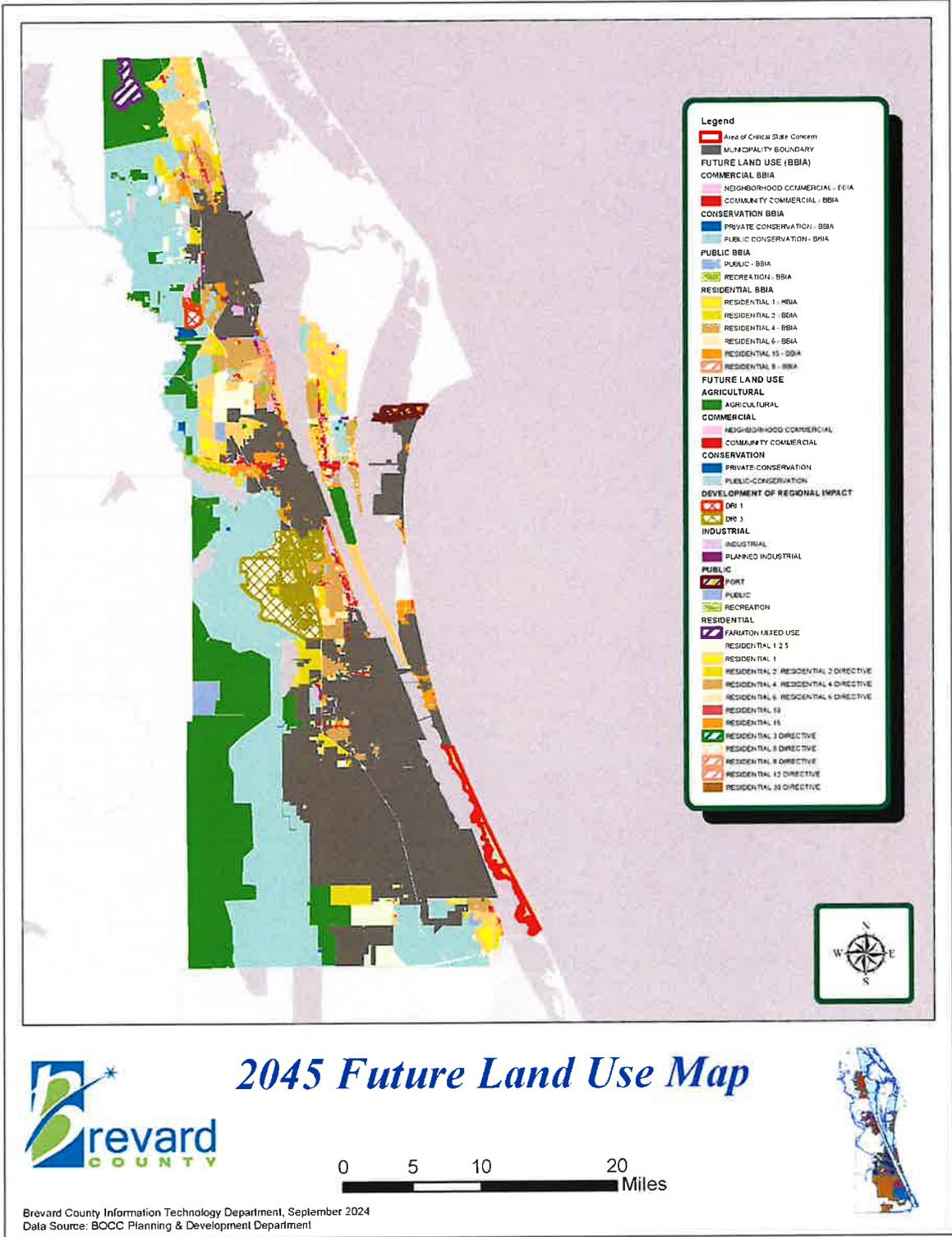
1. The property described as Bruner's Resubdivision #25, Block A, Lot 6, Section 26, Township 25, Range 37 and the property described as Birchfield and Bruner's Addition #26, Block B, Lot 1, Section 26, Township 25, Range 37 ~~shall~~ should have a maximum residential density of 30 dwelling units per acre. ~~These properties are depicted on Map 7.~~

## APPENDIX

### LIST OF MAPS

| Map                    | Name  |
|------------------------|---|
| 1                      | Brevard County <a href="#">2045 Future Land Use Map</a>   |
| 2                      | <del>Conservation Areas</del> <a href="#">West Viera Area</a>   |
| 3                      | <del>Land Use Planning Areas</del> <a href="#">Farmton Local Plan Boundary &amp; Arterial Transportation Network</a>                                    |
| 4                      | <del>Viera New Town Overlay</del> <a href="#">Historic Resources</a>  |
| 5                      | <del>Residential Density Rightsizing Study – Avon by the Sea Area</del><br><a href="#">Area of Critical State Concern Future Land Use Map (North)</a>   |
| 6                      | <del>Residential Density Rightsizing Study – Merritt Island Area</del><br><a href="#">Area of Critical State Concern Future Land Use Map (Central)</a>  |
| 7                      | <del>Residential Density Rightsizing Study – South Cocoa Beach Area</del><br><a href="#">Area of Critical State Concern Future Land Use Map (South)</a> |
| <del>8</del>           | <del>Farmton Local Plan Boundary &amp; Arterial Transportation Network</del>  |
| <del>9</del>           | <del>St. John Directives</del>  |
| <del>10</del>          | <del>Canaveral Groves Directives 1 and 2</del>  |
| <del>11</del>          | <del>Canaveral Groves Directive 3</del>   |
| <del>11a and 11b</del> | <del>Canaveral Groves Directives 4 and 5</del>  |
| <del>12</del>          | <del>North Merritt Island Study Area Directive 1</del>  |
| <del>13</del>          | <del>North Merritt Island Study Area Directive 2</del>  |
| <del>14 and 15</del>   | <del>South Beaches Study Area Directives 1 and 2</del>  |
| <del>16</del>          | <del>South Beaches Study Area Directive 3</del>   |
| <del>17</del>          | <del>South Beaches Study Area Directive 4</del>   |
| <del>18</del>          | <del>South Beaches Study Area Directive 5</del>   |
| <del>19 and 20</del>   | <del>South Beaches Study Area Directives 6 and 7</del>  |
| <del>21</del>          | <del>Central and South Merritt Island Study Area Directive 1</del>  |
| <del>22</del>          | <del>Energy Conservation Areas</del>  |

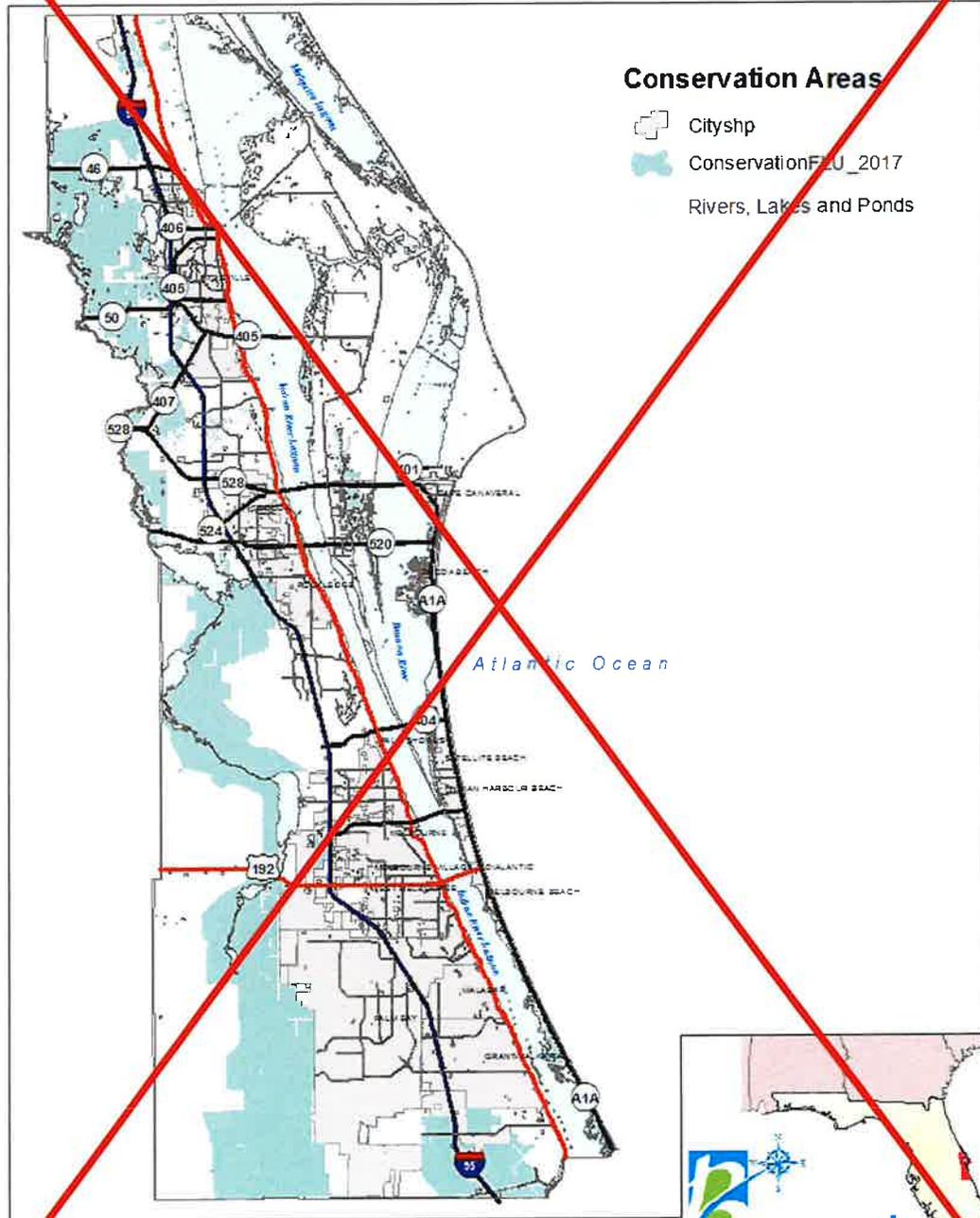
### FUTURE LAND USE ELEMENT



**FUTURE LAND USE ELEMENT**

July 17, 2025

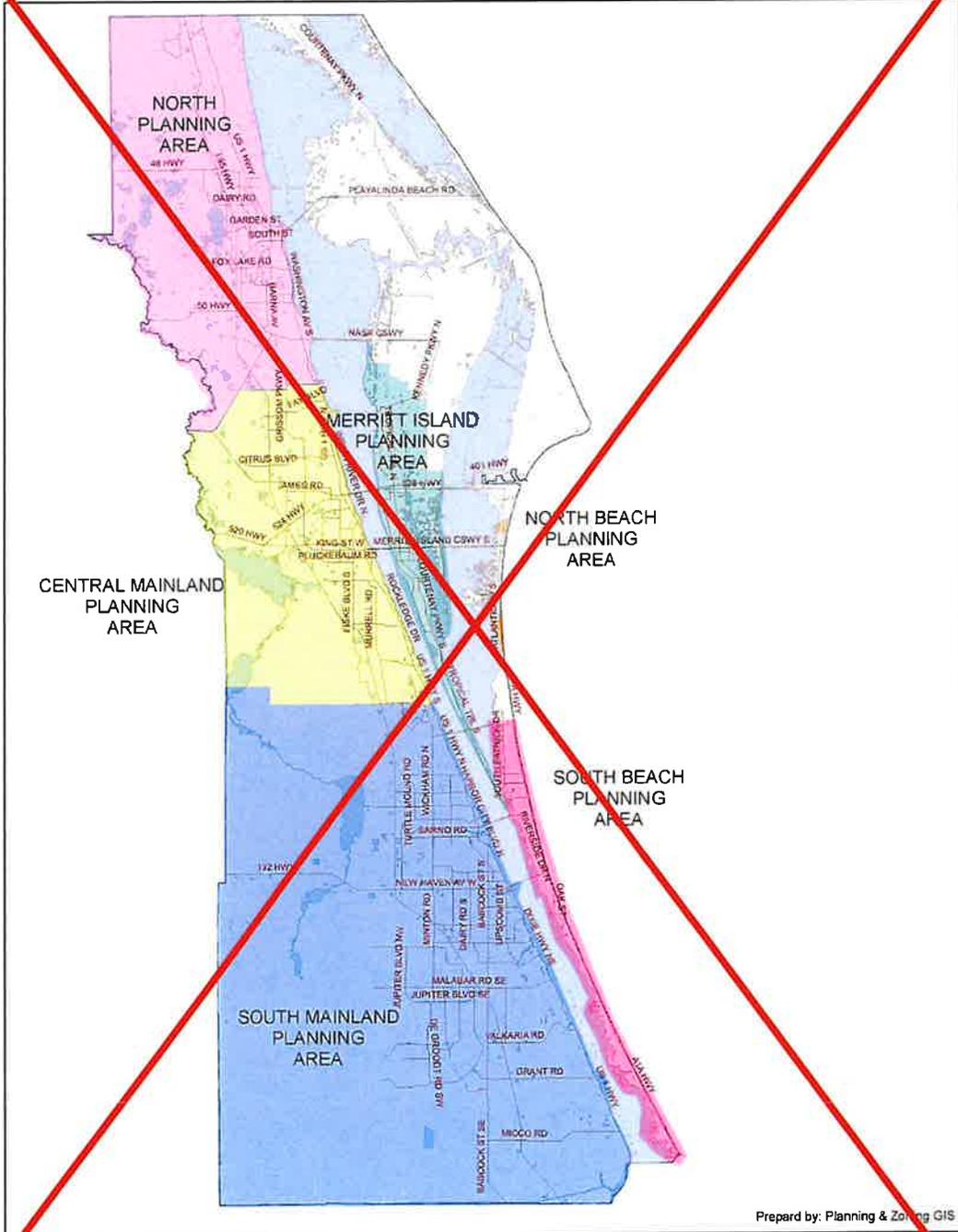
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Future Land Use Element  
Conservation Areas



FUTURE LAND USE ELEMENT



Prepared by: Planning & Zoning GIS

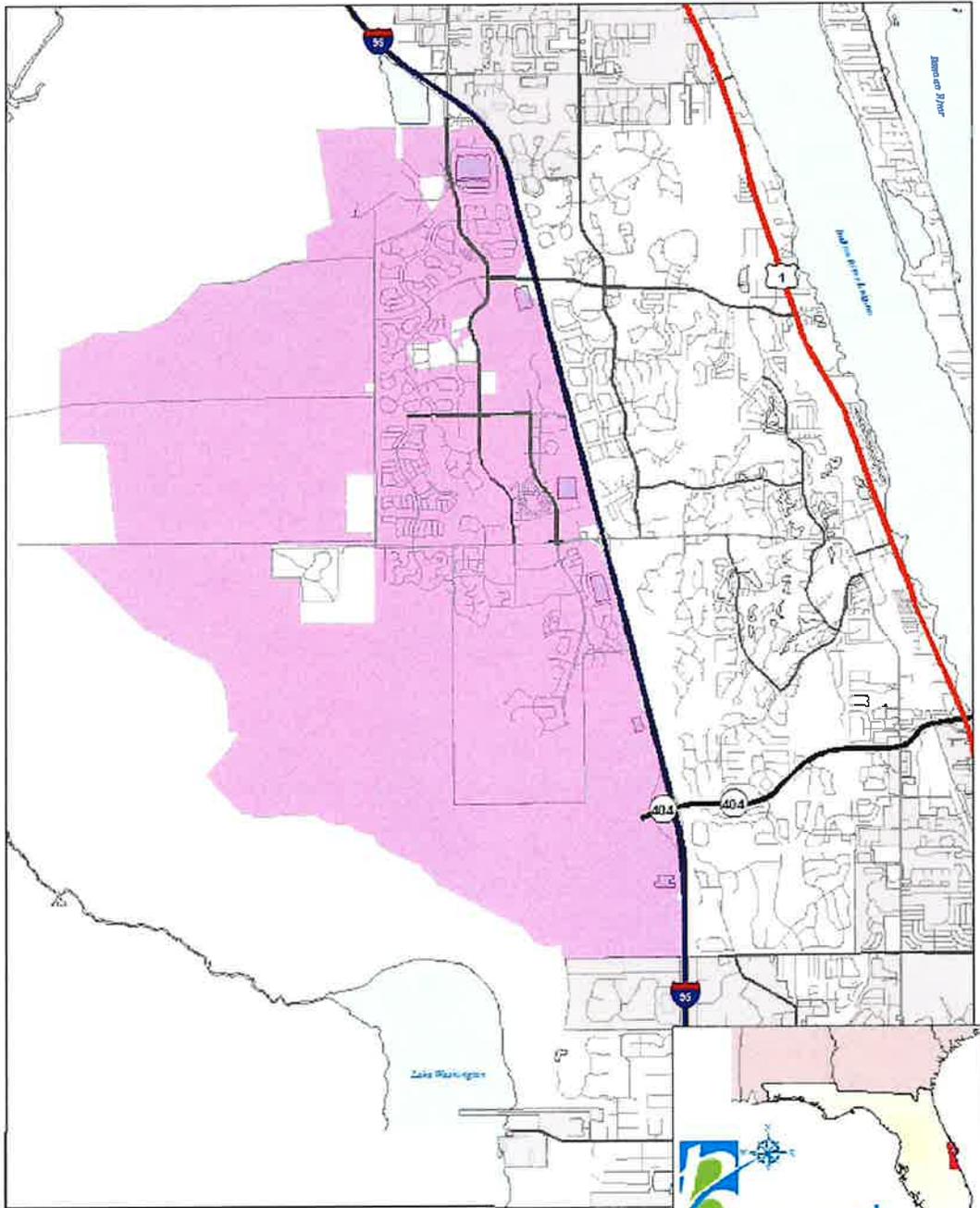
April 7, 2010

Land Use Planning Areas - 2025

FUTURE LAND USE ELEMENT

July 17, 2025

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Future Land Use Element  
West Viera Area

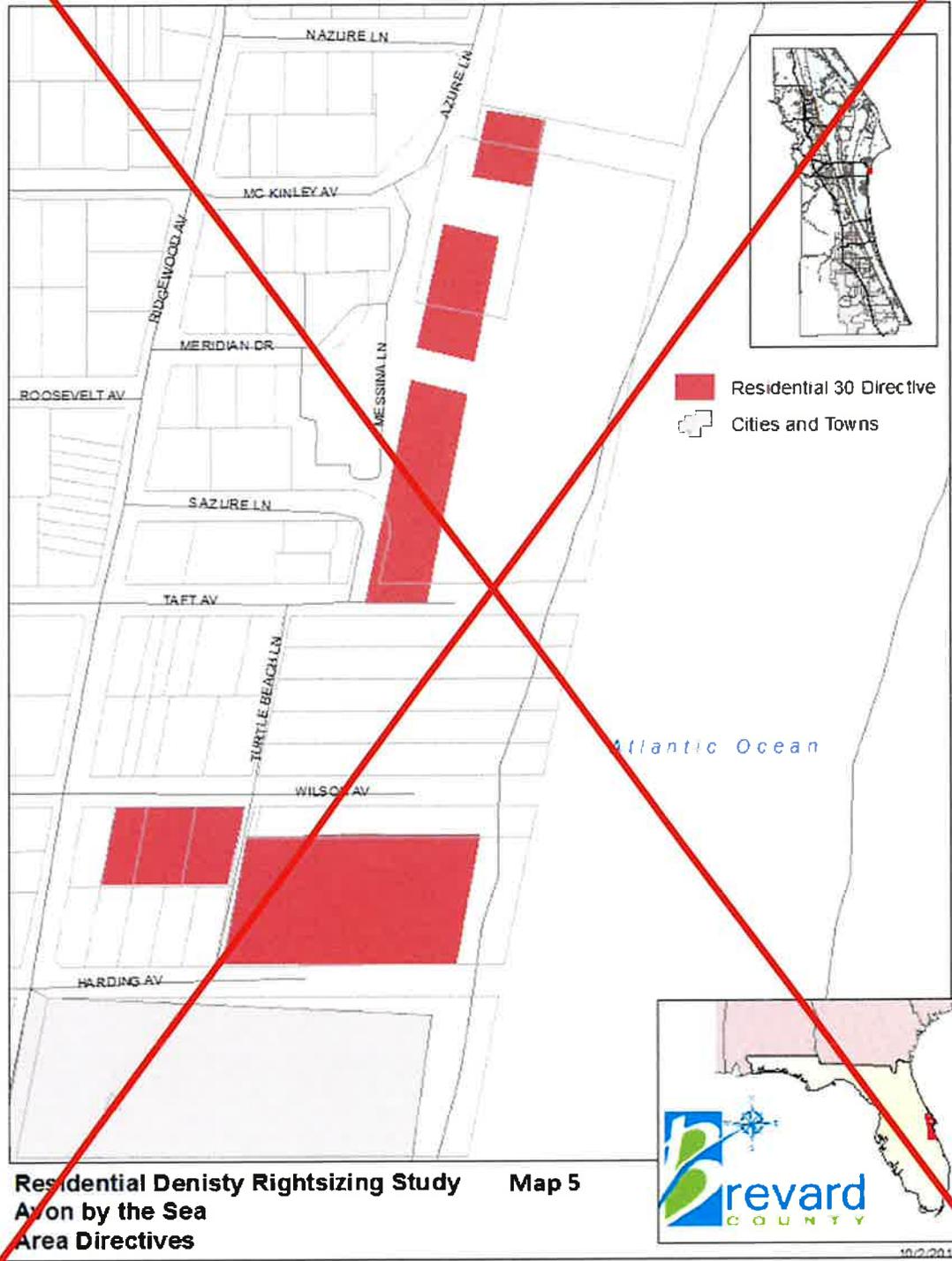


11.27.2021

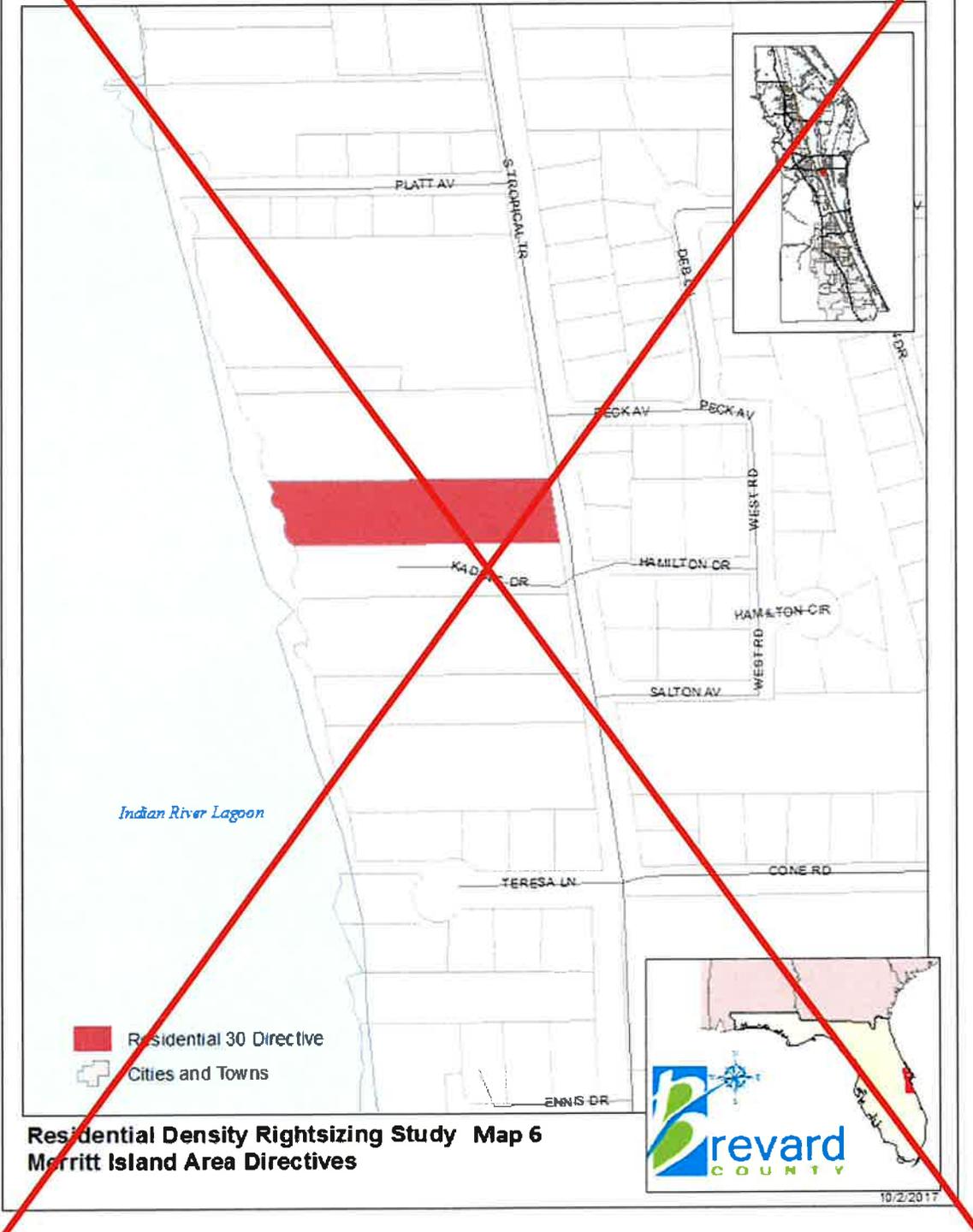
**FUTURE LAND USE ELEMENT**

July 17, 2025

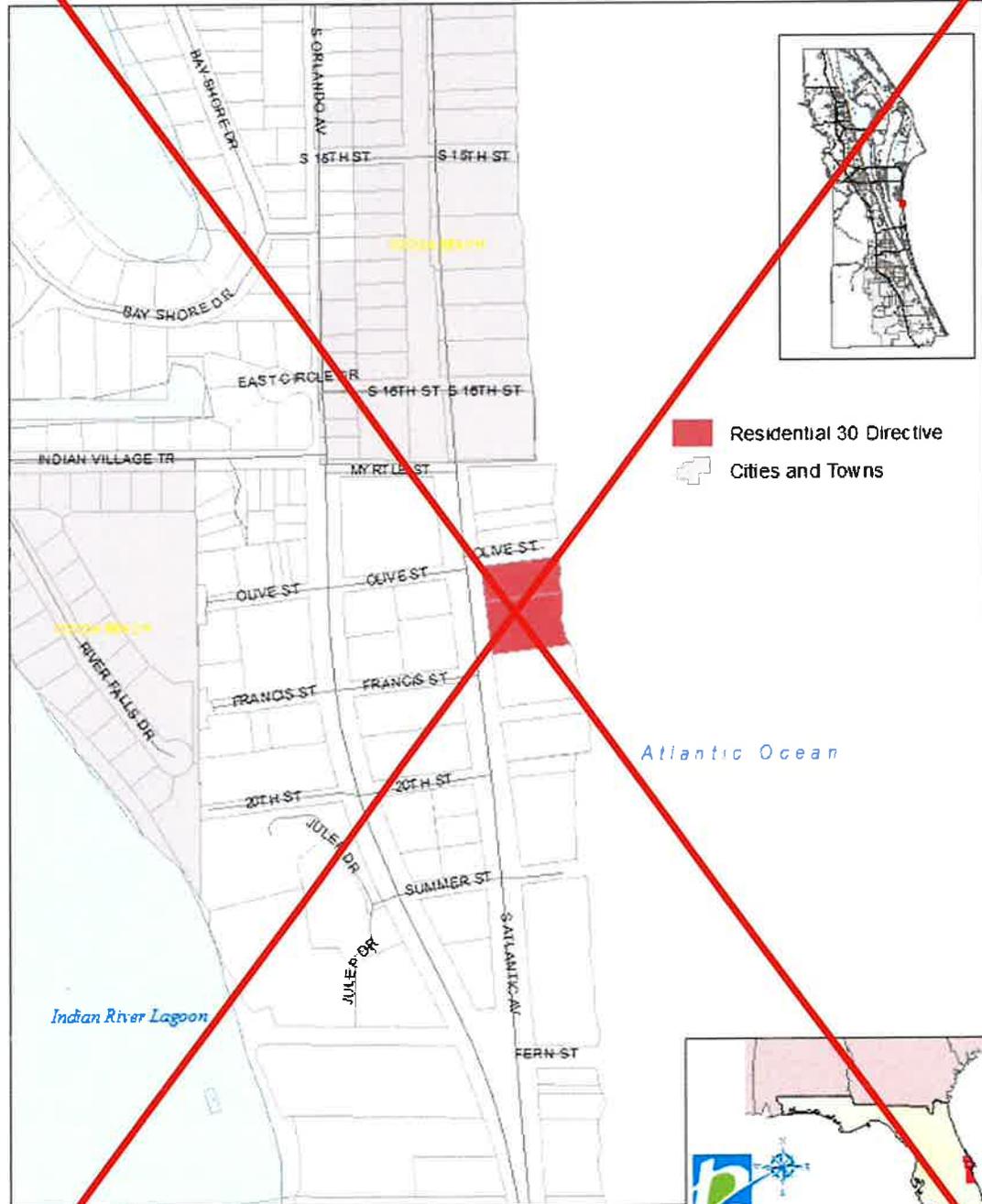
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FUTURE LAND USE ELEMENT



FUTURE LAND USE ELEMENT



Residential Density Rightsizing Study Map 7  
South Cocoa Beach Area Directives

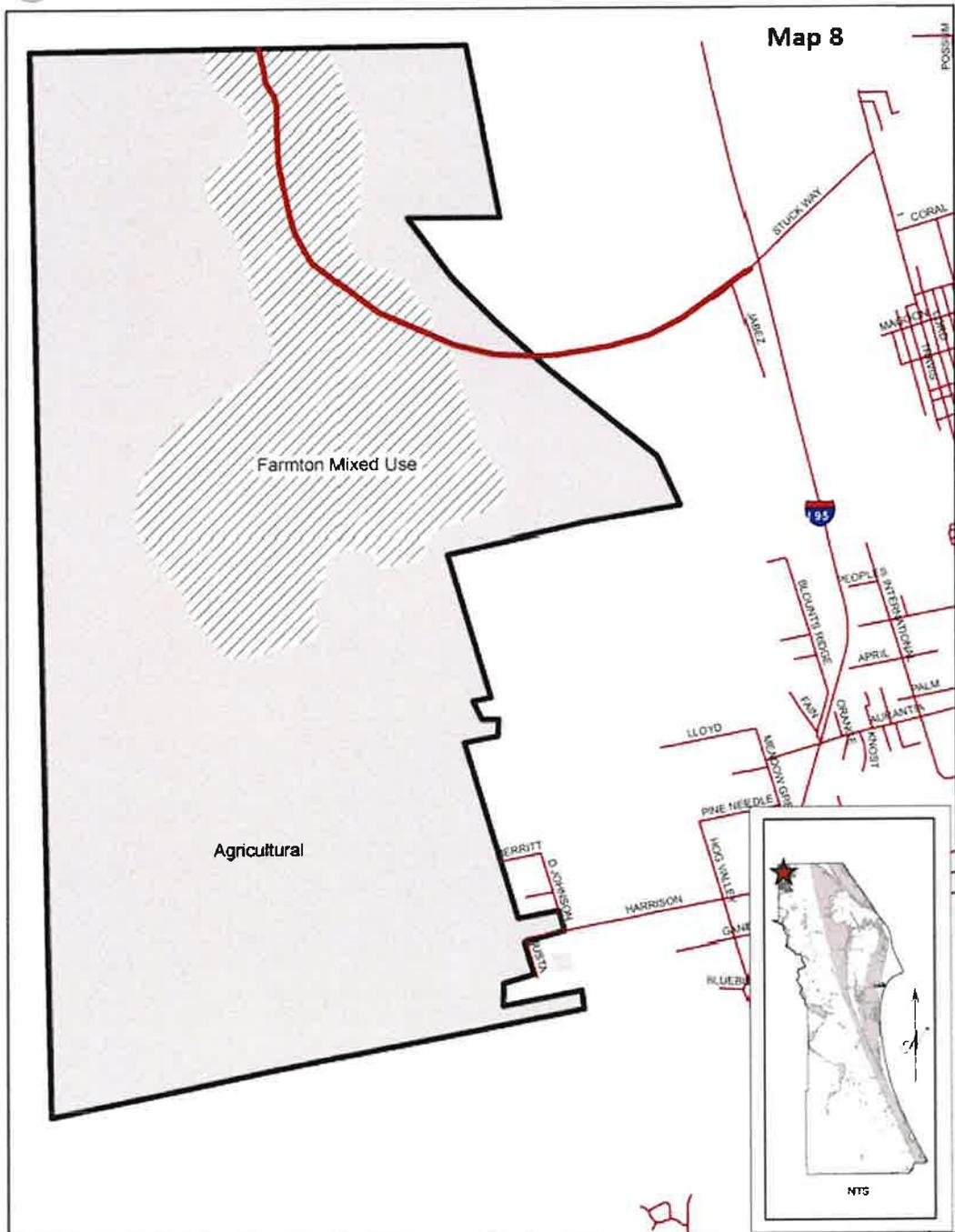


10/2/2017

FUTURE LAND USE ELEMENT



Map 8



Farmton Local Plan Boundary & Arterial Transportation Network

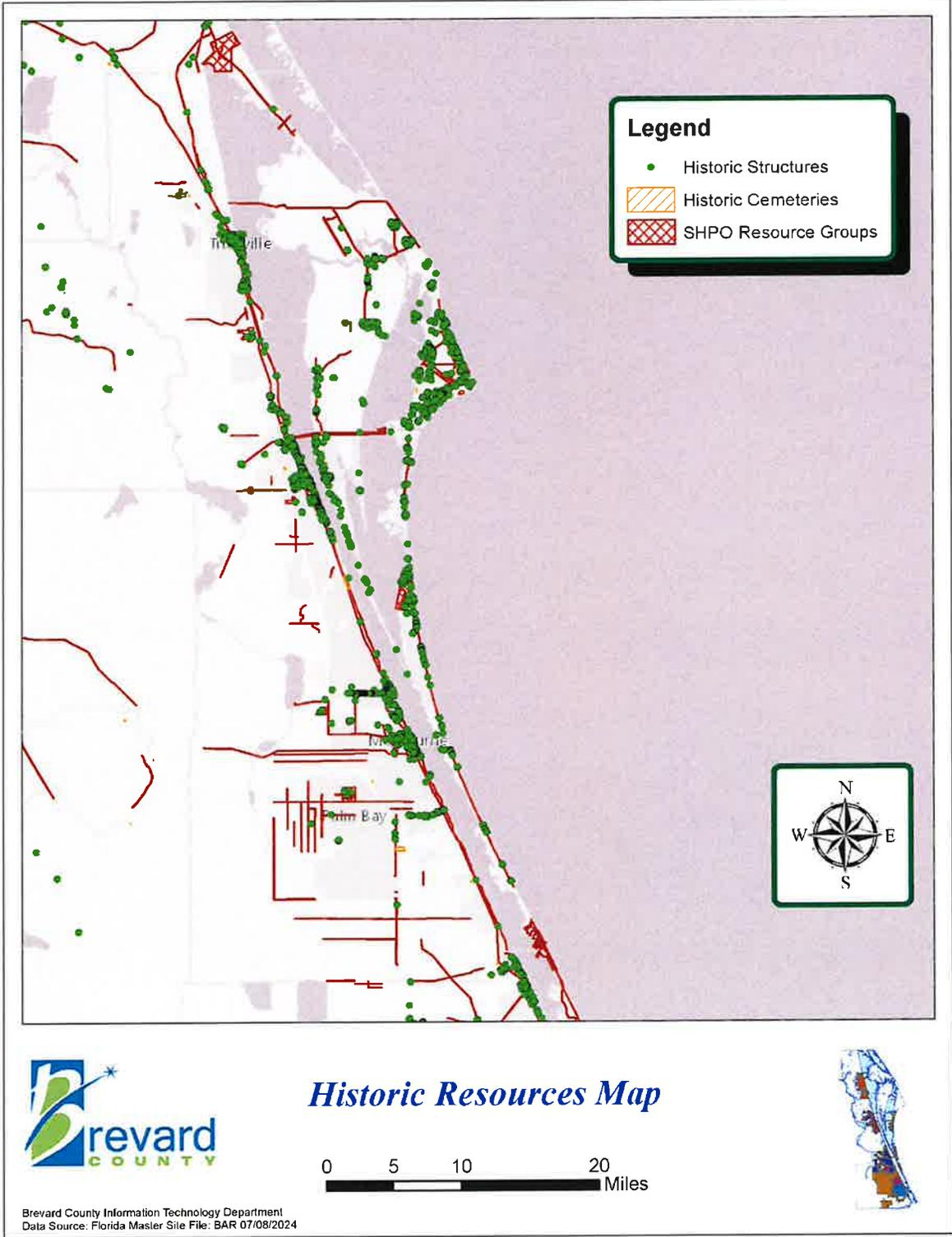
December 2010

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July 17, 2025

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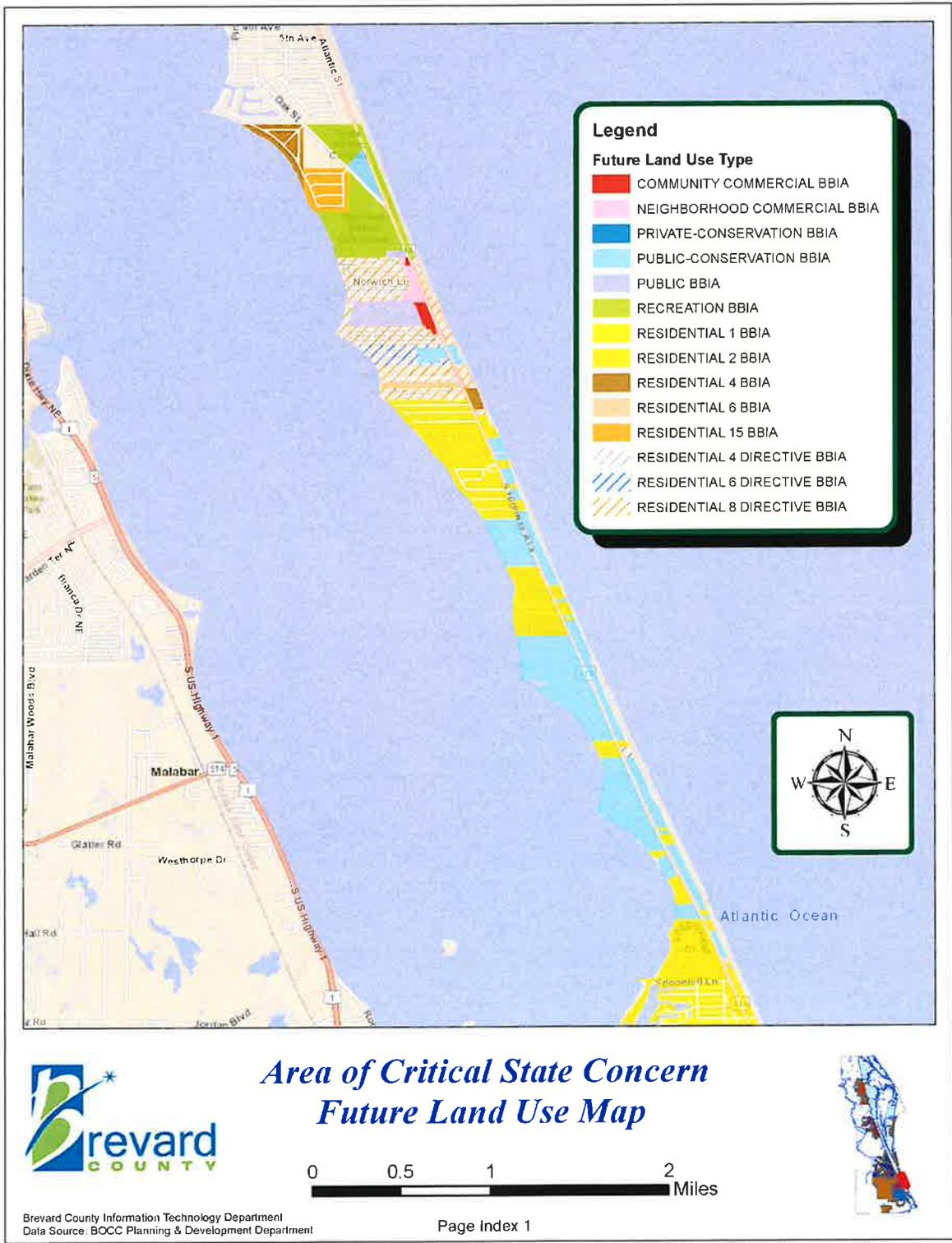
1545



**FUTURE LAND USE ELEMENT**

July 17, 2025

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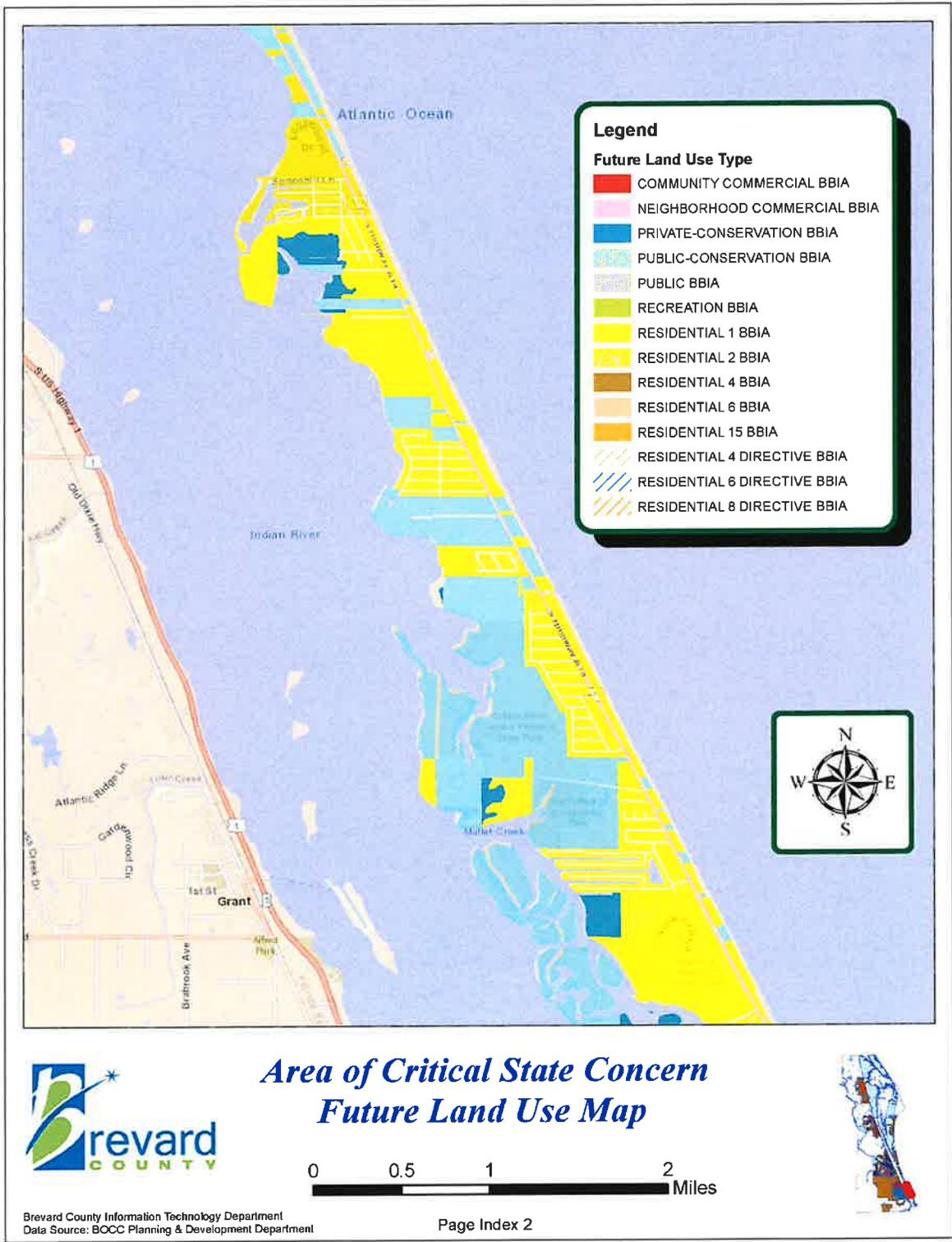


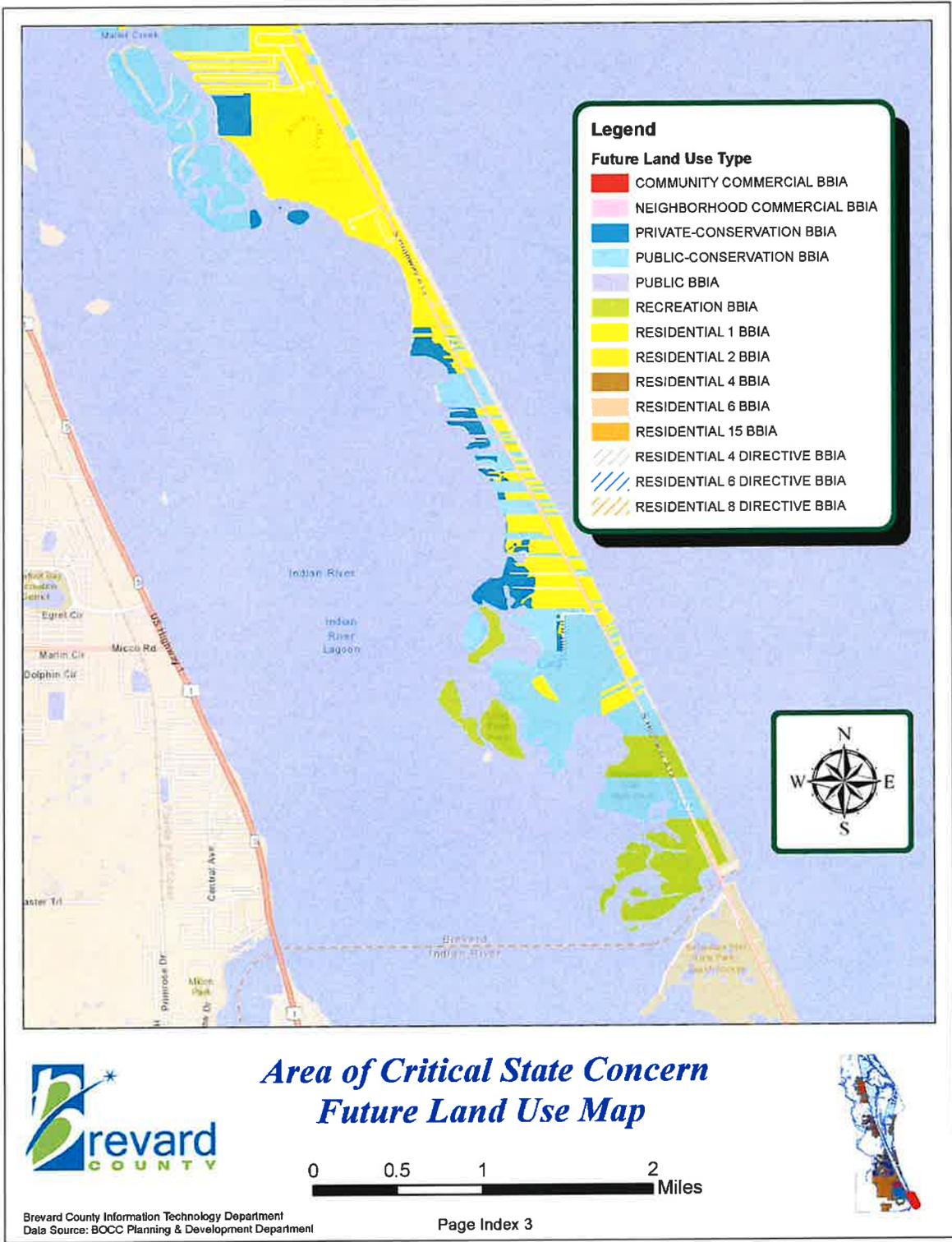
**FUTURE LAND USE ELEMENT**

July 17, 2025

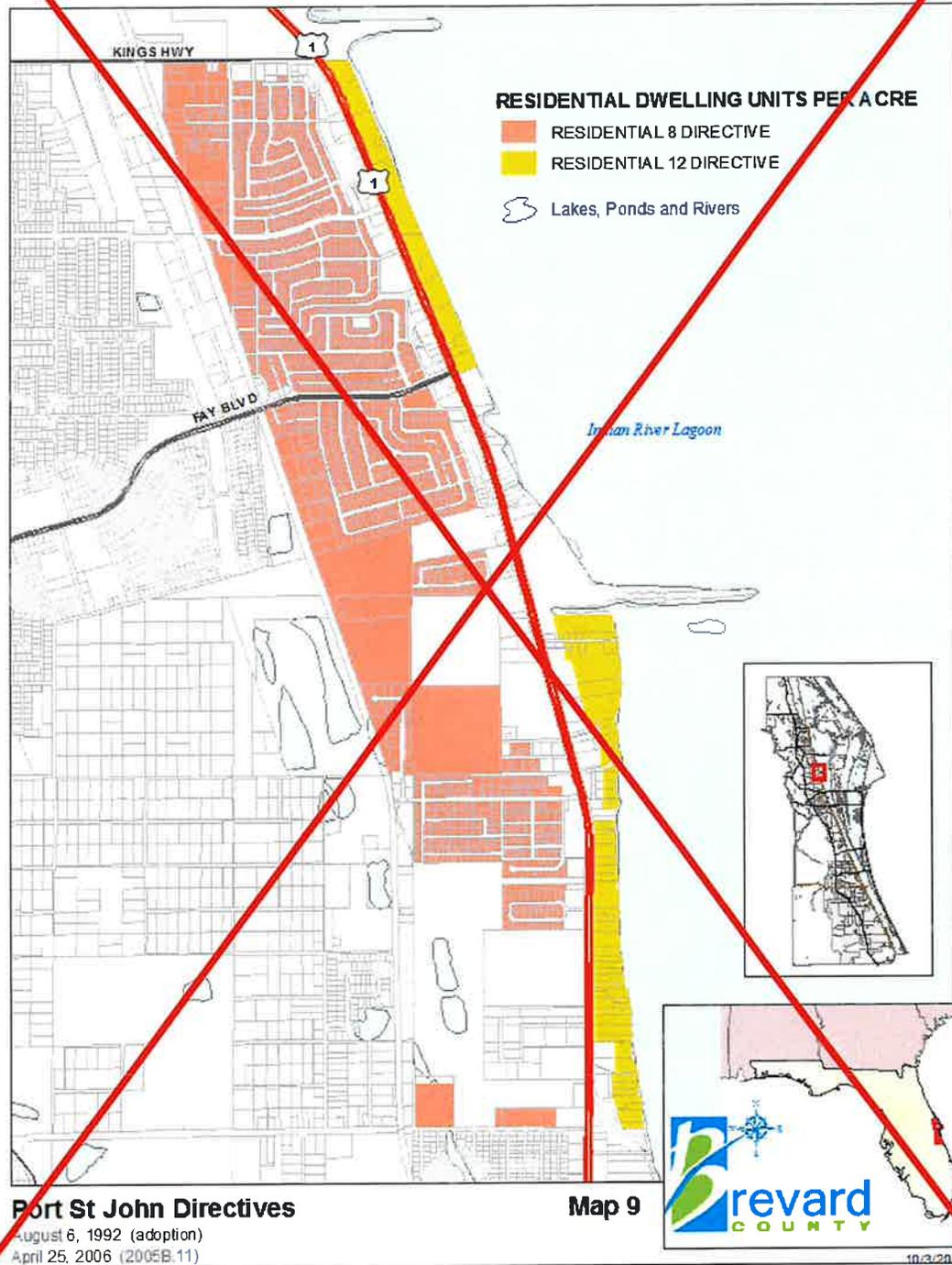
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**FUTURE LAND USE ELEMENT**



FUTURE LAND USE ELEMENT



Canaveral Grove Study Area Directives

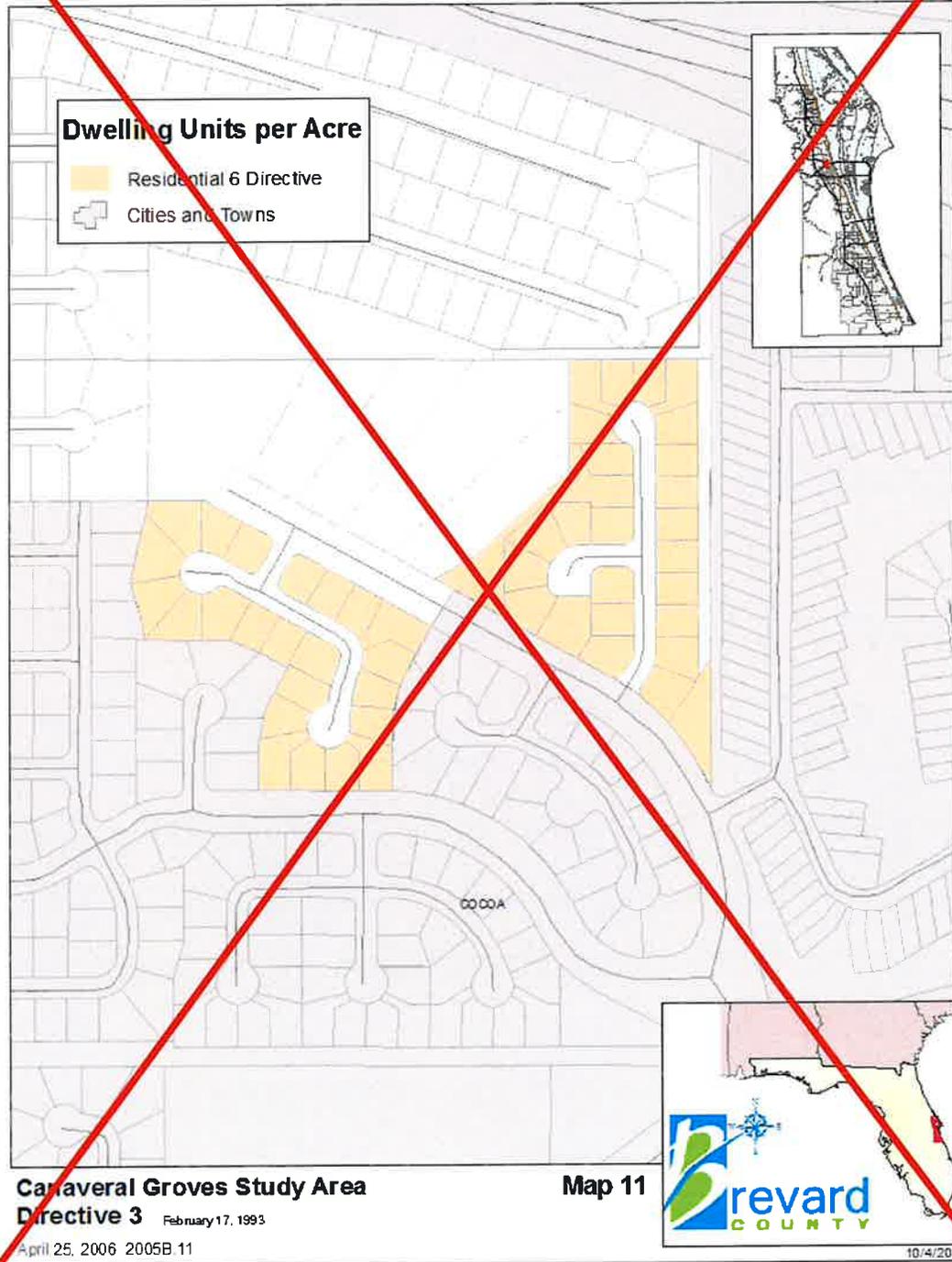
Map 10

April 25, 2006. 2005B 11 (August 6, 1992 Adoption)

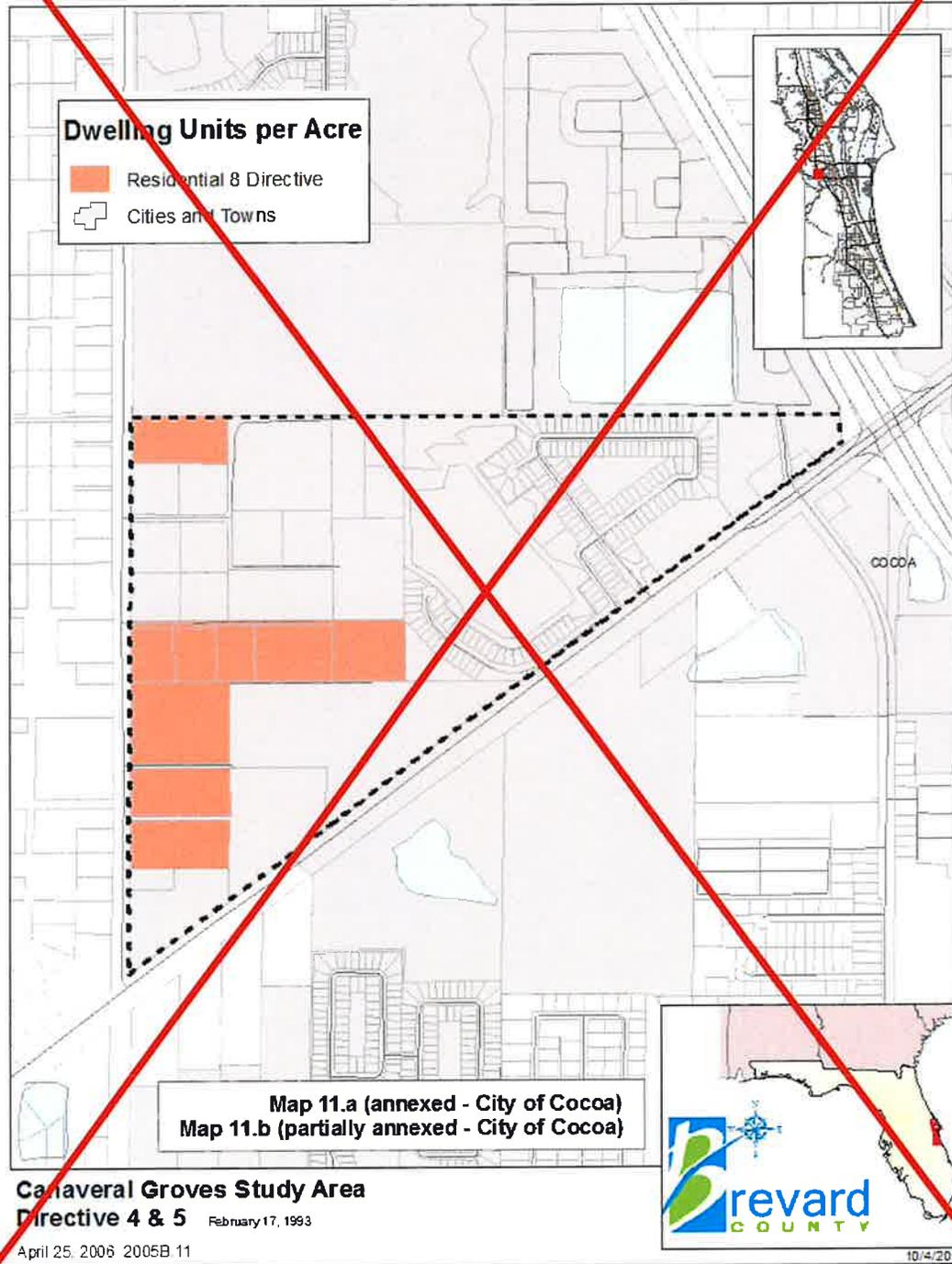


10/3/2017

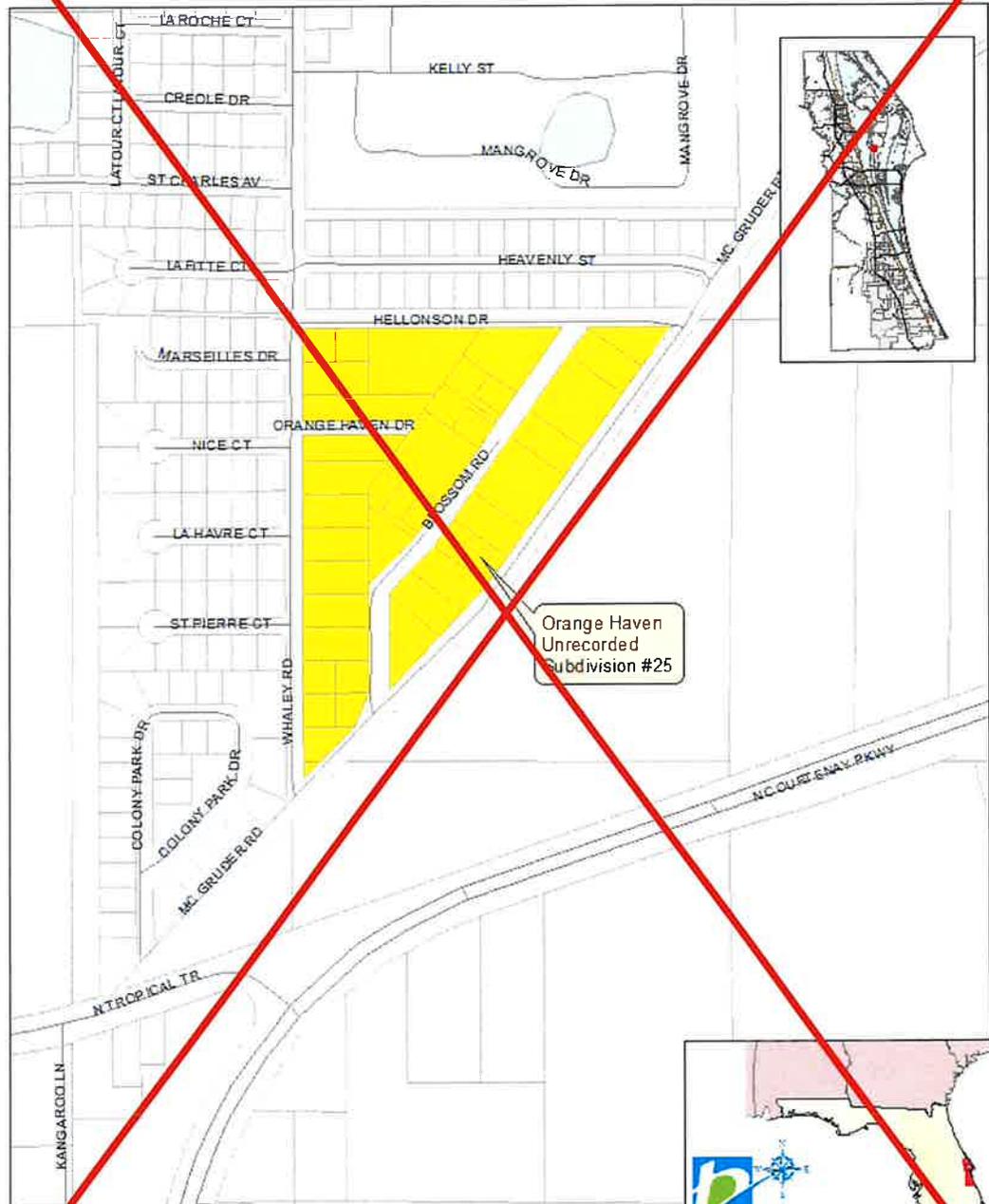
FUTURE LAND USE ELEMENT



FUTURE LAND USE ELEMENT



FUTURE LAND USE ELEMENT



North Merritt Island Study Area  
Directive 1 February 17, 1993

Map 12

April 25, 2006 2005B 11

Residential 2 Directive



10/4/2017

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North Merritt Island Study Area  
Directive 2

February 17, 1993

April 25, 2006 2005B 11

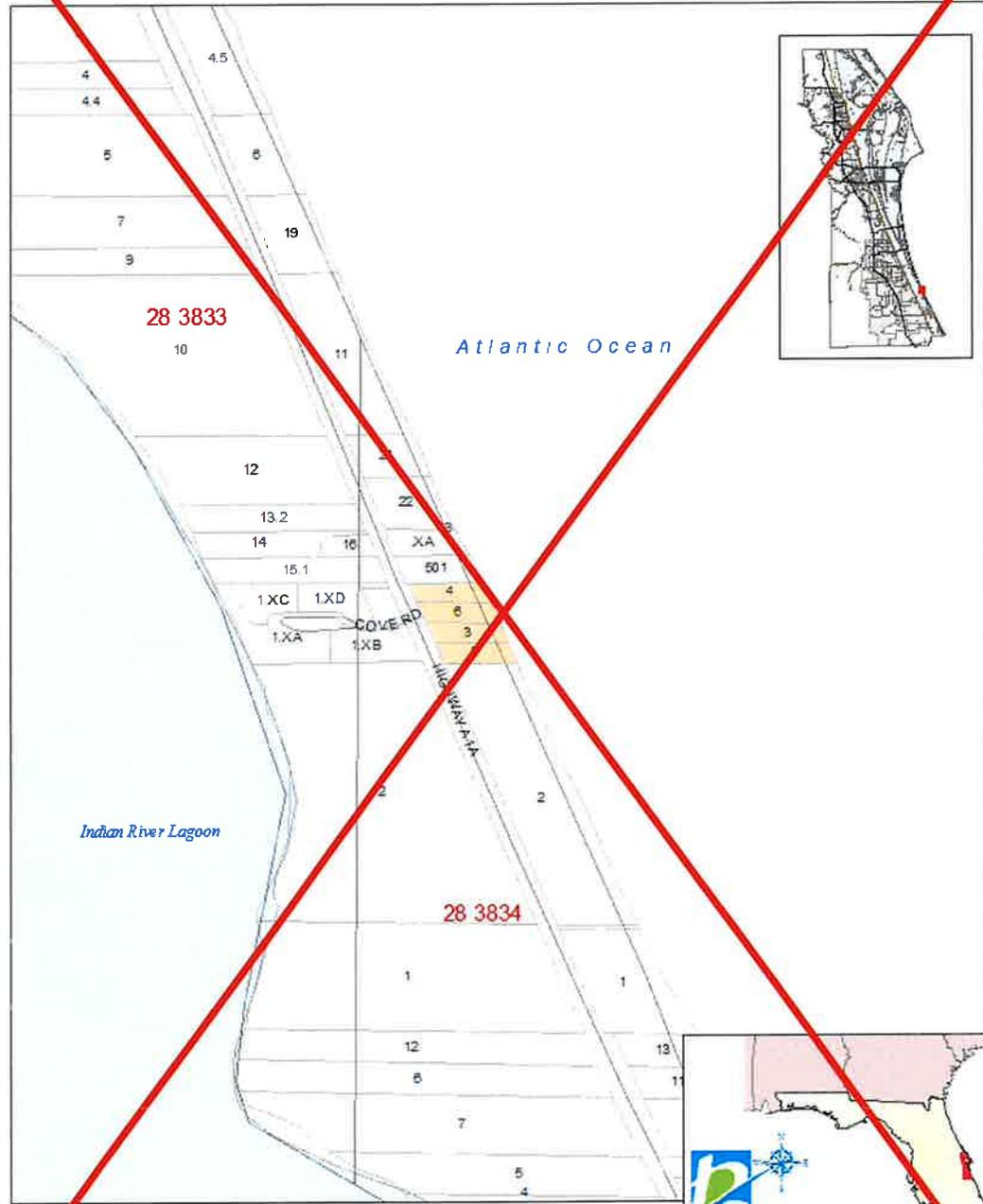
Map 13

Residential 4 Directive



10/4/2017

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South Beach Study Area  
Directive 1 & 2

Map 14 & 15

Residential 6 Directive



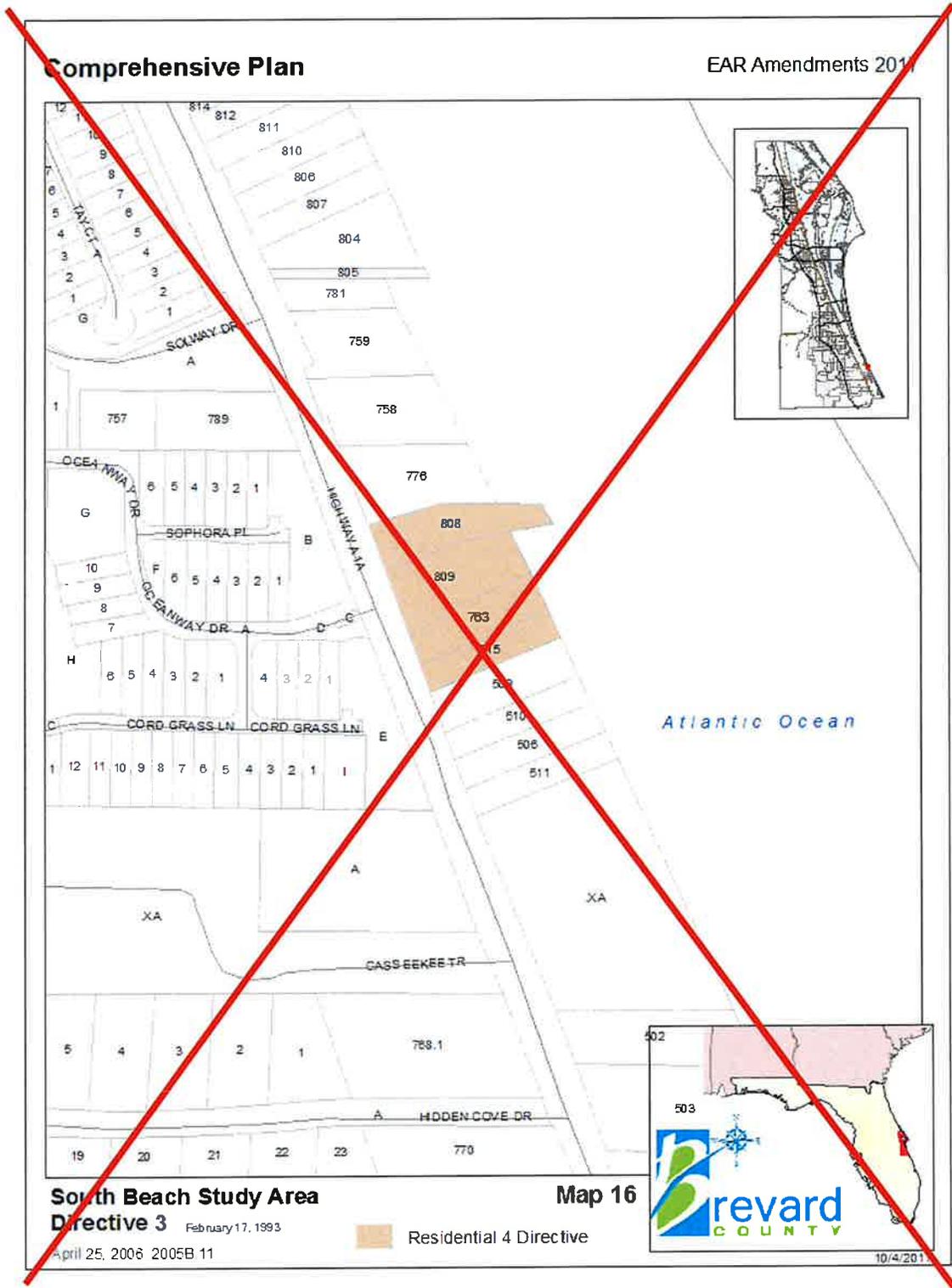
April 25, 2006 2005B.11 February 17, 1993

10/6/2011

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**FUTURE LAND USE ELEMENT**

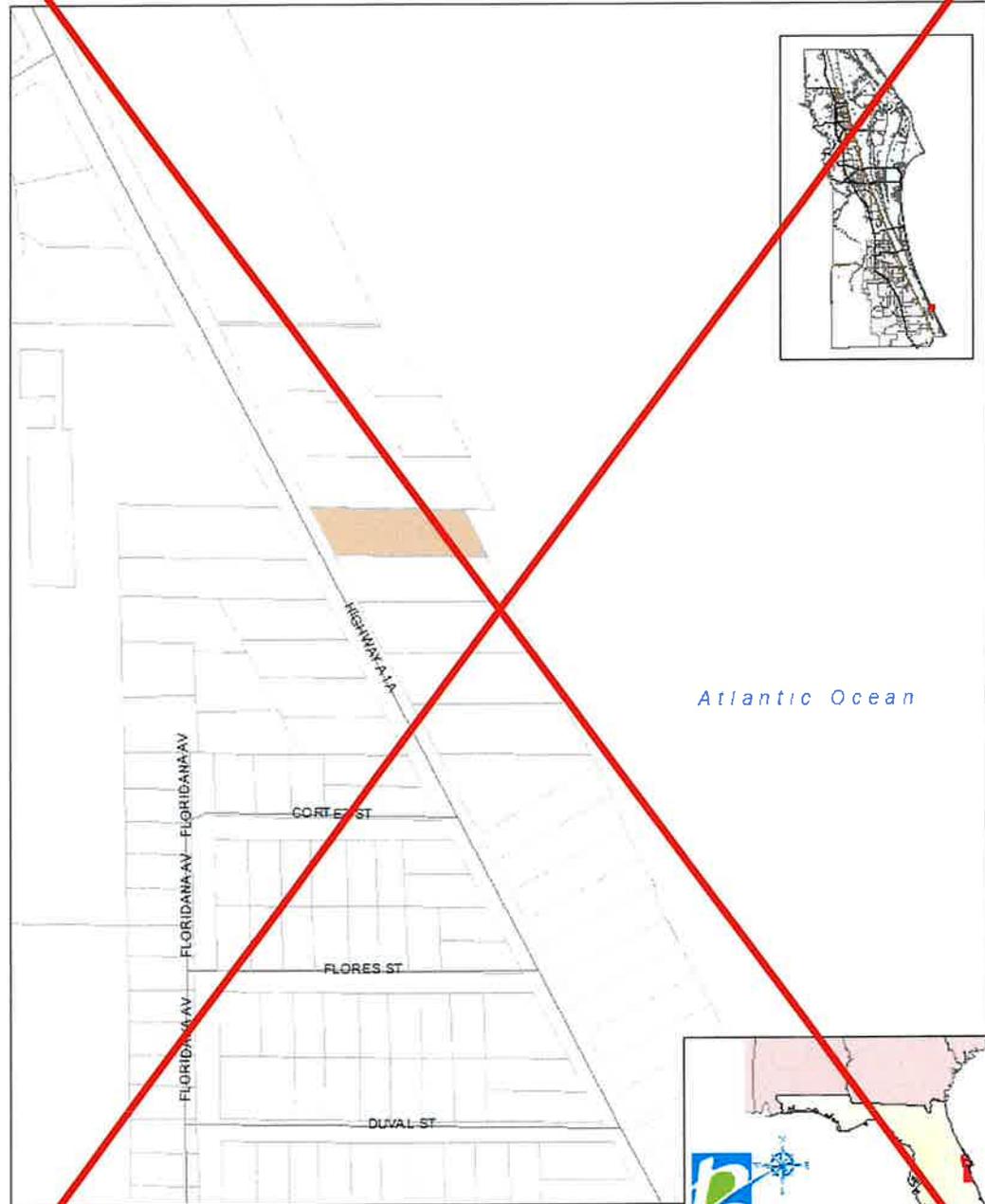
July 17, 2025

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**Comprehensive Plan**

EAR Amendments 2011



**South Beach Study Area**  
**Directive 4** February 17, 1993

**Map 17**

 Residential 4 Directive



April 25, 2006 2005B 11

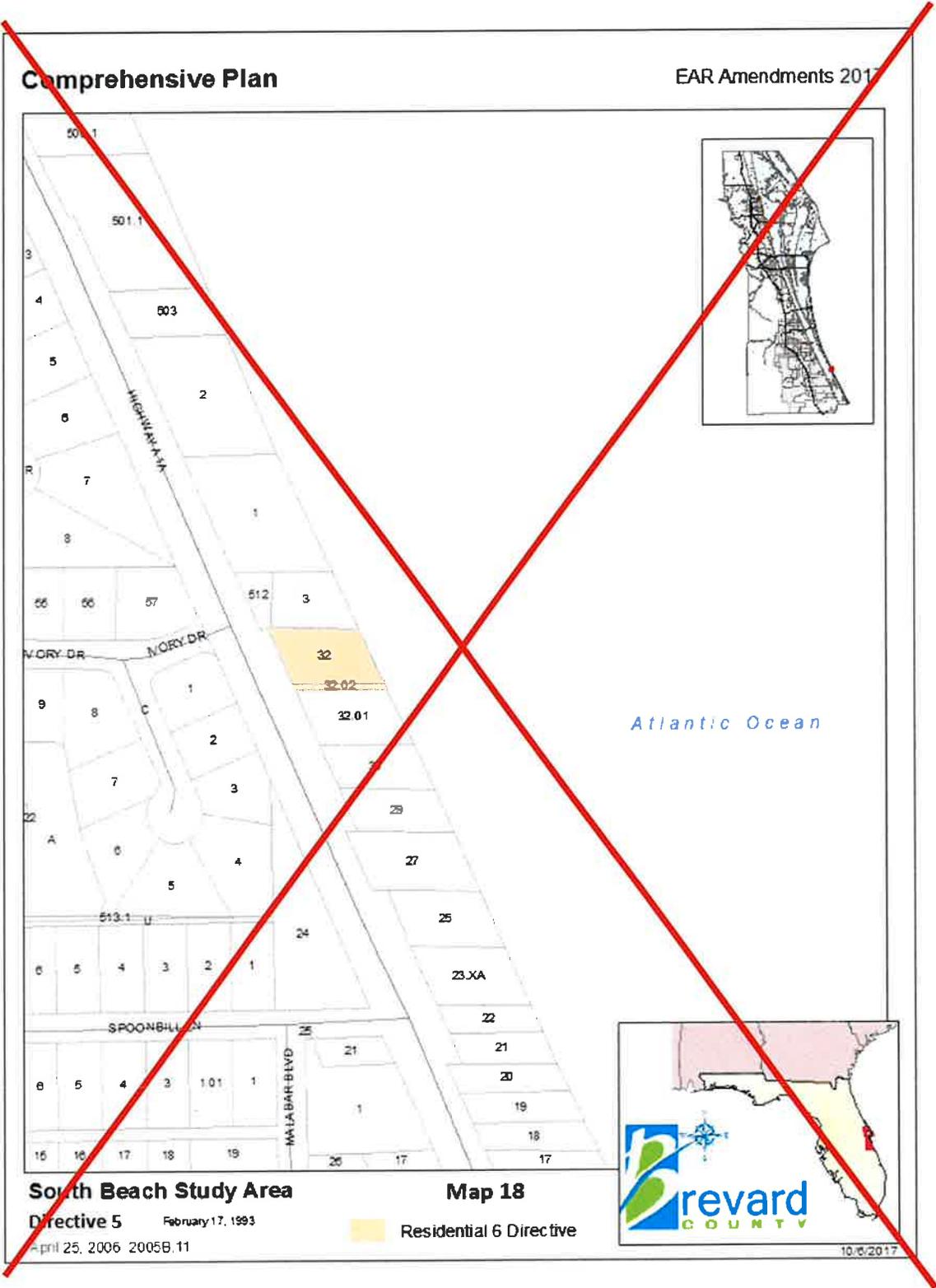
10/4/2017

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July 17, 2025

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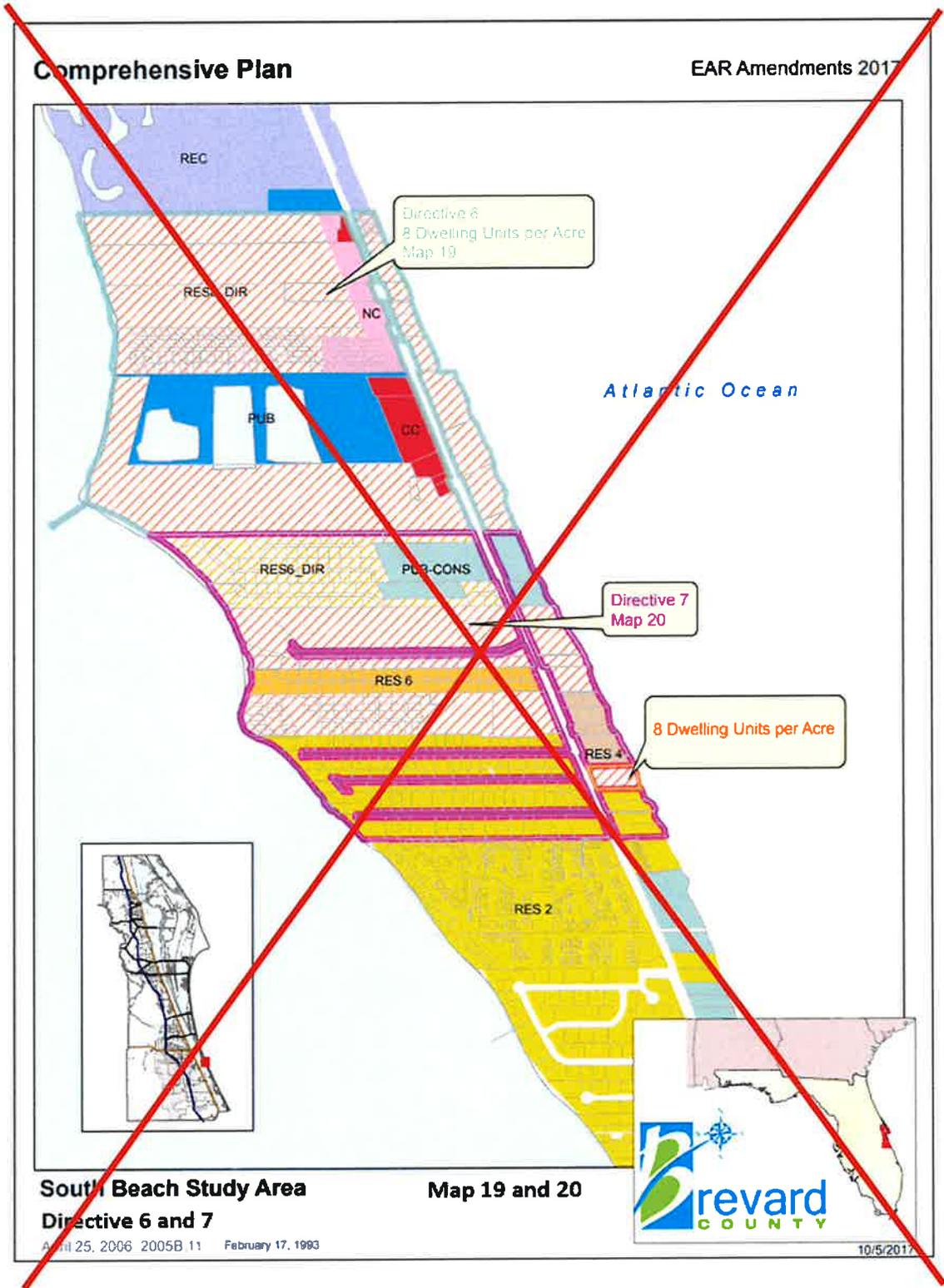


**FUTURE LAND USE ELEMENT**

July 17, 2025

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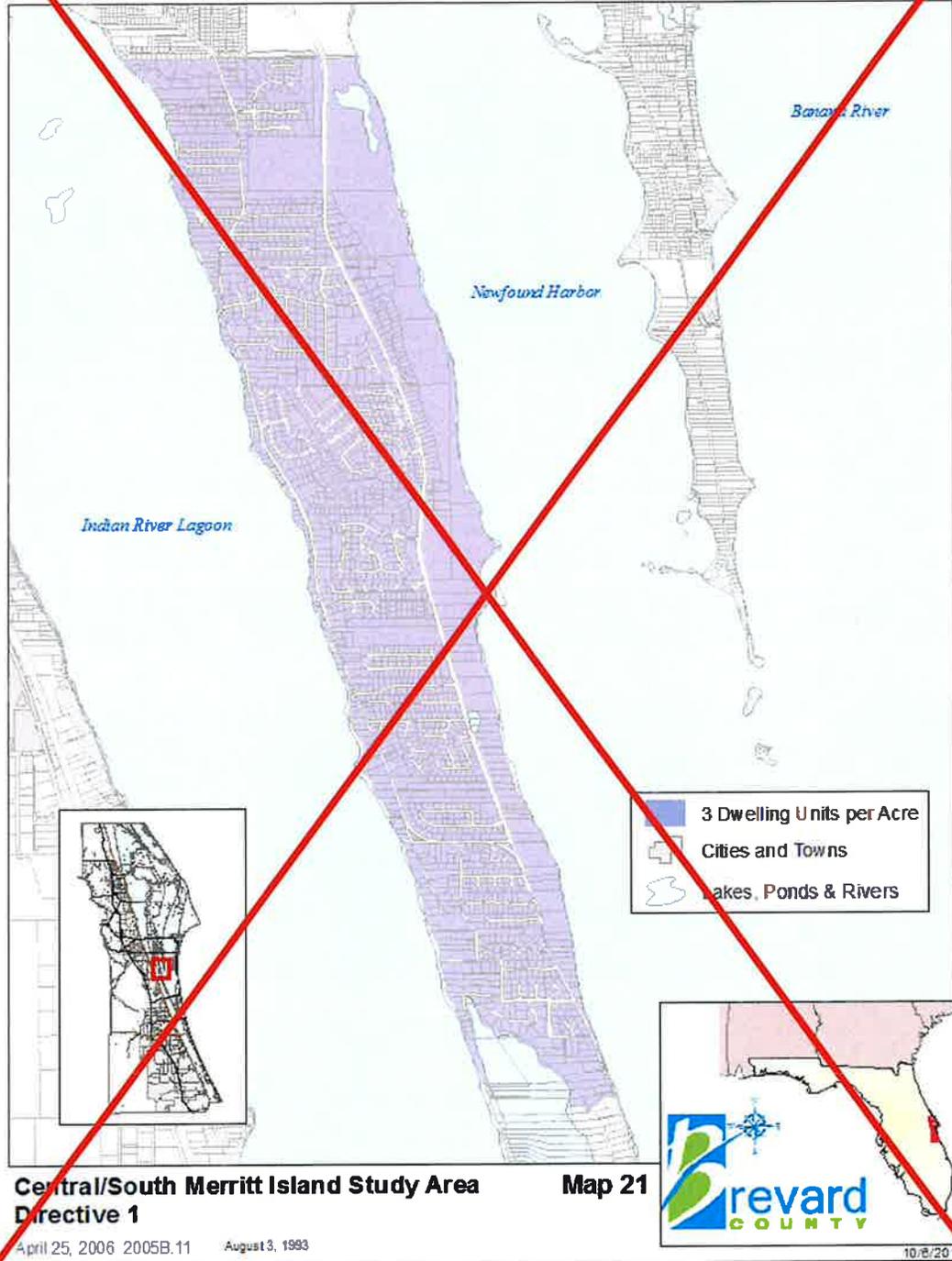


**FUTURE LAND USE ELEMENT**

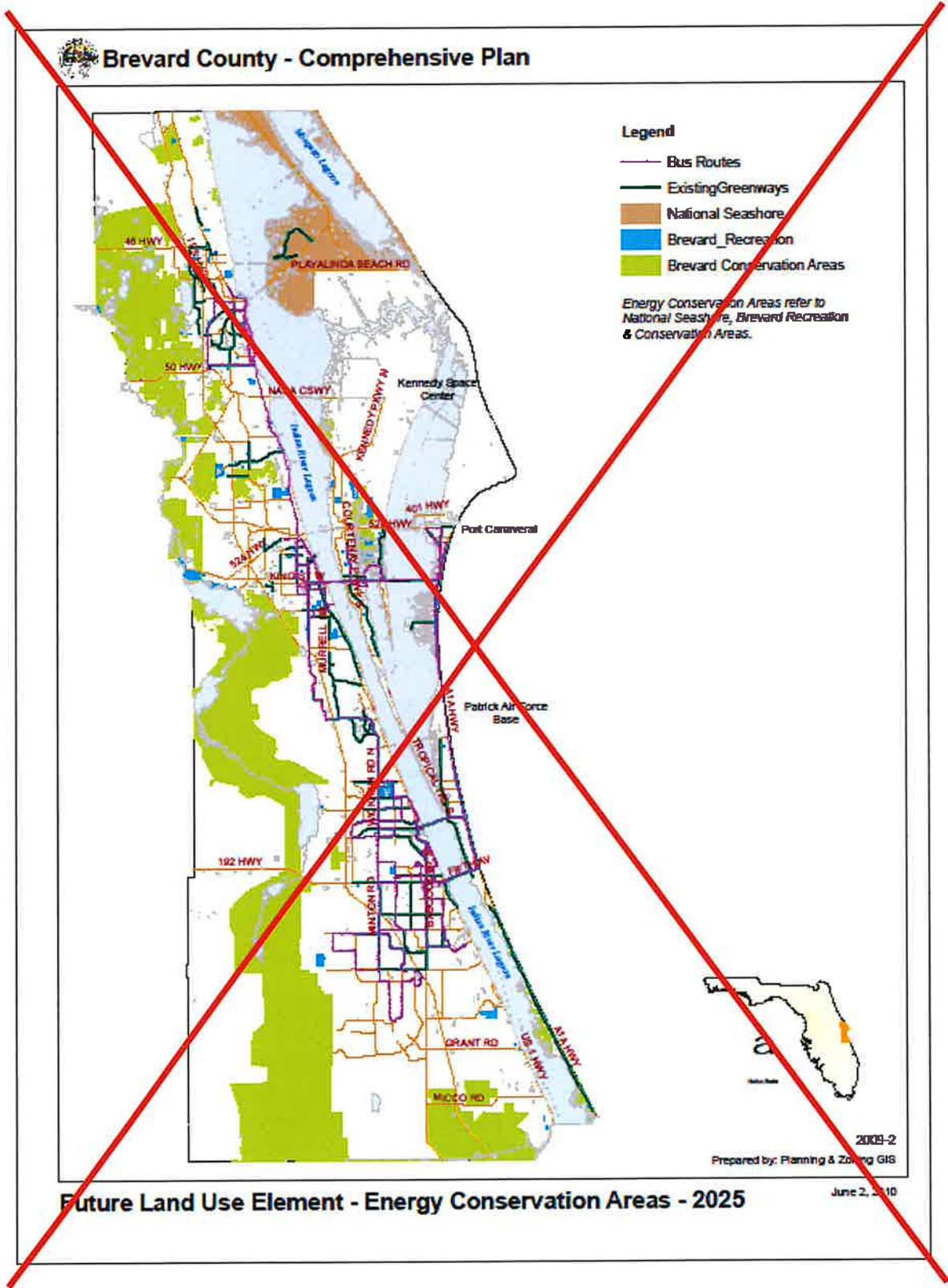
July 17, 2025

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FUTURE LAND USE ELEMENT

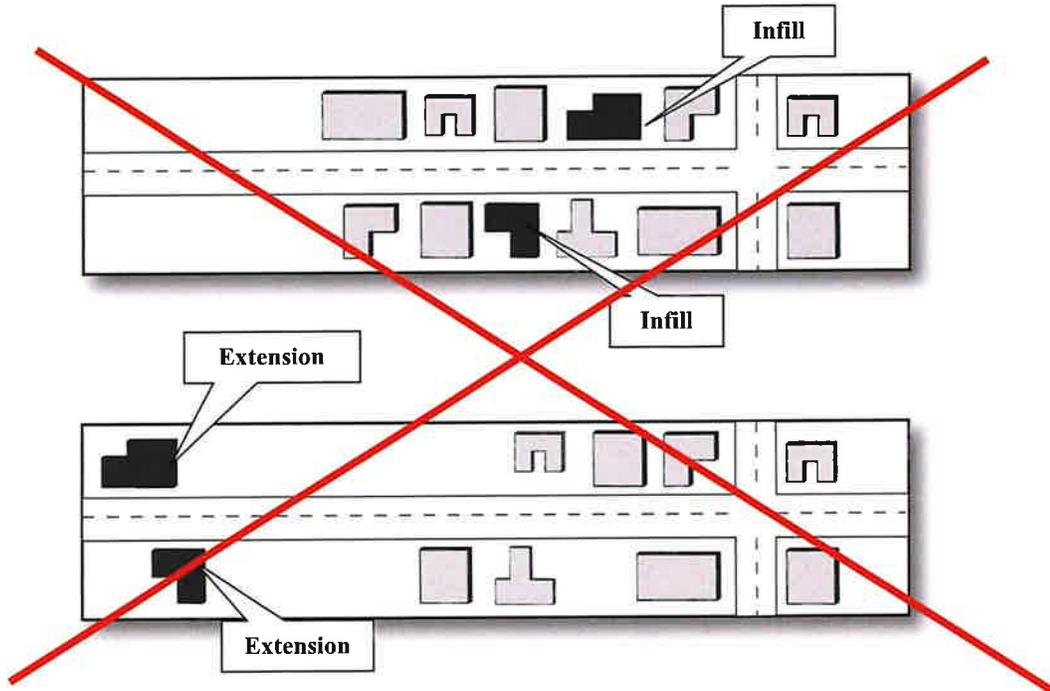


## LIST OF FIGURES

Figure — Name

- 1 — Illustrative Examples of Commercial Infill vs. Extension of Strip Development
- 2 — Comparative Depiction of Conventional vs. Clustering Land Development Techniques

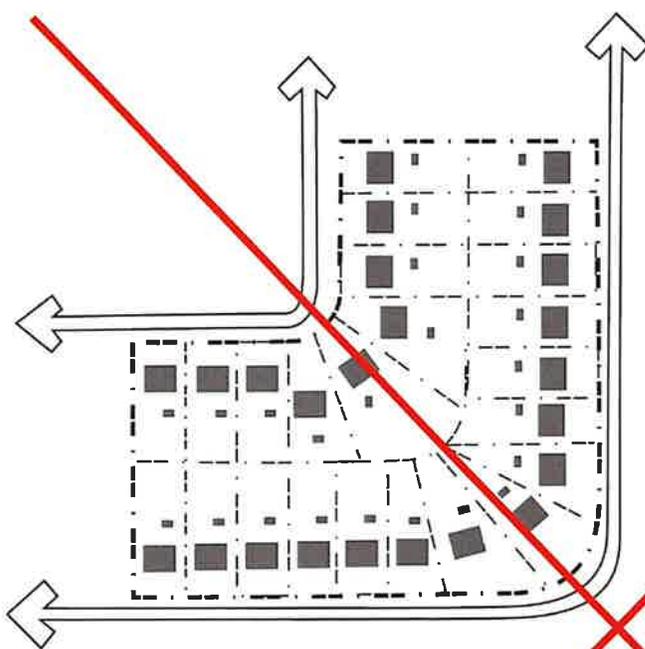
**FIGURE-1**  
**ILLUSTRATIVE EXAMPLES**  
**OF**  
**COMMERCIAL INFILL vs. EXTENSION OF STRIP DEVELOPMENT**



**FUTURE LAND USE ELEMENT**

**FIGURE 2**  
**COMPARATIVE DEPICTION OF**  
**CONVENTIONAL VS. CLUSTERING LAND DEVELOPMENT TECHNIQUES**

**(See Policy 14.2.E)**



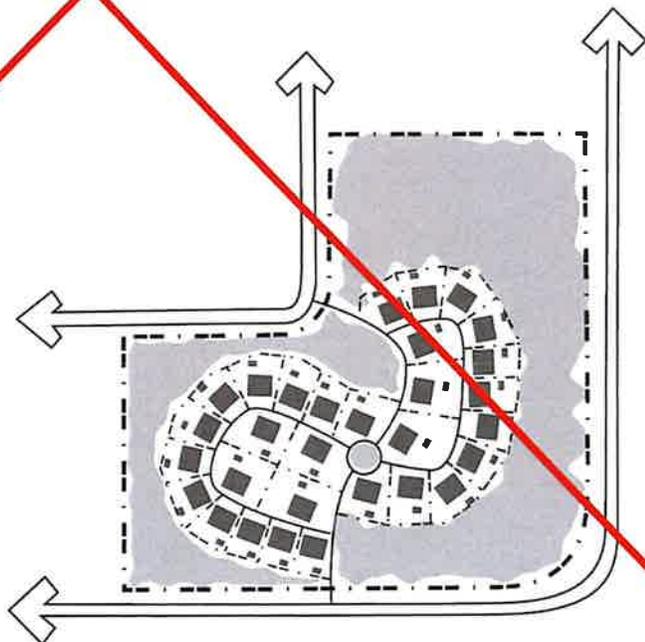
Example of a Parcel with a Conventional large Lot Subdivision

|                           |    |
|---------------------------|----|
| Residential Lot Yield     | 24 |
| Non Residential Lot Yield | 0  |
| Open Space Preservation   | 0% |

Example of the Same Parcel with a Clustered, Mixed Use Subdivision

|                           |     |
|---------------------------|-----|
| Residential Lot Yield     | 28* |
| Non Residential Lot Yield | 2   |
| Open Space Preservation   | 50% |

\* assumes a theoretical density bonus for creation and clustering of smaller lots; integration of non-residential uses; connection of undisturbed linear open spaces.



**FUTURE LAND USE ELEMENT**

**CHAPTER PART XII**

**INTERGOVERNMENTAL COORDINATION ELEMENT**

## TABLE OF CONTENTS

|   |   |
|---|---|
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| Development Approval Processes.....     | 6 |
| Coordination of Essential Services..... | 8 |

## GOALS, OBJECTIVES, AND POLICIES

### **GOAL IC**

Brevard County shall initiate and/or participate in intergovernmental coordination efforts necessary to establish governmental relationships which improve the coordination, effectiveness, and efficiency of public policy-making bodies within Brevard County.

### **Comprehensive Plan Coordination**

#### **Objective IC 1**

Brevard County shall coordinate the Comprehensive Plan and its implementation with the State, the region, adjacent municipalities and counties, as well as with ~~the Brevard County School Board~~ Brevard Public Schools, and special districts.

#### **Policy IC 1.1**

Brevard County shall encourage the State, the region, adjacent municipalities and counties, ~~Brevard County School Board~~ Brevard Public Schools, and special districts to review their proposed public facility improvement plans and plan amendments with Brevard County for consistency with the policies and criteria of this Comprehensive Plan.

##### **Criteria:**

- A. Public facility and service needs within and affecting the County shall be identified and regularly updated.
- B. Identified public facility and service needs should be included in the Capital Improvements Program of Brevard County and encouraged to appear within the Capital Improvements Program of all Brevard County local governments.
- C. Facility needs shall be based on a projection of proposed development intensity.
- D. The appropriate County departments shall participate in the evaluations of potential development impacts.

#### **Policy IC 1.2**

Brevard County shall establish and maintain a repository of the comprehensive plans or other master plans of the State, region, and adjacent municipalities and counties, as well as those of ~~the Brevard County School Board~~ Brevard Public Schools and special districts.

#### **Policy IC 1.3 (Coordinated Public School Facility Siting)**

Brevard County shall encourage ~~the Brevard County School Board~~ Brevard Public Schools to mutually agree on, promote, and support high-quality community and neighborhood development by coordinating site searches, planning, and design of public

## INTERGOVERNMENTAL COORDINATION ELEMENT

educational facilities as well as assuring the consistency of those facilities with the Comprehensive Plan and Land Development Regulations.

**Criteria:**

- A. The intergovernmental bikeway/pedestrian plan and schedule of improvements should be mutually maintained by ~~the School Board~~ the Space Coast Transportation Planning Organization (TPO), Brevard Public Schools, and Brevard County for new schools within Brevard County. The Plan should include identification of bicycle and pedestrian access deficiencies on school sites and within any designated access corridors within two (2) miles of school sites.
  
- B. In order to maximize the use of public facilities and resources, ~~the School Board~~ Brevard Public Schools and Brevard County should strive to coordinate development of properties adjoining school sites into libraries, parks, children's services, recreation, and other appropriate related facilities.

**Policy IC 1.4**

Brevard County shall implement all other policies of this ~~e~~Comprehensive ~~p~~Plan which address intergovernmental coordination.

**Criteria:**

- A. During reviews of the Comprehensive Plan ~~as set forth in the resolution adopted pursuant to 9J-5.004 and~~ as a part of the Evaluation and Appraisal Reports required by Chapter 163, Florida Statutes, an assessment shall be made of the effectiveness of the Intergovernmental Coordination Element and any deficiencies in the element shall be identified.
  
- B. The applicable planning staff shall coordinate the review.

**Policy IC 1.5**

Brevard County shall pursue the use of interlocal agreements to identify and quantify the potential impacts of proposed public facility improvements upon historic resources and to ensure the protection of such resources if discovered during associated ground disturbing activities. At a minimum, the interlocal agreements should include provisions provided for in the Historic Preservation ~~e~~Element ~~p~~Policies as cited below.

**Criteria:**

- A. Policy HP 1.4 Local Register of Historic Places
  
- B. Policy HP 1.6 Provide information for Florida Master Site File and prepare nominations for National Register of Historic Places and Local Register of Historic Places
  
- C. Policy HP 2.11 Encourage ~~cities~~ municipalities to adopt Historic Preservation ordinances

**INTERGOVERNMENTAL COORDINATION ELEMENT**

- D. Policy HP 2.3 Review of public/private projects
- E. Policy HP 2.4 Discovery procedures
- F. Policy HP 3.1 Distribute information and materials
- G. Policy HP 3.2 Historic landmark program

**Policy IC 1.6**

Brevard County shall maintain active coordination and cooperation with all water service providers to the public; and continue to coordinate the provision of potable water with the St. Johns River Water Management District, the Brevard County Utility Services Department, the Cities of Titusville, Cocoa, Palm Bay, West Melbourne, and Melbourne, and the other water suppliers within the County.

**Policy ~~1.7~~**

~~Brevard County shall continue to participate in meetings of the Brevard County Planning Coordination Committee (PGC).~~

**~~Criteria:~~**

- ~~A. — The Planning Coordination Committee should have authority to advise all local governments on planning issues.~~
- ~~B. — Membership should be comprised of planning staff representatives of the County, each municipality, a School Board representative and other appropriate representatives as necessary.~~

**Policy ~~1.8~~ IC 1.7**

If necessary, Brevard County may use an informal mediation process involving the East Central Florida Regional Planning Council (ECFRPC) to assist in resolving conflicts between the County's Comprehensive Plan and the comprehensive plans of adjacent municipalities and counties.

**Policy ~~1.9~~ IC 1.8**

Brevard County shall cooperate with the ~~East Central Florida Regional Planning Council~~ (ECFRPC) during the preparation of any Regional Development Guides which identify potential urban and rural service areas, and conservation areas to be used as a basis for determining the expansion of regionally significant public facilities.

**Policy ~~1.10~~ IC 1.9**

Brevard County shall continue to coordinate with municipalities to establish and maintain interlocal agreements and joint planning areas for use in coordinating public service delivery and facility maintenance subsequent to municipal annexation procedures. Interlocal planning, annexation, and maintenance agreements should, at a minimum, address the topics set forth in the criteria below:

**Criteria:**

**INTERGOVERNMENTAL COORDINATION ELEMENT**

- A. Existing and future service areas for public services and facilities.
- B. Methodology for advance notification to the County by municipalities conducting annexation procedures and hearings pursuant to Chapter 171, Florida Statutes.
- C. Issues of land use compatibility and consistency with the Brevard County Comprehensive Plan.
- D. Public participation and notification of all affected land owners of the land to be annexed.
- E. Notification of affected adjoining properties in the unincorporated areas.
- F. Available level of services and facilities and identification of the provider of those services.

**Policy 1.11 IC 1.10**

Brevard County shall maintain a geographic information system (GIS) which will, among other operations, store, retrieve, and display data related to evaluating and managing land use and growth, and assist in implementation of the Comprehensive Plan.

**Criteria:**

- A. The ~~geographic information system~~ GIS should be capable of reading data from the County's municipalities as well as special districts, and regional, ~~s~~State, and federal sources.
- B. Information and products generated by this system should be made available to both public and private sector entities consistent with available fiscal and time resources.

**Policy 1.12 IC 1.11**

Brevard County and its municipalities shall coordinate their level of service standards and projected sewer service areas for sewer facilities outside their jurisdiction to ensure that enough wastewater treatment plant capacity is available and to ensure that public sewer service is provided to Brevard County's citizens in the most efficient manner.

**Policy 1.13 IC 1.12**

Brevard County ~~Board of County Commissioners~~ will continue to encourage annual meetings with ~~the Brevard County School Board or their designee~~ Brevard Public Schools to discuss concurrency of infrastructure to serve proposed schools. Pursuant to the requirements of applicable Florida Statutes, the general location of public educational facilities should be consistent with the Public School Facilities Element and other policies within the Comprehensive Plan of Brevard County.

**INTERGOVERNMENTAL COORDINATION ELEMENT**

**Policy 1.14 IC 1.13**

Brevard County shall take steps necessary to coordinate with ~~the Spaceport Florida Authority, Space Florida and the Economic Development Commission of Florida's Space Coast and the Space Coast Development Commission~~ on promotional efforts concerning those areas of the County uniquely suited for the development of space commerce and the National Space Policy.

**Criteria:**

- A. Support the implementation of previously completed and adopted economic plans.
  
- B. Continue to work with the City of Titusville, National Aeronautics and Space Administration, Florida Department of Commerce, ~~Department of Economic Opportunity~~, Florida Department of Education, and other appropriate agencies.

**Policy IC 1.14**

Prior to the approval process, Brevard County will transmit proposed changes to the Comprehensive Plan, Comprehensive Plan amendments, and amendment to the Land Development Regulations to Patrick Space Force Base and Cape Canaveral Space Force Station, providing such entities a reasonable time to provide feedback, particularly when the proposal would impact height limits, lighting restrictions, and/or noise attenuation.

**Policy IC 1.15**

Brevard County shall provide sewer services to those areas located in proximity to municipal sewer systems if requested and if capacity is available. The cost of providing these services shall be paid for by the property owners that are benefited unless grant funds are available.

**Policy IC 1.16**

Brevard County should coordinate with the City of Titusville for the provision of public sanitary sewer service from the north limits of the community of Port St. John to the south limits of the City of Titusville.

**Policy IC 1.17**

Brevard County shall invite all municipalities to participate in class I watershed studies. The criteria set forth within related Conservation Element policies shall provide some guidelines for the study and recommendations for action.

**Policy IC 1.18**

Brevard County, if requested and feasible, shall cooperate with appropriate federal, ~~s~~State, regional, and local governmental agencies in the aerial photography and topographic mapping of Brevard County.

**Policy IC 1.19**

Brevard County shall cooperate with the incorporated municipalities within its boundaries and adjacent counties in the development of any regional stormwater management planning efforts.

**Development Approval Processes**

**Objective IC 2**

Brevard County shall strive for increased efficiency in development approval processes including the review of development proposals which impact adjacent municipalities, counties, the region, and the State.

**Policy IC 2.1**

Annually, with respect to each municipality, Brevard County should establish and maintain interlocal agreements for the purpose of refining the process of:

**Criteria:**

- A. Reviewing land development proposals pursuant to the following:
  - 1. Rezoning proposals within 660 feet of jurisdictional boundaries.
  - 2. The provision of public facilities and services which are provided by other governmental entities.
  
- B. Assessing the impact of land development proposals on traffic circulation with respect to:
  - 1. A method of notification of the affected local government regarding traffic impacts must be established providing sufficient time for the affected local government to respond.
  - 2. A method of "recording" or "tracking" projected trips on roadways for mutual use should be established.
  - 3. Resolving any discrepancies in the acceptable levels of service if having different levels of service causes intergovernmental problems.
  
- C. Standardization of all related land development regulations:
  - 1. Standard format, language, and criteria should be considered, however, modifications should be permitted to address unique local conditions.
  - 2. Workshops should be held between the County and municipalities for the purpose of identifying and resolving problematic inconsistencies.
  - 3. ~~Maintain the Planning Coordination Committee.~~
  
- D. Annexation and/or contraction notification, review, and reporting:
  - 1. Joint planning and interlocal annexation agreements shall be encouraged for all annexation or contractions in order to support a smooth transition and enhanced development coordination.

**INTERGOVERNMENTAL COORDINATION ELEMENT**

2. Municipalities proposing a voluntary or involuntary annexation or contraction shall be encouraged to notify and coordinate a County review of the proposed annexation or contraction area prior to commencing annexation procedures. The County notification information should include:
  - a) A schedule of any municipal annexation or contraction public hearings including the subject municipality’s schedule for amending its Comprehensive Plan.
  - b) The reporting prerequisites stated within Chapter Section 171.042, Florida Statutes, or, at a minimum, a copy of the municipality’s staff annexation report to be considered during municipal public hearing including:
    - A metes and bounds legal description of the property(ies) to be annexed or contracted.
    - The subject property’s proposed future land use, zoning designations, and, if possible, the intended use for the proposed annexation area.
    - The limits of post-annexation municipal maintenance of adjacent street right-of-way and drainage facilities.
3. Prior to the adoption of an interlocal enclave annexation agreement between the County and any municipality under F.S. 171.046 (2)(Aa), the municipality proposing the annexation should provide written notice to property owners within 500’ feet of the proposed enclave to be annexed no later than 30 days prior to the first public hearing in which the municipality is to consider the enclave annexation interlocal agreement.

**Policy IC 2.2**

Brevard County shall coordinate with appropriate local governments and Florida Department of Environmental Protection in the maintaining of a Wetland Ordinance for uniform regulation of these valuable resources. Specific guidelines are set forth in the Conservation Element and described in the criteria below.

**Criteria:**

- A. Policy CON 5.1 Wetlands
- B. Policy CON 5.2 Wetlands
- C. Policy CON 5.4 Wetlands

**Policy IC 2.3**

Brevard County shall Strive to improve the delivery of community services through adoption and implementation of effective records-management, information management, and evaluative procedures.

**Criteria:**

**INTERGOVERNMENTAL COORDINATION ELEMENT**

- A. Maintain records management processes utilizing ~~the Geographic Information System (GIS)~~ or other mechanisms that can track resources and expenditures in the delivery of community services.
- B. Coordinate the ongoing maintenance of this system with other local governments and service providers in order to achieve a common database for the delivery of community facilities and services within Brevard County.

**Policy IC 2.4**

Brevard County's legal relationship with the Port of Canaveral's Port Master Plan is governed by Chapter 163, Florida Statutes. Upon the Port Canaveral Authority's request, Brevard County shall review the Port Master Plan for consistency with the Coastal Management Element of the Brevard County Comprehensive Plan, pursuant to the County's procedure for reviewing plans of other jurisdictions, and ~~Chapter Sections 163.3177(6)(g) and 163.3178~~, F.S. Brevard County shall identify provisions of the Port Master Plan which it considers inconsistent with the Coastal Management Element or any other elements of the County Comprehensive Plan, and a meeting shall be established to discuss and rectify the inconsistencies and other issues.

**Policy IC 2.5**

Brevard County shall coordinate with the municipalities and appropriate ~~s~~State agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard ~~Area~~ section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (GEMP).

**Coordination of Essential Services**

**Objective IC 3**

Brevard County, in cooperation with the appropriate federal, ~~s~~State, and local governmental agencies, shall achieve coordinated level of service standards for essential public facilities and services.

**Policy 3.1**

~~Brevard County may maintain a county-wide advisory committee to recommend acceptable levels of service for public facilities and services which are multi-jurisdictional and to advise the respective governing bodies:~~

**Criteria:**

- A. ~~The public facilities to be addressed should include potable water, sanitary sewer, solid waste, drainage, parks and transportation.~~
- B. ~~Committee members should include County and municipal staff members responsible for planning and coordinating the above public facilities:~~

**Policy 3.2 IC 3.1**

In order to ensure efficient, cost effective, and environmentally sound public facilities and services, Brevard County should initiate and maintain interlocal agreements with the municipalities and other service providers that provide public facilities and services in the unincorporated area, to formalize the designation of facility service areas and acceptable levels of service.

**Policy 3.3 IC 3.2**

Brevard County shall continue to coordinate with the Florida Department of Transportation for development of permitted connections to the State Highway System with level of service standards adopted by the County and its ~~Transportation Planning Organization (TPO)~~ the Space Coast TPO.

**Policy 3.4 IC 3.3**

County-wide uniform level of service standards shall be utilized in the implementation of an impact fee program.

**Policy 3.5 IC 3.4**

Appropriate County planning staff shall assist the Sheriff's Department in the planning of their facilities and service delivery plans and fiscal programs by coordinating and providing requisite data and planning expertise.

**Policy 3.6 IC 3.5**

Brevard County shall utilize uniform standards in the provision and operation of community facilities within designated service areas and develop fiscal programs where feasible, for capital and operational needs.

**Criteria:**

- A. In order to promote greater efficiencies of service through adaptive reuse, joint-use agreements, and rehabilitation of existing structures. These measures may be utilized as an alternative to construction of new community facilities, where economically feasible and consistent with the Future Land Use Element.
- B. In order to eliminate needless duplication of community facilities and services and to promote communication and cooperation in governmental activities and programs within State, regional, ~~County~~, city municipal, and other governmental units.

**Policy 3.7 IC 3.6**

Brevard County shall coordinate with the ~~East Central Florida Regional Planning Council (ECFRPC)~~ regarding strategic and local planning efforts that are relevant to Brevard County. Additional coordination mechanisms shall be established or maintained as required by Florida Statutes.

**INTERGOVERNMENTAL COORDINATION ELEMENT**

**Policy 3.8 IC 3.7**

Brevard County shall continue coordination with ~~the Brevard County School District~~ Brevard Public Schools and municipalities through the Interlocal Agreement for Public School Facility Planning and School Concurrency that ensures the public school facilities level of service is maintained. Brevard County shall continue to be responsive to any legislative changes regarding school facility development and coordination with local governments and agencies.

**Policy 3.9 IC 3.8**

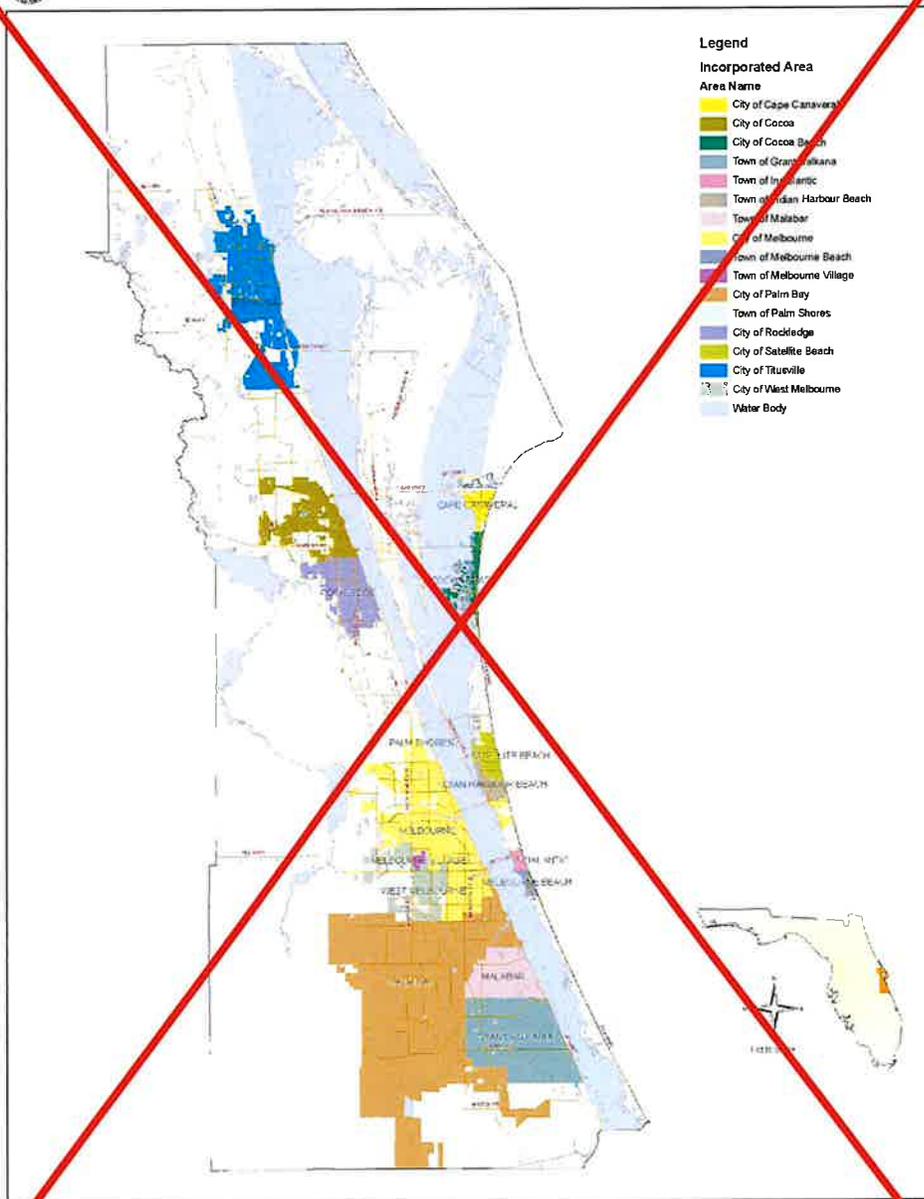
Brevard County shall reduce fire loss and personal injury through intergovernmentally coordinated fire prevention programs and early detection systems. Brevard County should support the volunteer fire department efforts by providing data and financial assistance consistent with defined needs and the services provided. Brevard County shall maintain and improve the Fire Insurance Rating for the unincorporated areas of the County; and coordinate with incorporated areas in order to achieve fire rating objectives.

**Policy 3.10 IC 3.9**

Brevard County should continue coordination with the Space Coast ~~Transportation Planning Organization (TPO)~~, Florida Department of Transportation, local governments, and local transportation agencies regarding current and future transportation infrastructure needs and level of service standards. Where appropriate, Brevard County, in cooperation with the Space Coast TPO, may facilitate consideration of alternative land use scenarios as a possible means of addressing transportation infrastructure demands.

**LIST OF MAPS**

| <b>Map</b> | <b>Title</b>          |
|------------|-----------------------|
| 1.         | Brevard County Cities |



Intergovernmental Coordination Element  
Incorporated Areas within Brevard County

**INTERGOVERNMENTAL COORDINATION ELEMENT**

**CHAPTER PART XIII**  
**CAPITAL IMPROVEMENTS ELEMENT**

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## GOALS, OBJECTIVES, AND POLICIES

### **GOAL CI**

Brevard County shall develop and periodically update a Capital Improvements Plan to coordinate and implement public facility improvements which support the goals, objectives, and policies of the Brevard County Comprehensive Plan and encourage efficient utilization of its public facilities.

### **Objective CI 1**

Where financially feasible, the Capital Improvements Plan shall provide for the construction, expansion, improvement, or replacement of public facilities identified in the various elements of the Comprehensive Plan in order to correct existing deficiencies and accommodate the needs of new growth on a continuing basis.

### **Policy CI 1.1**

As a part of the Capital Improvements Plan (CIP) development process, Brevard County shall utilize the acceptable level of service (LOS) standards for transportation, potable water, sanitary sewer, solid waste, drainage, recreation and open space, and public schools as adopted in other elements of the Comprehensive Plan and shown below to evaluate the need for public facility improvements.

**Criteria:**

- A. Transportation: Acceptable LOS Standards
  - 1. Brevard County arterial and collector roadways within the urban area boundary: Level of Service E.
  - 2. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D.
  - 3. State arterial roadways (excluding Florida Intrastate Highway System), Highway System roadways within the urban area boundary: Level of Service E D.
  - 4. State arterial roadways (excluding Florida Intrastate Highway System), Highway System roadways outside the urban area boundary (rural area): Level of Service D C.

- B. Potable Water: Acceptable LOS Standards

| POTABLE WATER SERVICE AREA          | LEVEL OF SERVICE STANDARD                           |
|-------------------------------------|---|
| BCUSD                               | 250 gal/equivalent residential connection (ERC)/day |
| Barefoot Bay Water & Sewer District | 150 gal/ERC/day                                     |
| City of Cocoa                       | 340 gal/ERC/day or<br>122 gal/capita/day            |

|                        |                     |
|------------------------|---------------------|
| City of Melbourne      | 100 gal/capita/day  |
| City of Palm Bay       | 225 gal/ERC/day     |
| City of Titusville     | 96.4 gal/capita/day |
| City of West Melbourne | 210 gal/ERC/day     |

C. Sanitary Sewer: Acceptable LOS Standards

Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 200 of at least ~~220~~ 200 gallons per day per ~~equivalent unit residential connection (ERC)~~ countywide (BCUSD) and 150 gallons per day per ERC for the Barefoot Bay Water & Sewer District.

D. Solid Waste: Acceptable LOS Standards

1. Collection Twice per week solid waste collection service to residential improved properties
2. Disposal ~~8.32~~ 10.6 pounds/capita/day

E. Drainage: Acceptable LOS Standard

1. Retention and detention requirements shall, at a minimum, meet St. Johns River Water Management District (SJRWMD) Criteria.
2. Retention of the first inch of runoff.
3. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25-year, 24-hour storm event.
4. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

F. Recreation/Open Space: Acceptable LOS Standard

3.0 acres of ~~developed park~~ County-managed parks or recreation land per 1,000 people living in the unincorporated areas of each planning area. Brevard County.

G. Public Schools: Acceptable LOS Standard

~~By December 1 of each year, Brevard County shall adopt as part of its Capital Improvement Element the School Board of Brevard County's Five Year Work Program. Brevard County hereby adopts by reference the School Board of Brevard County's Five Year Work Program for the planning period 2007-8 through 2011-12, the School District Program approved on September 23,~~

2008 as part of the School District budget, is adopted, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period: Brevard County shall maintain the LOS standard for public schools based upon the Interlocal Agreement (ILA) for Public School Facility Planning and School Concurrency, which established the LOS for Brevard Public Schools at 100% of Florida Inventory of School Houses (FISH) capacity. The LOS is calculated by dividing enrollment by factored FISH total capacity (permanent and relocatable student stations).

| <b>TIERED LEVEL OF SERVICE - SCHOOL YEAR 2007-08 to 2011-12</b> |                |                |                |                |                |
|---|----------------|----------------|----------------|----------------|----------------|
| <b>Facility Type</b>  | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10</b> | <b>2010-11</b> | <b>2011-12</b> |
| Elementary Schools  | 127%           | 130%           | 115%           | 105%           | <b>100%</b>    |
| Middle Schools  | 122%           | 120%           | <b>100%</b>    | <b>100%</b>    | <b>100%</b>    |
| Junior / Senior High Schools                                    | 133%           | 135%           | 110%           | 105%           | <b>100%</b>    |
| High Schools  | 139%           | 130%           | 115%           | <b>100%</b>    | <b>100%</b>    |

**Policy CI 1.2**

Brevard County may establish temporary **level of service LOS** standards for potable water, sanitary sewer, solid waste disposal, stormwater management, and parks and recreation facilities based on the following criteria:

**Criteria:**

- A. The health, safety, and welfare of the public shall not be endangered.
- B. Inadequate funding, revenue initiative failures, unforeseen physical constraints affecting construction and its scheduling, and other similar obstacles which may exist or materialize which would prevent the immediate initiation of a service improvement.
- C. The service for which the temporary acceptable **level of service LOS** is being established shall be given the highest priority pursuant to Objective CI 2.
- D. The temporary **level of service LOS** for a specific facility or service shall relate to and realistically reflect the minimum timeframe necessary to establish a funding source and/or remove affecting obstacles and proceed with the appropriate improvements to achieve the desired **levels of service LOS** objectives.
- E. All temporary **levels of service LOS** shall be established by Comprehensive Plan Amendment.

### Policy CI 1.3

As a part of the Capital Improvements Plan development process, Brevard County should utilize the following advisory ~~level of service~~ LOS standards for public libraries, law enforcement, correctional facilities, fire protection, and emergency medical services, ~~and public education~~ shown below as planning guidelines to evaluate the need for public facility improvements.

#### Criteria:

- A. Public Libraries: 0.6 sq. ft. of library building space per capita;  
2.16 volumes per capita;  
1.5 titles per capita.
  
- B. Law Enforcement: 2.0 deputies per 1,000 residents;
  
- C. Correctional Facilities: .003 inmate spaces per capita.
  
- D. Fire Protection:
  - 1. 6-minute average response time county wide.
  - 2. 90% of Brevard County within 3 miles of a station.
  - 3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
  - 4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
  - 5. Develop an attack force that can advance 2 standard fire stream hand lines.
  - 6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
  - 7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long relays and extended pumping operations.
  - 8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
  - 9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
  - 10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time. Rescue all trapped persons.
  - 11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.
  - 12. Manpower:

| <b>Unincorporated Population</b> | <b>No. Fire Fighters Per 1,000 Residents</b> | <b>% Supervisory Fire Fighters</b> |
|----------------------------------|--|------------------------------------|
| 100,000 – 249,999                | 1.89   | 20.4                               |
| 250,000 – 499,999                | 1.84   | 25.5                               |
| 500,000 +                        | 1.81   | 21.7                               |

E. Emergency Medical

Establish effective Advanced Life Support response within six minutes to 90% of the population.

**Policy 1-5 CI 1.4**

Brevard County shall include in its CIP all projects identified in its WSFWP Water Supply Facilities Work Plan to commence or continue within the 5-year horizon.

**Policy 1-6 CI 1.5**

Brevard County shall include in its CIP all Water Resource Development, Water Supply Development, and Water Conservation Project Options identified in the SJRWMD RWSP Regional Water Supply Plan assigned to the County as an implementing entity within the 5-year horizon.

**Policy CI 1.6**

Brevard County shall adopt as part of its CIP the Brevard Public Schools Five-Year District Facilities Work Program.

**Policy CI 1.7**

Brevard County shall include within its CIP any projects necessary to achieve the pollutant load reductions attributable to the County as established in Basin Management Action Plans that include the County.

**Objective CI 2**

Brevard County shall establish funding priorities for capital improvements to correct existing public facility deficiencies, provide for facility renewal and replacement, and accommodate the needs of new growth on a continuing basis by implementing a Capital Improvements Plan that is consistent with the Schedule of Improvements in this Element.

**Policy CI 2.1**

Prioritization for roadway improvements should be based on acceptable **level of service** LOS standards, improvements required by Development of Regional Impact (DRI) development orders, and the adopted short-range transportation improvement program developed pursuant to Policies ~~2-4~~ TRA 2.1.1 and ~~2-2~~ TRA 2.1.2 of the Transportation Element.

**Policy CI 2.2**

Prioritization of potable water improvements should be based on a project's ability to achieve one or more policies found under Objectives 3 PW 4 and 4 PW 5 in the Potable Water Element.

**Policy CI 2.3**

Prioritization of sanitary sewer improvements should be based on a project's ability to achieve one or more policies found under Objectives SS 2 and SS 3 in the Sanitary Sewer Element.

**Policy CI 2.4**

Prioritization of drainage improvements should be based on the ~~Master Stormwater Management Plan~~ stormwater area studies developed pursuant to Policies SF 1.1 and SF 1.2 of the Surface Water Management Element.

**Policy CI 2.5**

Prioritization of recreational facilities should be based upon the project's ability to maintain acceptable ~~levels of service~~ LOS; ability to maintain the physical integrity and efficient operation of existing facilities; ability to eliminate access problems for ~~handicapped disabled and special-needs~~ persons, and other applicable criteria.

**Criteria:**

- A. Acquisition and development of recreational facilities that are needed to eliminate acceptable level of service LOS deficiencies should receive the highest funding priority.
- B. Projects related to the maintenance and operation of existing facilities should receive the next highest priority, ~~however, no planning area should be allowed to fall into a deficient status~~. This should include those projects which provide handicapped Americans with Disabilities Act-compliant and special-needs access to parks and recreational facilities.
- ~~C. Prioritization of improvements should be based on the acceptable level of service and maintenance and operation standards for each individual planning area, as identified in the Recreation and Open Space Element.~~

**Policy CI 2.6**

Prioritization of capital improvements for solid waste should be based on reduction of ~~level of service~~ LOS deficiencies and enhancement of operational efficiency and environmental quality.

**Criteria:**

- A. Projects reducing level of service deficiencies or providing additional solid waste disposal capacity should receive the highest priority. Alternative methods of solid waste disposal should be encouraged.

- B. Projects that enhance operational efficiency or environmental quality should receive the next highest priority.

**Policy CI 2.7**

Those public services and facilities necessary to support industries that provide value-added employment in Brevard County should be given priority for construction.

**Policy CI 2.8**

Programs and studies necessary to implement policies within the various elements of the Comprehensive Plan shall be included in the Schedule of Improvements and Funding. These programs and studies shall be prioritized based on specified target dates for completion, the availability of revenue to fund these projects, environmental concerns, resiliency, and association with the protection of the public's health, safety, and welfare.

**Policy CI 2.9**

The ~~Capital Improvements Plan~~ CIP and Annual Capital Budget should be consistent with this Element's Schedule of Improvements and with any element of the Comprehensive Plan which sets standards and policies for the provision of public facilities and programs, shall support the Future Land Use Element, and should be adopted as a part of the annual budgeting process.

**Policy CI 2.10**

Brevard County shall not extend public facilities and services to Suburban and Rural Density Areas for new development, unless there is an overriding public benefit which accrues to an area larger than the specific Suburban or Rural Density Area. However, the County will accept facilities through dedication, and provide services and facilities through Municipal Service Benefit Units (MSBUs), Municipal Service Taxing Units (MSTUs), and other means through which the recipients pay for the service or facility.

**Objective CI 3**

Limit future public expenditures for infrastructure and service facilities which serve to subsidize growth within the ~~eCoastal hHigh hHazard aArea~~ (CHHA) of Brevard County as described in the Coastal Management Element and delineated on the Future Land Use Map Series. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

**Policy 3.1**

~~Brevard County shall designate coastal high hazard areas as defined in Chapter 163, Florida Statutes.~~

**Policy 3.2 CI 3.1**

Brevard County shall not support or finance new local transportation corridors

which lie within the ~~coastal high hazard zone~~ CHHA or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives.

**Policy 3.3 CI 3.2**

Brevard County should not locate sanitary sewer and water transmission lines within the ~~coastal high hazard zone~~ CHHA, except where there is no cost-feasible alternative and where practical due to engineering, safety, and cost considerations, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality, and where necessary utilizing existing rights-of-way.

**Policy 3.4 CI 3.3**

If County utility lines are relocated for any purpose, they should be located outside of the ~~coastal high hazard zone~~ CHHA, except where there is no cost-feasible alternative.

**Policy 3.5 CI 3.4**

Public facilities, except for recreational facilities, shall not be located by Brevard County within ~~of the coastal high hazard zone~~ CHHA, except where there are no other cost-feasible alternatives.

**Objective CI 4**

Brevard County shall maintain adequate fiscal resources and policies to fund necessary public facility improvements, including transportation, potable water, sanitary sewer, surface water management, solid waste, parks and recreation, public libraries, law enforcement, correctional facilities, fire protection, and emergency medical services.

**Policy CI 4.1**

Brevard County should periodically review the fiscal requirements of needed transportation system improvements and adjust the local option gas tax as may be necessary.

**Policy CI 4.2**

When adequate funding ~~in is~~ not available for a high priority project from existing sources of revenue and the consequences of delaying the project would adversely impact the economy, environment, or public health, safety, and welfare, Brevard County should consider enactment or extension of the infrastructure sales tax by referendum.

**Policy CI 4.3**

Brevard County should continue to seek funding from State and ~~F~~ederal sources and pursue interlocal agreements with private and public agencies to ensure sufficient money is available to provide necessary public facilities and services.

**Policy CI 4.4**

Brevard County should periodically readdress its budget and fiscal policies to

ensure debt management practices such as limitations on the use of revenue bonds as a percentage of total debt, maximum ratio of total debt service to total revenue, and maximum ratio of outstanding capital indebtedness to property tax base are adequate and effective.

**Policy CI 4.5**

Brevard County should consider financing needed capital improvements with ~~Municipal Service Benefit Units MSBUs, Municipal Service Taxing Units MSTUs,~~ Community Development Districts, impact fees, and other forms of development exactions to ensure that new development pays a pro rata share of infrastructure development costs when it can be determined that these financing methods are not in conflict with Brevard County’s economic development and affordable housing goals.

**Objective CI 5**

Brevard County may approve development orders consistent with the acceptable level of service standards adopted as part of this Comprehensive Plan for public facilities, including transportation, potable water, sanitary sewer, solid waste disposal, and surface water management, ~~and recreation and open space.~~

**Policy CI 5.1**

Brevard County shall continue to utilize a concurrency management system to review the impacts of all development proposals on existing public facilities to ensure that service levels are not degraded below acceptable ~~level-of-service~~ LOS standards as adopted in this Comprehensive Plan.

**Policy CI 5.2**

Brevard County may approve rezoning applications, subdivision plats, site plans, and building permits if the potential impact of the proposed development does not decrease the ~~level-of-service~~ LOS below acceptable standards for any existing public facility or a facility listed in this Element's Schedule of Improvements. If evaluation of the development application indicates a potential decrease in the ~~level-of-service~~ LOS below the acceptable standards, approval of a development order may be granted based on the following conditions:

**Criteria:**

- A. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the Planning and Zoning Board and the Board of County Commissioners. All approvals of zoning applications shall be conditional and shall require a formal concurrency evaluation prior to site plan, subdivision plat, or building permit approval.
  
- B. Subdivision plats and site plans may be approved if the Schedule of

Improvements in the Capital Improvements Element includes a facility improvement that will provide sufficient capacity to accommodate the potential impact of the proposed project based on acceptable **level of service LOS** standards. These approvals are subject to the following conditions:

1. All development orders pursuant to this **e**Criterion are conditional and shall not be considered vested; they will be revisited upon application for building permits in accordance with Criteria C and D below, to determine their impact upon established or programmed acceptable **levels of service LOS**.
2. If the impact evaluation indicated that the conditional development order will cause the **level of service LOS** of a public facility to fall below the adopted standard, or if the development order will further increase an existing deficiency in the adopted **levels of service LOS**, Brevard County will maintain the authority to modify the development order to achieve the acceptable **levels of service LOS**.

C. Building permits may be approved if the concurrency review determines that the following conditions are met:

1. Potable water supplies and facilities, sanitary sewer, solid waste, and drainage facilities with adequate capacity to accommodate the impacts of the development based on adopted **level of service LOS** standards will be in place at the time the certificate of occupancy is issued; and
- ~~2. Parks and recreation facilities with adequate capacity to accommodate the impacts of the development based on adopted level of service standards will be in place or are scheduled to be under actual construction in the Schedule of Recreation and Open Space Improvements in this Element not more than one year after the certificate of occupancy is issued; and~~
- ~~3.~~ 2. Transportation facilities with adequate capacity to accommodate the impacts of the development based on adopted **level of service LOS** standards will be in place or are scheduled to be under actual construction in the Schedule of Transportation Improvements in this Element not more than three years after the certificate of occupancy is issued or one of the following conditions is met:
  - a. At the time that a development order or permit is issued, the necessary transportation facilities or services are subject to a binding executed agreement which requires such facilities to be in place or under actual construction not more than three years after the certificate of occupancy is issued; or
  - b. At the time that a development order or permit is issued, the necessary transportation facilities or services are guaranteed in an enforceable development agreement, pursuant to

Section 163.3220, Florida Statutes, or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three years after the certificate of occupancy is issued; or

c. For the purpose of issuing a development order or permit, a development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of all applicable State Statutes and Florida Administrative Codes if all of the following conditions are met:

i. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land, at a residential density of less than four dwelling units per acre or, for nonresidential use, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential subdivisions where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size; and

ii. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted **level of service LOS** standard for the peak hour of the affected transportation facility; and

iii. The cumulative total transportation impact from the de minimis exceptions does not exceed three percent of the maximum service volume at the adopted **level of service LOS** standard for the peak hour of the affected transportation facility if the facility does not meet the minimum **level of service LOS** standard.

4. 3. A comprehensive plan amendment shall be required to eliminate, defer, or delay construction of any road or public transit facility or service which is needed to maintain the adopted **level of service LOS** standard and which is listed in the Schedule of Transportation Improvements in this Element.

D. Building permits may be approved if the developer agrees to construct all improvements necessary to accommodate the specific impacts of the proposed project concurrent with its development.

### **Policy CI 5.3**

Brevard County may approve development orders if the proposed development is

phased to ensure that the necessary public facilities and services are available prior to the completion of the proposed development.

**Policy CI 5.4**

Brevard County shall coordinate with public and private agencies to identify public facility improvements made necessary by growth in the Viera Development of Regional Impact in order to ensure that needed improvements are incorporated into the Schedule of Improvements and that the developer continues to fund its fair share of the costs of needed infrastructure pursuant to the terms of the DRI Development Order.

**Policy CI 5.5**

Brevard County shall coordinate the provision of potable water from the Cities of Cocoa, Titusville, Palm Bay, West Melbourne, and Melbourne and any other applicable potable water provider, including the County itself, by requiring development applicants located in unincorporated areas of the County to provide written verification from the applicable potable water provider that the facility capacity and adequate water supply are currently available or will be available at the time of development. Prior to approval of a building permit or its functional equivalent, Brevard County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by Brevard County of a certificate of occupancy or its functional equivalent. No building or construction permit shall be issued unless the applicable potable water supplier has provided a written statement of committed capacity and water supply availability for the proposed development. Adequate water supplies and potable water facilities shall be in place and available to serve new development no later than issuance by Brevard County of a certificate of occupancy or its functional equivalent.

**Objective CI 6**

Brevard County shall review and update the Capital Improvements Element annually.

**Policy CI 6.1**

The annual review of the Capital Improvements Element shall include the following:

**Criteria:**

- A. Updated forecasts of gross taxable property value, estimated tax rates, revenues, operating expenditures, debt service requirements, reserves, and similar types of financial information; and
- B. Review of project status with updated estimates of project costs, revenue sources, and construction schedules; and
- C. Analysis of infrastructure capacity based on growth trends and acceptable **level of service** LOS standards, including identification of pending facility deficiencies; and

- D. Review of planned capital improvements by State agencies, water management districts, and other local governments; and
- E. Identification and prioritization of needed facility improvements; and
- F. Recommendations regarding modifications and updates to the Schedule of Improvements.

**Policy CI 6.2**

The ~~Capital Improvements Plan CIP~~ adopted each year shall be consistent with and serve to implement the Capital Improvements Element. At a minimum, the ~~Capital Improvements Plan CIP~~ should contain those projects listed in the Schedule of Improvements that are scheduled to begin within a five-year timeframe. The following information should be provided for each project contained in the ~~Capital Improvements Plan CIP~~:

**Criteria:**

- A. Estimated project cost.
- B. Projected funding source(s).
- C. Tentative construction start date.
- D. Project location.
- E. Description and justification for each project.

**Policy CI 6.3**

The Local Planning Agency shall review all proposed changes to the Capital Improvements Element and updates to the Schedule of Improvements developed pursuant to Policy CI 6.1 and make recommendations to the Board of County Commissioners.

**Policy CI 6.4**

As part of the annual review of the Capital Improvements Element and the preparation of the ~~Capital Improvements Plan CIP~~, Brevard County shall review all public facility and infrastructure proposals for their impact upon designated historic resources.

**Criteria:**

- A. The resources designated as being historically significant are those on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places, and those to be discovered in the future.
- B. If a determination is made that there will be a potentially negative impact to a historic resource, the County shall notify the Florida Division of Historic Resources and the County preservation agent.

- C. Every effort shall be taken to preserve the resource. Where preservation is not a feasible alternative, the resource shall be relocated, information regarding the resource shall be recorded, or elements of the resource shall be salvaged for further study.

**Policy CI 6.5**

If authorized by Brevard County through implementing amendments to a ~~development of regional impact (DRI)~~ Development Order, a multi-use DRI ~~meeting the criteria of Section 163.3180(12), Florida Statutes,~~ may use the standards and procedures set forth in ~~that statute~~ Section 163.3180(5), Florida Statutes, to satisfy the County's transportation concurrency requirements and transportation mitigation requirements under Section 380.06, Florida Statutes, by payment of a proportionate share contribution. Any proportionate share contribution for a DRI pursuant to this policy shall be stated in the DRI Development Order, as amended, and shall be subject to the conditions stated in the Development Order.

## **APPENDIX**

### **LIST OF SCHEDULES**

| <b><u>Schedule</u></b> | <b><u>Title</u></b>   |
|------------------------|---|
| <b><u>1</u></b>        | <b><u>Stormwater, BMAP and Dredging Improvements</u></b>        |
| <b><u>2</u></b>        | <b><u>Parks and Recreation Improvements</u></b>                 |
| <b><u>3</u></b>        | <b><u>Potable Water and Sanitary Sewer Improvements</u></b>     |
| <b><u>4</u></b>        | <b><u>Solid Waste and Hazardous Materials Improvements</u></b>  |
| <b><u>5</u></b>        | <b><u>Transportation Improvements</u></b>                       |
| <b><u>6</u></b>        | <b><u>Emergency Operations and Fire/Rescue Improvements</u></b> |