



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.12.

7/17/2025

Subject:

Adoption of a Large-Scale Comprehensive Plan Amendment (24LS00001/24-04ACSC) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review Process.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners consider the adoption of a Large-Scale Comprehensive Plan Amendment regarding the Brevard Barrier Island Area (BBIA) as a new element of the Comprehensive Plan pursuant to Florida Statutes Section 380.05 and 380.0553 (Amendment No. 24-04ACSC).

Summary Explanation and Background:

On July 1, 2023, through the Brevard Barrier Island Protection Act (Florida Statutes Section 380.0553), the State Legislature established the Brevard Barrier Island Area as an Area of Critical State Concern. Section 163.3191, Florida Statutes requires changes in state law to be included in any amendments resulting from the Evaluation and Appraisal Review of the Comprehensive Plan.

The Brevard Barrier Island Protection Act establishes “**GUIDING PRINCIPLES FOR DEVELOPMENT**” as follows:

State, regional, and local agencies and units of government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles for development within the area:

- a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.
- b) Prioritizing water quality restoration projects in the Indian River Lagoon.
- c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.
- d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.
- e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093.

- f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.
- g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.
- h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.
- i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.
- j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

Prior to transmittal, on August 28, 2024, a workshop with the public was held to provide an educational presentation to the community within the BBIA. On November 7, 2024, the Board transmitted this 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.

During February 2025, staff coordinated several meetings with all state agencies who reviewed and provided comments in the Objections, Recommendations and Comments Report to help understand the comments and how to make corrections before adoption. On March 10, 2025, staff held a stakeholder meeting at the request of the Department of Commerce to help address potential concerns and comments that were identified in the Objections, Recommendations, and Comments Report.

The attached draft, "BBIA Adoption Package with Tracked Changes," indicates changes that have been made since transmittal in blue (additions) and red (deletions). Such changes are either changes made in response to the Objections, Recommendations, and Comments 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 the Guiding Principles for Development contained in Brevard Barrier Island Protection Act.

On June 16, 2025, the Local Planning Agency considered the request and unanimously recommended approval.

Clerk to the Board Instructions:

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 24, 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. 25-10, which was filed in this office on July 24, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp



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

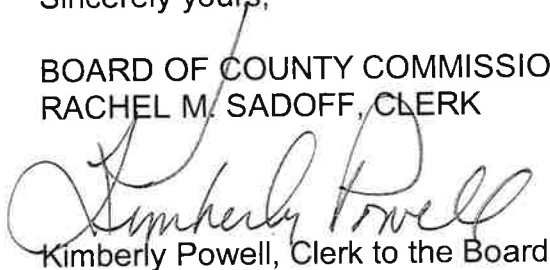
RE: Item H.12., Large Scale Comprehensive Plan Amendment (24LS00001/24-04ACSC) Regarding the Brevard Barrier Island Area (BBIA) as New Element to the Comprehensive Plan Under the State Coordinated Review Process

The Board of County Commissioners, in regular session on July 17, 2025, conducted the public hearing and adopted Ordinance No. 25-10, adopting the Comprehensive Plan Amendment regarding the BBIA as a new element of the Comprehensive Plan pursuant to Florida Statutes Section 380.05 and 380.0553 (Amendment No. 24-04ACSA); and authorized staff to make correction to scrivener's errors before sending to the State. 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

ORDINANCE 25-10

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 SECTION 380.0553, FLORIDA STATUTES, THE BREVARD BARRIER ISLAND PROTECTION ACT; SPECIFICALLY AMENDING SECTION 62-501 ENTITLED "CONTENTS" TO ADOPT GOALS, OBJECTIVES AND POLICIES FOR THE BREVARD BARRIER ISLAND AREA AS PART XVI TO THE COMPREHENSIVE PLAN; 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, hereafter referred to as the 1988 Plan; and

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

WHEREAS, Section 163.3191, Florida Statutes, established 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 and Evaluation and Appraisal Review Notification Letter on November 28, 2023; and

Officially filed with the Secretary of State on July 24, 2025.

WHEREAS, Brevard County has prepared goals, objectives and policies necessary to implement the requirements of the Brevard Barrier Island Area as contained in Section 380.0553, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has provided for the broad dissemination of proposals and alternatives, opportunity for written public 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, including the Florida Legislature's designation of the Brevard Barrier Island Area as an Area of Critical State Concern; 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 pertaining to the Brevard Barrier Island Area 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 such 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, the Local Planning Agency conducted a duly noticed public hearing on June 16, 2025, and recommended adoption of the amendments establishing goals, objectives, and policies for the Brevard Barrier Island Area; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on July 17, 2025, and adopted the amendments establishing goals, objectives and policies for the Brevard Barrier Island Area.

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, 163.3191, 380.05, and 380.0553, Florida Statutes

SECTION 3. Adoption of Comprehensive Plan Amendment. Pursuant to Section 380.0553, Florida Statutes, Chapter 62, Article III, Brevard County Code, is hereby amended as shown in the Brevard Barrier Island Area Appendix 3 attached hereto and incorporated into this Ordinance by this reference.

SECTION 4. Legal Status of the Plan Amendment. After and from the effective date of this Ordinance and in accordance with Section 7 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 5. Inclusion in Code. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, the contents of the amendment, shall be incorporated into the Brevard County Comprehensive Plan as Appendix 3.

SECTION 6. 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 7. 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 or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

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

ATTEST:


Rachel M. Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Rob Feltner, Chair

As approved by the Board on July 17, 2025

PART XVI

BREVARD BARRIER ISLAND AREA ELEMENT

GOAL, OBJECTIVES, AND POLICIES

INTRODUCTION

The southern portion of Brevard County’s barrier island was designated as an Area of Critical State Concern by the Florida Legislature in 2023, as codified in Section 380.0553, F.S. The Brevard Barrier Island Area of Critical State Concern (BBIA) represents one of the most fragile and endangered coastal ecosystems and vulnerable communities in North America, due to its natural upland and marine habitats, critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, direct connection to and impacts on the nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. Through the implementation of this comprehensive plan, the critical functions of these natural resources are protected. Orderly and balanced growth are promoted in accordance with the existing facilities and services and the population can be safely evacuated in the event of a hurricane.

GOAL

Protect the BBIA’s natural environmental and ecological resources, community character, and public health and safety.

Designation of the BBIA

Objective BBIA 1

Brevard County locally establishes and delineates the southern portion of the County’s barrier island as the BBIA in compliance with Section 380.0553, F.S.

BBIA Boundary

Policy BBIA 1.1

The BBIA shall be shown on the Future Land Use Map (FLUM) as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County’s jurisdiction within the following townships, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County.

Legislative Findings for the BBIA

Policy BBIA 1.2

Brevard County recognizes and affirms the below findings of the Legislature in determining the necessity of designating the BBIA:

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural upland communities in the State and nation.

- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.

- C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.

- D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency (EPA) in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon

- E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.

- F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

- G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
- H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

Legislative Intent for the BBIA

Policy BBIA 1.3

Brevard County acknowledges the intent of the Legislature, in its establishment of the BBIA, to:

- A. Establish a land use management system that protects the natural environment of the BBIA;
- B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, State, and local funding of water quality improvement projects; and
- D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

Guiding Principles for Development within the BBIA

Policy BBIA 1.4

Brevard County shall develop and implement its local comprehensive plan and its associated land development regulations to **be consistent** ensure consistency with all of the guiding principles for development within the BBIA as specified in section 380.0553(5), F.S. This includes ensuring that its programs and regulatory activities are consistent with these principles. The guiding principles for development specified in section 380.0553(5), F.S., shall constitute the basis of Objectives BBIA 2, BBIA 3, BBIA 4, BBIA 5, BBIA 6, BBIA 7, BBIA 8, BBIA 9, BBIA 10, and BBIA 11.

Conflicting Policies

Policy BBIA 1.5

Where there is any conflicting policy or regulation applicable to the BBIA, the more restrictive shall apply.

Sea Turtle Habitat

Objective BBIA 2

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures, including rigid coastal structures as defined in Rule 62B-33, F.A.C., as amended, in accordance with Florida's Marine Turtle Protection Act, section 379.2431(1), F.S., on the Atlantic coast and develop strategies for the removal of existing structures and re-establishment of the natural dune system.

Policy BBIA 2.2

Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria:

Criteria:

- A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.

- B. Brevard County shall continue to maintain Florida Building Code construction standards for all development within Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas and the Coastal High Hazard Area (CHHA).

Policy BBIA 2.3

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles and to establish mitigation strategies for any artificial lighting that becomes visible from the sandy beach. Such regulations shall be periodically reviewed and updated within twelve (12) months following an update to guidelines and to reflect best practices in coordination with organizations such as as established by the Florida Fish and Wildlife Conservation Commission (FWC), the Florida Department of Environmental Protection (FDEP), and other applicable agencies and organizations. Such review shall include addressing any areas with documented impacts to nesting habitats due to artificial lights.

Policy BBIA 2.4

Beach renourishment and dune restoration plans shall continue to be designed and implemented in accordance with local, State, and federal regulations so that sea turtle nesting is not disrupted. Brevard County shall implement strategies with the best available science for coastal engineering, beach nourishment, and dune restoration projects to protect and enhance the natural dune system, maintain viable sea turtle nesting habitat, and minimize visibility of upland lights from the sandy beach while providing beach access.

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the CSL shall be governed by the following conditions, at a minimum:

Criteria:

- A. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the CSL shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
- B. 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.
- C. Reducing setbacks from State Road A1A (SR A1A) will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
- D. Reconstruction or replacement of fifty (50) percent or more of a shoreline hardening structures on the Atlantic Ocean ~~that are more than fifty (50) percent destroyed~~ shall be considered new construction for the purposes of Policy BBIA 2.1 above and shall be regulated as such, except for the maintenance of existing public navigational projects.
- E. Underground storage tanks or the storage of hazardous materials are not permitted.
- F. Septic tanks or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

Policy BBIA 2.6

Brevard County shall continue to enforce development restrictions associated with the CSL and re-evaluate the effectiveness of this line ~~from time to time~~ by December 31, 2030, and at least every ten (10) years thereafter or as coastline changes dictate. ~~The County shall provide the Florida Department of Environmental Protection (FDEP) with their findings and request a review of the 1981 FDEP Coastal Construction Control Line (CCCL), if deemed appropriate.~~ In evaluating the CSL, the County shall consider data such as erosion analyses, storm surge and velocity, dune vegetation coverage, and wildlife habitat.

Policy BBIA 2.7

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 OCS and offshore drilling leases proposed for waters adjacent to the County. This policy does not discourage or otherwise prohibit OCS sand and gravel mining activities conducted as part of Brevard County's shore protection and restoration strategy.

Water Quality Restoration

Objective BBIA 3

Brevard County shall prioritize water quality restoration projects for the Indian River Lagoon.

Policy BBIA 3.1

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 FDEP and the St. John's River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDLs), and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

Policy BBIA 3.2

If during the time that the Stormwater Ordinance is being 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 land development regulations.

Policy BBIA 3.3

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 structures, habitable structures, and other public investments; protect or 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~~ shall be designed and operated ~~so as to minimize~~ with the minimization of harm to non-target organisms or natural ecosystems as part of the design and operation criteria.

Policy BBIA 3.4

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

BREVARD BARRIER ISLAND AREA

navigation 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.

Policy BBIA 3.5

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.

Policy BBIA 3.6

Brevard County shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDLs established for local surface waters.

Policy BBIA 3.7

Brevard County shall coordinate surface water management and protection efforts with the Indian River National Estuary Program (IRLNEP), FDEP, SJRWMD, and other appropriate agencies.

Policy BBIA 3.8

Brevard County shall support the SJRWMD’s 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 control. Management strategies shall be coordinated with the municipalities and other agencies.

Policy BBIA 3.9

Brevard County shall continue to participate in the IRLNEP and other advisory committees and groups related to improving water quality in the Indian River Lagoon.

Policy BBIA 3.10

Brevard County supports the goals of the IRLNEP Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County’s annual submittal to the ~~United States Environmental Protection Agency~~ (EPA) Work Plan, as amended, for the CCMP.

Reducing Nutrient Contributions

Objective BBIA 4

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

Policy BBIA 4.1

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

Policy BBIA 4.2

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

Policy BBIA 4.3

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in stormwater area studies.

Policy BBIA 4.4

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

Policy BBIA 4.5

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

Policy BBIA 4.6

Brevard County shall review and comment, as necessary, on dredge-and-fill applications.

Policy BBIA 4.7

Brevard County should require stormwater retrofits during redevelopment for existing development that does not meet current stormwater management standards.

Policy BBIA 4.8

Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas.

Policy BBIA 4.9

Brevard County shall continue to develop and implement regulations governing live-aboard vessels. Such regulations shall include the following criteria at a minimum:

Criteria:

- A. Live-aboard vessels moored outside of marinas shall be required to utilize pump-out facilities or a **municipal centralized** sewer facility if they are moored for over three (3) days.
- B. Floating structures shall be connected to pump-out facilities or a **municipal centralized** sewer facility.

Policy BBIA 4.10

Retrofitting or modification of existing marina facilities 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 County and State stormwater management criteria.
- 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 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, 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.

Policy BBIA 4.11

Brevard County shall coordinate with partners such as the Florida Department of Agriculture and Consumer Services (**FDACS**) and the University of Florida Institute of Food and Agricultural Sciences to provide fertilizer **management Best Management Practices BMP** information to agricultural and golf course operators within the BBIA.

Policy BBIA 4.12

Brevard County acknowledges that FDEP will not permit the installation of new onsite sewage treatment and disposal systems (OSTDS) in the BBIA where a sewer system

BREVARD BARRIER ISLAND AREA

is available. If sewer is not available, only enhanced nutrient reducing OSTDS achieving at least 65 percent nitrogen reduction shall be authorized in compliance with section 373.469, F.S., as amended.

Policy BBIA 4.13

Brevard County will update its Code of Ordinances to include requirements that support and enforce the provisions in Policy BBIA 4.16 12 and as required by section 373.469, F.S., as amended.

Policy BBIA 4.14

Brevard County will update its Code of Ordinances; no later than July 1, 2030, to require that any commercial or residential property with an existing OSTDS within the BBIA will connect to a sewer system if available. If sewer is unavailable, Brevard County will require that existing OSTDS be upgraded to an enhanced nutrient reduction, achieving at least 65 percent nitrogen reduction, per section 373.469, F.S., as amended.

Nature-Based Solutions

Objective BBIA 5

Brevard County shall support innovative, nature-based solutions including living shorelines; and freshwater and coastal wetland restoration.

Policy BBIA 5.1

Prior to implementing major improvements to existing structural controls within existing floodplains, Brevard County shall ~~identify structural controls within the floodplain that degrade natural systems~~ evaluate potential degradation to natural and artificial ecosystems that may result from those controls and make recommendations for alternatives to mitigate impacts or re-establish the natural floodplain where feasible.

Policy BBIA 5.2

Brevard County shall address modification of existing development that 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. During modification of existing development, stormwater management facilities within existing developments should be 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 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. During modification of existing development, properties with bulkheads or seawalls 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. During modification of existing development, properties with altered vegetated 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 non-native vegetation is predominant. Runoff quality and rates should be equivalent to the pre-development state.

Policy BBIA 5.3

Brevard County shall consider innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and nature-based stormwater management systems.

Policy BBIA 5.4

Nonstructural methods of stormwater management that reduce the generation and accumulation of potential stormwater runoff contaminants ~~should~~ shall be utilized to the maximum extent ~~possible~~ feasible. Nonstructural methods of stormwater management may include pesticide and herbicide control, proper fertilizer management, erosion control, and proper waste disposal. 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 BBIA 5.5

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 BBIA 5.6

Using best available data, the County should ~~consider identifying~~ identify areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development 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 BBIA 5.7

Brevard County ~~should~~ shall 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 as necessary to reduce

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obstacles that hinder nature-based design standards and/or Low Impact Development. The County shall conduct this review and recommendation process at least as frequently as the regular Evaluation and Appraisal Review of this Comprehensive Plan.

Policy BBIA 5.8

The County ~~should~~ shall continue to encourage or require nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts, as part of enhanced Land Development Regulations for the BBIA. Such adaptation strategies may include:

Criteria:

- A. Living shorelines

- B. Multi-use stormwater parks,

- ~~BC.~~ Bioswales as stormwater management techniques,

- ~~CD.~~ Green streets,

- ~~DE.~~ Reduced impervious areas,

- ~~EF.~~ Florida-friendly landscaping/xeriscaping, or

- ~~FG.~~ Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Policy BBIA 5.9

The County shall coordinate with organizations such as IRLNEP and the Marine Resources Council to promote the use of living shoreline design and support efforts to educate the public on the benefits of living shorelines throughout the BBIA.

Critical Assets

Objective BBIA 6

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in section 380.093, F.S.

Policy BBIA 6.1

Public facilities should not be located within wetland areas or the 100-year 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.

Policy BBIA 6.2

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 BBIA 6.3

Brevard County shall not support or finance new local transportation corridors that lie within the **coastal high hazard area CHHA** 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 existing 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 BBIA 6.4

Brevard County should not locate sewer and water transmission lines within the **coastal high hazard area CHHA**, except where there is no practical and cost-feasible alternative due to engineering; and safety **and cost considerations**; constraints; where there is a 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 BBIA 6.5

If County utility lines are relocated for any purpose, they should be located outside of the **coastal high hazard area CHHA**, except where there is no cost-feasible alternative and such lines are designed to withstand flooding and storm surge.

Policy BBIA 6.6

Public facilities, except for recreational facilities, shall not be located by Brevard County within the **coastal high hazard area CHHA**, 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 existing densities programmed

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on the FLUM series of the Comprehensive Plan, to improve surface or groundwater quality, or for the protection of the public facilities from flooding and storm surge.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The information contained in the Florida Regional Evacuation Study.
- B. The goal to complete all evacuations prior to the onset of tropical storm force (39 mph) winds, as outlined in the Evacuation Concept of Operations.

Policy BBIA 6.8

Brevard County shall coordinate with all appropriate agencies and manage the planning for, and implementation of, evacuations as outlined in the Evacuation Concept of Operations.

Policy BBIA 6.9

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon capabilities, limitations, and vulnerabilities.

Criteria:

- A. Priority shall be given to improvements of roadway networks serving hurricane evacuation routes with the greatest number of people.
- B. Brevard County, in cooperation with the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion, and critical points of congestion during the established evacuation time.
- C. Brevard County shall present recommended roadway, operational, and maintenance improvements to the appropriate implementing and funding agencies.

Policy BBIA 6.10

In those areas where citizens cannot be evacuated within the 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 BBIA 6.11

Brevard County shall consider hurricane evacuation times, as well as other factors including vulnerability to flooding and storm surge, in determining the timing and priority of roadway improvements that are programmed by the Board of County Commissioners.

Policy BBIA 6.12

Brevard County shall support Brevard Public Schools in their efforts to utilize enhanced emergency shelter protection standards for all reconstruction and new development as outlined in the most current Florida Statewide Emergency Shelter Plan.

Policy BBIA 6.13

Brevard County ~~should~~ shall continue to analyze those public structures within the high-risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall occur at least every five (5) years in coordination with Emergency Management and consider the following, at a minimum:

Criteria:

- 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 when consistent with the Conservation Element and the Coastal Management 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~~ CHHA shall be included within this study.

- 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 Local Mitigation Strategy and shall be coordinated with other appropriate agencies.

- F. The impact of sea level rise and erosion data shall also be analyzed and considered.

Policy BBIA 6.14

In the event of a disaster, all infrastructure and other County-owned improvements that were not included within the above outlined study shall be analyzed to determine the cost effectiveness of relocation versus repair.

Policy BBIA 6.15

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 BBIA 6.16

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida law, 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 BBIA 6.17

The County ~~should~~ shall consider the results of the Brevard County Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.18

~~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.~~ The County shall include the BBIA within its hazard mitigation project planning outlined in Coastal Management Element Policy CM 14.5.

Policy BBIA 6.19

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 BBIA 6.20

The County ~~should~~ shall 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 BBIA 6.21

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, 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 flood zones through

acquisition of repetitive loss properties or properties at risk of loss, for use as green space or stormwater management.

Policy BBIA 6.22

Brevard County ~~should~~ shall continue to analyze the 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 BBIA 6.23

Brevard County shall coordinate with the municipalities and appropriate State agencies ~~to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as in managing and implementing~~ the recommendations found within the Brevard County Comprehensive Emergency Management Plan, as amended.

Policy BBIA 6.24

Brevard County, in conjunction with Brevard Public Schools and the appropriate municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as the design and use of public schools as emergency shelters.

Marine Resources

Objective BBIA 7

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, ~~and~~ fish and wildlife, and related habitats.

Policy BBIA 7.1

Brevard County shall continue to protect Submerged Aquatic Vegetation (~~SAV~~) from the impacts of local land development by implementing the Surface Water Protection Ordinance, as may be amended. At a minimum, the following criteria shall be addressed:

Criteria:

- A. Maintain and enhance 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.

Policy BBIA 7.2

Brevard County shall establish in land development regulations criteria for enhanced vegetative buffering between development and marine resources, so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources. This shall include restoration standards for properties with disturbed shorelines.

Policy BBIA 7.3

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. 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. The County shall maintain regulations that promote no net loss of functional wetlands, in accordance with Conservation Element Policy CON 5.2.

Policy BBIA 7.4

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 avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this ~~local~~ Comprehensive Plan. Any permitted wetland degradation or destruction shall provide for mitigation.

Policy BBIA 7.5

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.

- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to ~~insure~~ ensure this requirement.

Policy BBIA 7.6

Prior to any alteration or development of any property that, based on best available data, potentially contains wildlife habitat, wetlands, or shoreline or marine resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term "alteration or development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not

include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 7.7

All development and activities shall comply with the ~~Brevard County Manatee Protection Plan~~ MPP, as amended. Brevard County, in coordination with applicable partners such as FWC, shall continue to monitor manatee protection measures to determine their effectiveness.

Policy BBIA 7.8

~~All existing and new marinas shall~~ Prior to issuance of Certificate of Occupancy for new or redeveloped marinas, the County shall require the applicant to erect manatee education and awareness signs that 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 continue to maintain a display~~ displays at public boat launch facilities and license tag agencies.

Policy BBIA 7.9

Brevard County shall continue to 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.

Policy BBIA 7.10

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service (FWS), FDEP, 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 that may be deemed necessary within areas frequented by manatees.

Policy BBIA 7.11

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

Policy BBIA 7.12

Brevard County's mosquito impoundment management plans shall continue to 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. Appropriate water management systems shall be utilized.
- C. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- D. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- E. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.

Policy BBIA 7.13

Brevard County shall continue to include seagrass protection within the MPP performance standards for marinas and marine-related facilities.

Policy BBIA 7.14

Brevard County shall continue to implement standards for marina and boat ramp siting within the coastal zone that 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** its 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 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 for compliance with the MPP, as amended.
- C. Brevard County shall coordinate with applicable partners, including FWC, on the development of new marinas and the expansion of existing marinas to ensure the project is consistent with the Brevard County MPP.

Policy BBIA 7.15

Marinas shall be inspected **periodically** at least every five (5) years by Brevard County and results of these inspections shall be coordinated with other agencies.

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Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. Items to be inspected and reviewed may include the following.

Criteria:

- A. Pump-out facilities and marine sanitation devices, if required. Live-aboard vessels and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.
- B. Compliance with power/sailboat mix, if required.
- C. Spill prevention, control, containment, and cleanup plans.
- D. Waste collection and disposal methods.
- E. Firefighting equipment, if required.
- F. Monitoring of marina basin water quality for bacteriological levels to ensure compliance with state and federal standards. 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 BBIA 7.16

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 IRLNEP CCMP.

Policy BBIA 7.17

Brevard County shall coordinate with FWC during design and modification of water control structures to prevent harm to manatees.

Upland Resources

Objective BBIA 8

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain regulations to address **premature unpermitted** land clearing and revegetation, including the following minimum criteria.

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 and adverse impacts to other natural resources including wildlife habitat; 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. Require monitoring and maintenance of revegetated areas to ensure successful establishment of plantings.
- E. Require tree and canopy preservation, including root protection standards.

Policy BBIA 8.2

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 direction of the Board of County Commissioners direction. The Environmentally Endangered Lands Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

Policy BBIA 8.3

Brevard County shall conserve, appropriately use, and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:

Criteria:

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

Policy BBIA 8.4

Brevard County shall establish in land development regulations criteria for enhanced vegetative buffering between development and the upland resources of the Indian River Lagoon and the Atlantic Ocean, so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources. This shall include restoration standards for properties with disturbed native vegetation.

Policy BBIA 8.5

Brevard County shall continue to develop programs for prioritize acquisition of unique vegetative communities in the BBIA to protect upland resources, including dune

ridges, beaches, and wildlife and related habitats. This acquisition shall be voluntary and shall not include the use of eminent domain.

Policy BBIA 8.6

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible at size and scale approximating the removed invasive exotics, so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources.

Policy BBIA 8.7

Brevard County shall continue to make available 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 BBIA 8.8

Prior to any alteration or development of any property that, based on best available data, potentially contains wildlife habitat or upland natural resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term “alteration or development” excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 8.9

Brevard County shall continue to comply with the County-wide scrub-jay Habitat Conservation Plan as approved by ~~the US Fish and Wildlife Service~~ FWS.

Policy BBIA 8.10

When deemed necessary by, and in coordination with, FWC and/or FWS, Brevard County shall develop and comply with management plans for other species, ~~as deemed necessary~~.

Policy BBIA 8.11

The County shall continue to implement education programs to promote the preservation of crucial habitats related to Species of Greatest Conservation Need, as defined by the FWC State Wildlife Action Plan ~~endangered and threatened species and species of special concern as well as their habitat~~, with the assistance of ~~the~~ 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.

Policy BBIA 8.12

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 and restored on site unless removal or alteration is permitted by both Brevard County and FDEP, 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.
- D. Dune crossovers, boardwalks, walkways, and other permissible structures seaward of the CSL shall be elevated above dune vegetation **and**, shall be designed to allow adequate sunlight penetration for vegetation, and shall not include lighting.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required to comply with Americans with Disability Act (ADA) access.
- F. Publicly owned dunes, especially those identified for beach access sites, that 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** shall be encouraged to re-establish dune vegetation that 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 BBIA 8.13

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 program, universities, and other appropriate agencies.

Policy BBIA 8.14

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, 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 BBIA 8.15

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species. When feasible, Brevard County shall incorporate educational signage at public beach access sites related to reducing disturbance and impacts to seabird and shorebird species listed by FWC as Species of Greatest Conservation Need.

Policy BBIA 8.16

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

Water Quality Protection

Objective BBIA 9

Brevard County shall limit the adverse impacts of development on the quality of water throughout the BBIA and the Indian River Lagoon.

Policy BBIA 9.1

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries 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. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. 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 Criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish in Land Development Regulations 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, where there is insufficient lot depth to construct a primary structure, 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 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, where there is insufficient lot depth to construct a primary structure, 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 Chapter 373, F.S., as amended.
- 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.

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- 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 alteration as allowed by this Comprehensive Plan.
- H. Prohibit discharges of any substances below ambient water quality standards.

Policy BBIA 9.2

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.

Policy BBIA 9.3

Mining operations shall not be permitted within wetlands as protected within this Comprehensive Plan.

Policy BBIA 9.4

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, projects should minimize impervious surfaces by using pervious surfaces wherever feasible, such as for overflow parking.

Policy BBIA 9.5

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

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Policy BBIA 9.6

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.

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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, F.A.C.

Policy BBIA 9.8

The County shall consider and comment as necessary on the impact of new development on stormwater conveyance systems. If the stormwater impacts from proposed development are determined to 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.

Policy BBIA 9.9

Development shall not ~~negatively impact~~ result in adverse impacts to the drainage of adjacent properties or the quality of receiving surface water ~~body~~ bodies ~~quality~~.

Policy BBIA 9.10

All new boat ramps should have parking areas constructed utilizing ~~permeable pavement where appropriate~~ Low Impact Development design and have the proper stormwater management system in place.

Scenic Resources

Objective BBIA 10

Brevard County shall enhance natural scenic resources to promote the aesthetic benefits of the natural environment.

Policy BBIA 10.1

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

Policy BBIA 10.2

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.3

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.4

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 BBIA 10.5

SR A1A, from southern corporate limits of the City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features.

Policy BBIA 10.6

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 that 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.
- E. Responsible outdoor lighting that conserves energy, avoids harmful effects on wildlife, and protects the night sky, while conforming to regulatory standards including, but not limited to, lighting safety standards.

Policy BBIA 10.7

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.

Compatibility

Objective BBIA 11

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

The existence of sewer, water, roadways, or other public infrastructure shall not be considered adequate rationale for an increase in intensity.

Policy BBIA 11.2

Brevard County shall review shore-line 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 that 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.

Policy BBIA 11.3

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone.

Policy BBIA 11.4

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** other uses identified in the MPP;
- 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 that are non-water-dependent, or non-water-enhanced, and result in an irretrievable commitment of coastal resources.

Policy BBIA 11.5

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 [Comprehensive Plan](#).

Future Land Use Categories within the BBIA

Objective BBIA 12

Pursuant to Section 380.0553, F.S., the policies contained within this **Part Element** of the Comprehensive Plan do not affect any existing zoning or use of land in effect within the BBIA prior to July 1, 2023.

Policy BBIA 12.1

Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the **Future Land Use Map FLUM** designation for such properties.

Policy BBIA 12.2

Brevard County will continue to recognize the development entitlements of nonconforming lots of record and pre-existing uses in accordance with the Land Development Regulations.

Policy BBIA 12.3

~~Future Land Use Map~~ FLUM designations shall be assigned to properties with the corresponding ~~future land use map~~ FLUM designations in effect prior to July 1, 2023 as shown below.

- A. Lands with ~~RES Residential 1~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 1 – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- B. Lands with ~~RES Residential 2~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 2 – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- C. Lands with ~~RES Residential 4~~ ~~or RES 4 Directive~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 4 – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- D. Lands with Residential 4 Directive ~~Future Land Use Map~~ FLUM designations shall be assigned Residential 4 Directive – BBIA ~~Future Land Use Map~~ FLUM designations;
- DE. Lands with ~~RES Residential 6~~ ~~or RES 6 Directive~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 6 – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- F. Lands with Residential 6 Directive ~~Future Land Use Map~~ FLUM designations shall be assigned Residential 6 Directive – BBIA ~~Future Land Use Map~~ FLUM designations;
- EG. Lands with ~~RES Residential 8 Directive~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 8 Directive – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- FH. Lands with ~~RES Residential 15~~ ~~Future Land Use Map~~ FLUM designations shall be assigned ~~RES Residential 15 – BBIA~~ ~~Future Land Use Map~~ FLUM designations;
- GI. Lands with Neighborhood Commercial ~~Future Land Use Map~~ FLUM designations shall be assigned Neighborhood Commercial – BBIA ~~Future Land Use Map~~ FLUM designations;

BREVARD BARRIER ISLAND AREA

- HJ. Lands with Community Commercial ~~Future Land Use Map~~ FLUM designations shall be assigned Community Commercial – BBIA ~~Future Land Use Map~~ FLUM designations;
- HK. Lands with Public Facilities ~~Future Land Use Map~~ FLUM designations shall be assigned Public Facilities – BBIA ~~Future Land Use Map~~ FLUM designations;
- HL. Lands with Recreation ~~Future Land Use Map~~ FLUM designations shall be assigned Recreation – BBIA ~~Future Land Use Map~~ FLUM designations;
- KM. Lands with Private Conservation ~~Future Land Use Map~~ FLUM designations shall be assigned Private Conservation – BBIA ~~Future Land Use Map~~ FLUM designations;
- LN. Lands with Public Conservation ~~Future Land Use Map~~ FLUM designations shall be assigned Public Conservation – BBIA ~~Future Land Use Map~~ FLUM designations;
- MO. Lands without an assigned Future Land Use category shall have ~~Future Future Land Use Map~~ FLUM designations as follows:
 1. Privately-owned lands shall be assigned Private Conservation – BBIA;
 2. Publicly owned lands shall be assigned Public Conservation – BBIA.

**Residential 1 – BBIA Future Land Use
Policy BBIA 12.4**

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 – BBIA 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 that 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 that 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~~ within an existing Planned Unit Development (PUD) approved before July 1, 2023, 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 PUDs approved on or after July 1, 2023, or by properties within the CHHA.

Residential 2 – BBIA Future Land Use

Policy BBIA 12.5

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 – BBIA 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 that 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 that 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 concept is utilized~~ within an existing PUD approved before July 1, 2023, 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~~ by PUDs approved on or after July 1, 2023, or by properties within the CHHA.

Residential 4 – BBIA Future Land Use

Policy BBIA 12.6

The Residential 4 – BBIA 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. The Residential 4 – BBIA 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 that 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 that 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~~ within an existing PUD approved before July 1, 2023, 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~~ by PUDs approved on or after July 1, 2023, or by properties within the CHHA

Residential 4 Directive – BBIA Future Land Use

Policy BBIA 12.7

The Residential 4 Directive – BBIA land use designation is applied to lands following the recommendation of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to four (4) units per acre.

Residential 6 – BBIA Future Land Use

Policy BBIA 12.7 8

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 - BBIA 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.
- 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 concept is utilized;~~ within an existing PUD approved before July 1, 2023, 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 by PUDs approved on or after July 1, 2023, or by properties within the CHHA.

Residential 6 Directive – BBIA Future Land Use
Policy BBIA 12.9

The Residential 6 Directive – BBIA land use designation is applied to lands following the recommendations of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to six (6) units per acre.

Residential 8 Directive – BBIA Future Land Use
Policy BBIA 12.8 10

The Residential 8 Directive – BBIA land use designation ~~affords a transition in density between higher density areas and lower intensity residential uses~~ is applied to lands following the recommendations of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to eight (8) units per acre.

Residential 15 – BBIA Future Land Use
Policy BBIA 12.9 11

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 – BBIA 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 that 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 that 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 concept is utilized,~~ within an existing PUD approved before July 1, 2023, 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 by PUDs approved on or after July 1, 2023, or by properties within the CHHA.

Neighborhood Commercial – BBIA Future Land Use

Policy BBIA 12.10 12

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this Policy. Minimum public facilities and services are required for commercial uses, as specified in Policy FLU 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy FLU 2.11 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses; and
- g) Public facilities

The 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 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.

- 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 three (3) miles apart.
- E. The gross floor area of neighborhood commercial development 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.

Community Commercial – BBIA Future Land Use

Policy BBIA 12.11 13

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional, and regional areas and provide an array of retail, personal, and professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy FLU 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria 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 pursuant to Policy FLU 2.11 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses; and
- k) Public facilities;

Locational and development criteria for community commercial land uses are as follows:

Criteria:

BREVARD BARRIER ISLAND AREA

- 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.
- 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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0 unless 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.

Public Facilities – BBIA Future Land Use

Policy BBIA 12.12 14

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

- A. Public facilities are those uses that, 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 0.25.

- 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.

In order to maximize the efficiency of public facilities and resources, Brevard County and 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 – BBIA Future Land Use
Policy BBIA 12.13 15**

The Recreation - BBIA land use designation may be adopted as part of the **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**, 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 acquisition by Brevard County of the property for public recreational purposes, the **Future Land Use Map FLUM** shall be amended to depict said property as Recreation on the **Future Land Use Map FLUM**.

Private Conservation – BBIA Future Land Use

Policy BBIA 12.14 16

The Private Conservation - BBIA 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 lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved Binding Development Plan after May 16, 2000, 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 Conservation – BBIA Future Land Use

Policy BBIA 12.15 17

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 – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, 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 SJRWMD](#), 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 and 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 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) that are located outside of the Public Conservation land use designation are protected through the policies of this Comprehensive Plan.
- D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by 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 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.

- E. 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 that 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.

Removal of Area of Critical State Concern Designation

Objective BBIA 13

The BBIA may be recommended for de-designation by the State land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.

Sufficiency of Local Plan and Land Development Regulations

Policy BBIA 13.1

Brevard County acknowledges that the State land planning agency may at any time recommend the removal of the designation of the BBIA as an Area of Critical State Concern to the Administration Commission if the agency determines that all local Land Development Regulations and local Comprehensive Plans and the administration of such Regulations and Plans are adequate to protect the BBIA and carry out the legislative intent expressed in Section 380.0553(3), F. S., and are in compliance with the principles for guiding development specified in Section 380.0553(5), F.S.

Criteria for De-designation

Policy BBIA 13.2

Brevard County acknowledges that the State land planning agency must recommend removal of the designation to the Administration Commission if it determines that:

- A. Adequate restoration and renourishment programs are in place to preserve the beaches and dunes of the southern barrier island in Brevard County for nesting sea turtles;
- B. Seagrass replanting in the Indian River Lagoon extending the length of the BBIA is in a coverage volume that would establish recovery to scientifically defensible reference targets;
- C. Nonpoint pollution sources into the Indian River Lagoon that contribute to total phosphorus, total nitrogen, chlorophyll a, fecal coliform, and metals

have been sufficiently reduced to meet water quality criteria standards resulting in the removal of the Indian River Lagoon from the impaired waters list;

- D. The green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and leatherback sea turtle (*Dermochelys coriacea*) have been delisted from the Florida Endangered and Threatened Species rule and the Florida Marine Turtle Protection Act under Section 379.2431, F.S., as may be amended from time to time;
- E. The Brevard County local Comprehensive Plan, its Land Development Regulations, and the administration of such Plans and Regulations are adequate to protect the BBIA, fulfill the legislative intent specified in Section 380.0553(3), F.S., and are consistent with and further the principles guiding development; and
- F. The Brevard County Board of County Commissioners has adopted a resolution at a public hearing recommending the removal of the designation.

Timeline for De-designation

Policy BBIA 13.3

Brevard County acknowledges that the Administration Commission must initiate rulemaking to remove the BBIA Area of Critical State Concern designation within 45 days after receipt of the recommendation from the State land planning agency, if the Commission concurs with the recommendation for removal.

APPENDIX

LIST OF MAPS

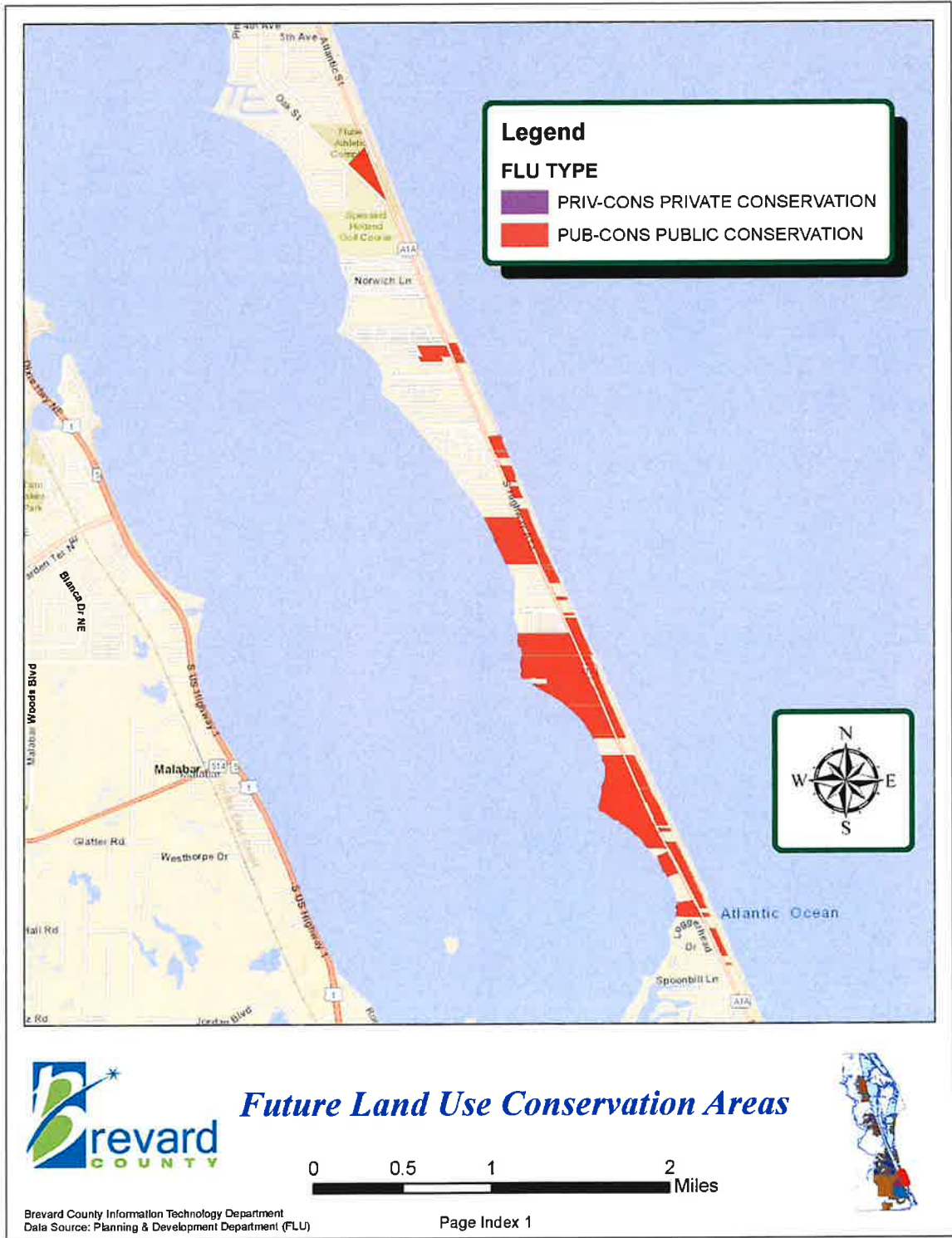
<u>MAP</u>	<u>Title</u>
<u>1</u>	<u>Area of Critical State Concern</u>
<u>2</u>	<u>Future Land Use Conservation Areas (North)</u>
<u>3</u>	<u>Future Land Use Conservation Areas (Central)</u>
<u>4</u>	<u>Future Land Use Conservation Areas (South)</u>



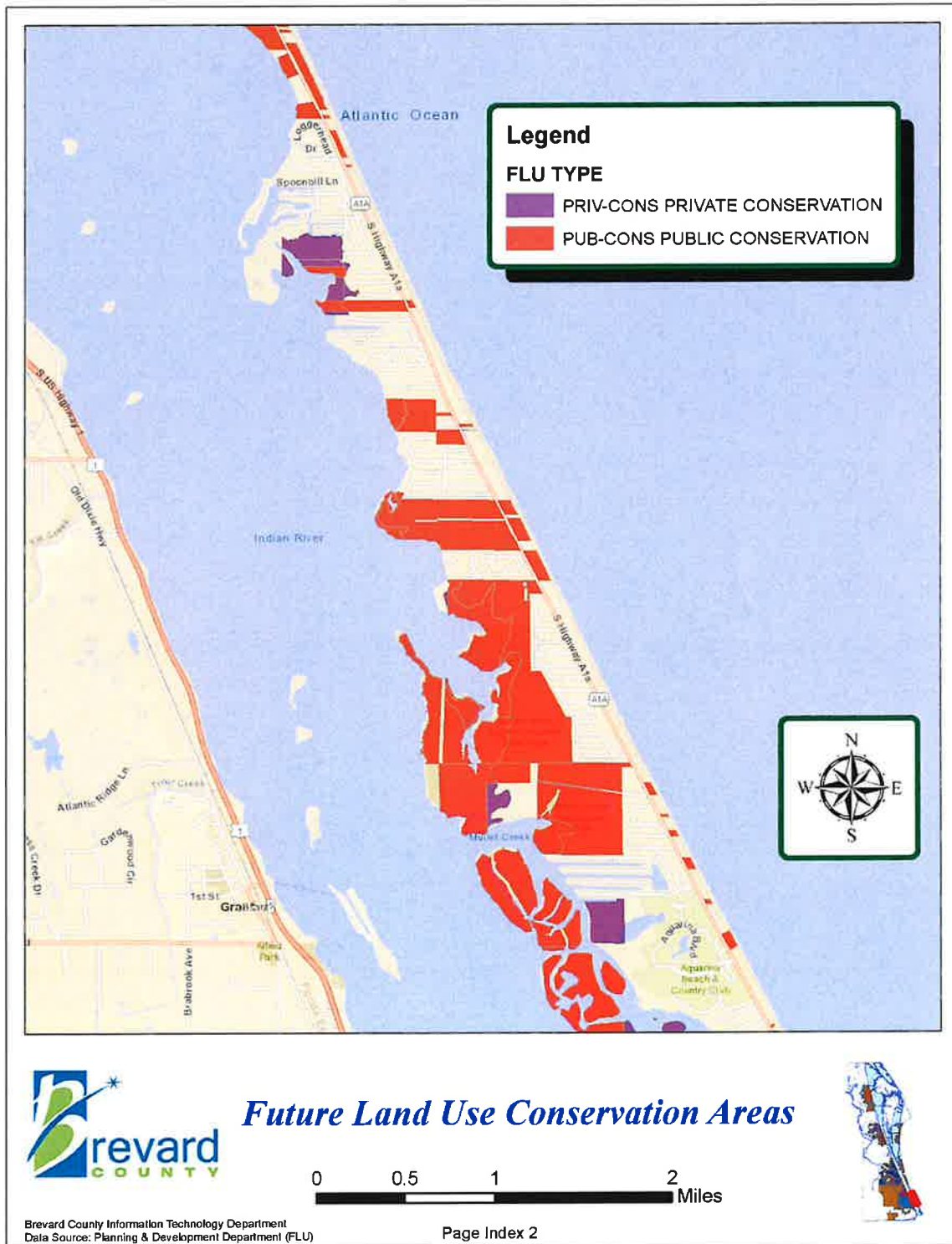
BREVARD BARRIER ISLAND AREA

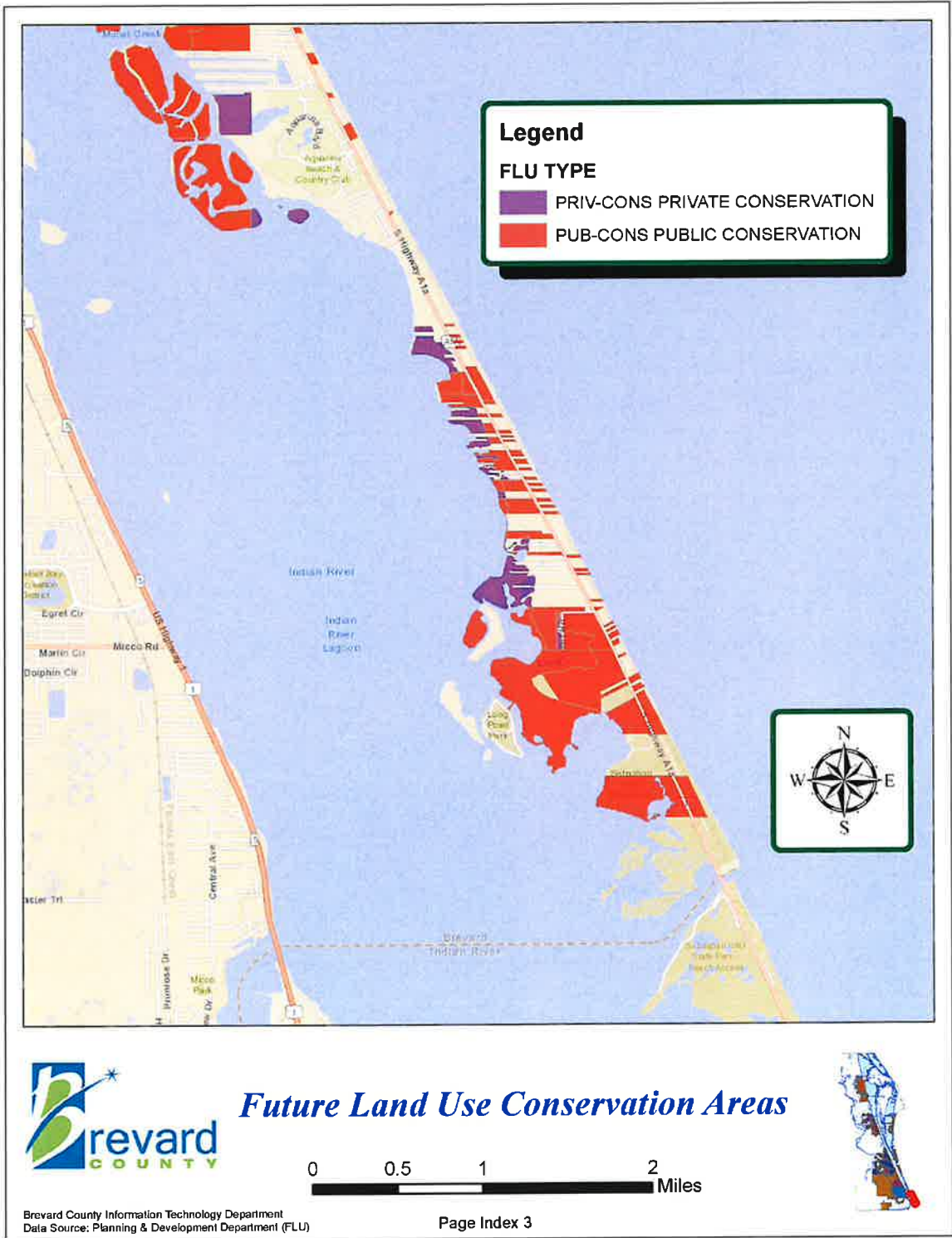
July 17, 2025

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BREVARD BARRIER ISLAND AREA





BREVARD BARRIER ISLAND AREA

January 21, 2025

The Honorable Rob Feltner
Chairman, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, Florida 32940

Dear Chair Feltner,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment No. 24-04ACSC), which was received on November 20, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines FloridaCommerce's findings concerning the amendment. FloridaCommerce has identified an objection and has included recommendations regarding measures that can be taken to address the objection. FloridaCommerce is also providing 3 comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the County to address the objection and comments. If you have any questions related to this review, please contact Joshua Pelfrey, Planning Analyst, by telephone at (850)-717-8549 or by email via Joshua.Pelfrey@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jp

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Stephen M. Swanke, Senior Planner, Brevard County, Planning and Development Department
Tara McCue, AICP, Executive Director, East Central Regional Planning Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Brevard County 24-04ACSC**

The Florida Department of Commerce has identified an objection and 3 comments regarding Local Government's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the County could take to resolve issues of concern. If the County adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the County to address the objection and comments.

I. Objection

Objection 1: Lack of Meaningful and Predictable Standards

Policies BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10 lack a specific timeframe for implementation, which may hinder their effectiveness and accountability. Lack of detailed targets and criteria does not establish meaningful and predictable standards for the implementation of the proposed policies, as required by section 163.3177(1), F.S.

Additionally, Policy BBIA 1.4 seeks to incorporate the guiding principles for development within the Brevard Barrier Island Area into the comprehensive plan. While the intention behind this policy is commendable, there are significant concerns regarding the proposed policy in its current form. Policy BBIA 1.4 references the introduction paragraph (section 380.0553, F.S.) but fails to include the comprehensive details of the guiding principles.

Statutory Authority: Sections 163.3177(1), 163.3177(1)(b), 163.3177(5)(a), 163.3177(6)(c)4., 163.3184(4), 380.05, and 380.0553 F.S.

Recommendation Brevard County must establish a clear and measurable timeframe commitments for achieving the following Policies: BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10. Additionally, the County must revise Policy BBIA 1.4 to specifically reference subsection (5) of section 380.0553, F.S.

II. Comments

Comment 1 : Clarification of Terminology and Strengthening of Regulatory Language

As the amendment is intended to provide a framework for the protection and management of the Brevard Barrier Island Area (BBIA), it is essential that the language used is meaningful, predictable, and enforceable. To achieve this, FloridaCommerce recommends the following revisions:

1. To ensure consistency and clarity, Brevard County should define each acronym at its first occurrence within the Brevard Barrier Island Element by writing it out in full, followed by the acronym in parentheses. This convention will enable readers to quickly comprehend the

meaning of the acronym and provide a clear reference point. Additionally, each acronym should be included in the glossary to facilitate easy lookup and minimize confusion.

2. **Strengthening of Regulatory Language:** The use of passive language, such as “should,” “should consider,” or “may” can weaken the enforceability of regulatory statements. To address this, FloridaCommerce recommends reviewing each instance of "should" and replacing it with "shall" or "must" where appropriate. This will ensure that the language is direct and unambiguous, providing a clear framework for protection and management of the BBIA.

The following Policies should be reviewed by the County:

BBIA 3.3, BBIA 5.4, BBIA 5.8, BBIA 6.4, BBIA 6.13, BBIA 6.16-6.22, BBIA 7.2, BBIA 7.6, BBIA 7.15, BBIA 8.8, BBIA 9.1, BBIA 9.5, BBIA 9.8, BBIA 9.10

Comment 2: Intergovernmental Coordination

The County is encouraged to coordinate with the Florida Fish and Wildlife Conservation Commission to address the comments regarding marine turtle protection, manatee protection, coastal species and habitats, and educational signage from their December 20, 2024, correspondence in the adopted amendment. In addition to this, the County should also review comments provided by the St. Johns River Water Management District (SJRWMD) and Department of Environmental Protection (DEP).

Comment 3: Barrier Islands Preservation and Protection Association (BIPPA) Feedback

The County may want to take under advisement the feedback provided by the Barrier Islands Preservation and Protection Association in their November 20, 2024, correspondence.

Brevard County ACSC - ORC Report Details

1. Florida Commerce Objection 1 – Lack of Meaningful and Predictable Standards

Florida Commerce Objection: Policies BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10 lack a specific timeframe for implementation, which may hinder their effectiveness and accountability. Lack of detailed targets and criteria does not establish meaningful and predictable standards for the implementation of the proposed policies, as required by section 163.3177(1), F.S.

Additionally, Policy BBIA 1.4 seeks to incorporate the guiding principles for development within the Brevard Barrier Island Area into the comprehensive plan. While the intention behind this policy is commendable, there are significant concerns regarding the proposed policy in its current form. Policy BBIA 1.4 references the introduction paragraph (section 380.0553, F.S.) but fails to include the comprehensive details of the guiding principles.

Florida Commerce Recommendation: *Brevard County must establish a clear and measurable timeframe commitments for achieving the following Policies: BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10. Additionally, the County must revise Policy BBIA 1.4 to specifically reference subsection (5) of section 380.0553, F.S.*

Brevard County Response: The County has updated Policy BBIA 1.4 to specifically reference subsection (5) of section 380.0553, F.S. and has clarified that the following Objectives BBIA 2 through 11 include the details of the guiding principles for development within the Brevard Barrier Island Area. The County has reviewed Policies BBIA 2.6, 5.1, 7.8, 7.9, 7.12, 7.13, 7.15, and 8.10 and has updated each policy to include a specific timeline commitment or discrete trigger for implementation where appropriate. As discussed between Brevard County staff and Florida Commerce staff during a virtual meeting on February 18, 2025, those policies that are already currently implemented in Land Development Regulations or administrative policies and procedures by the County (Policies BBIA 7.9, 7.12, and 7.13) have been updated with “continue to” language so as not to disrupt current implementation and to provide for continued implementation in perpetuity. The revisions are shown below with blue underline for additions and red strikethrough for deletions.

Policy BBIA 1.4

Brevard County shall develop and implement its local comprehensive plan and its associated land development regulations to ~~be consistent~~ ensure consistency with all of the guiding principles for development within the BBIA as specified in section 380.0553(5), F.S. This includes ensuring that its programs and regulatory activities are consistent with these principles. The guiding principles for development specified in section 380.0553(5), F.S., shall constitute the basis of Objectives BBIA 2, BBIA 3, BBIA 4, BBIA 5, BBIA 6, BBIA 7, BBIA 8, BBIA 9, BBIA 10, and BBIA 11.

Policy BBIA 2.6

Brevard County shall continue to enforce development restrictions associated with the CSL and re-evaluate the effectiveness of this line ~~from time to time~~ by December 31, 2030 and at least every ten (10) years thereafter or as coastline changes dictate. ~~The County shall provide the Florida Department of Environmental Protection (FDEP) with their findings and request a review of the 1981 FDEP Coastal Construction Control Line (CCCL), if deemed appropriate.~~ In evaluating the CSL, the County shall consider data such as erosion analyses, storm surge and velocity, dune vegetation coverage, and wildlife habitat.

Policy BBIA 5.1

Prior to implementing major improvements to existing structural controls within existing floodplains, Brevard County shall ~~identify structural controls within the floodplain that degrade natural systems~~ evaluate potential degradation to natural and artificial ecosystems that may result from those controls and make recommendations for alternatives to mitigate impacts or re-establish the natural floodplain where feasible.

Policy BBIA 7.8

~~All existing and new marinas shall~~ Prior to issuance of Certificate of Occupancy for new or redeveloped marinas, the County shall require the applicant to erect manatee education and awareness signs that 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 continue to~~ maintain ~~a display~~ displays at public boat launch facilities and license tag agencies.

Policy BBIA 7.9

Brevard County shall continue to 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.

Policy BBIA 7.12

Brevard County's mosquito impoundment management plans shall continue to address the following criteria, at a minimum: [...]

Policy BBIA 7.13

Brevard County shall continue to include seagrass protection within the MPP performance standards for marinas and marine-related facilities.

Policy BBIA 7.15

Marinas shall be inspected ~~periodically~~ at least every five (5) years 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. Items to be inspected and reviewed may include the following. [...]

Policy BBIA 8.10

When deemed necessary by, and in coordination with, FWC and/or FWS, Brevard County shall develop and comply with management plans for other species, ~~as deemed necessary.~~

2. Florida Commerce Comment 1 – Clarification of Terminology and Strengthening of Regulatory Language

Florida Commerce Comment: As the amendment is intended to provide a framework for the protection and management of the Brevard Barrier Island Area (BBIA), it is essential that the language used is meaningful, predictable, and enforceable. To achieve this, Florida Commerce recommends the following revisions:

1. To ensure consistency and clarity, Brevard County should define each acronym at its first occurrence within the Brevard Barrier Island Element by writing it out in full, followed by the acronym in parentheses. This convention will enable readers to quickly comprehend the meaning of the acronym and provide a clear reference point. Additionally, each acronym should be included in the glossary to facilitate easy lookup and minimize confusion.
2. Strengthening of Regulatory Language: The use of passive language, such as “should,” “should consider,” or “may” can weaken the enforceability of regulatory statements. To address this, FloridaCommerce recommends reviewing each instance of “should” and replacing it with “shall” or “must” where appropriate. This will ensure that the language is direct and unambiguous, providing a clear framework for protection and management of the BBIA. The following Policies should be reviewed by the County: BBIA 3.3, BBIA 5.4, BBIA 5.8, BBIA 6.4, BBIA 6.13, BBIA 6.16-6.22, BBIA 7.2, BBIA 7.6, BBIA 7.15, BBIA 8.8, BBIA 9.1, BBIA 9.5, BBIA 9.8, BBIA 9.10

Brevard County Response (Revision 1): All instances of acronyms have been reviewed and updated to ensure that the first occurrence includes the full terminology with the acronym following in parentheses. The list of acronyms and definitions in the Glossary have been updated to include all acronyms used in the BBIA Element.

Brevard County Response (Revision 2): The County has reviewed the specified policies BBIA 3.3, 5.4, 5.8, 6.4, 6.13, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 7.2, 7.6, 7.15, 8.8, 9.1, 9.5, 9.8, and 9.10 for opportunities to provide clearer enforceability of regulatory standards by using “shall” language where feasible. Four of these policies (BBIA 7.2, 7.15, 9.1, and 9.8) were originally transmitted to Florida Commerce with “shall” language, and an additional 11 (BBIA 3.3, 5.4, 5.8, 6.13, 6.17, 6.18, 6.20, 6.22, 7.6, 8.8, and 9.5) have been updated from “should” to “shall” with

additional clarifying language added to several of these policies for clearer implementation. The revisions are shown below with blue underline for additions and red strikethrough for deletions.

Policy BBIA 3.3

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 structures, habitable structures, and other public investments; protect or 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~~ shall be designed and operated ~~so as to minimize~~ with the minimization of harm to non-target organisms or natural ecosystems as part of the design and operation criteria.

Policy BBIA 5.4

Nonstructural methods of stormwater management that reduce the generation and accumulation of potential stormwater runoff contaminants ~~should~~ shall be utilized to the maximum extent ~~possible~~ feasible. Nonstructural methods of stormwater management may include pesticide and herbicide control, proper fertilizer management, erosion control, and proper waste disposal. 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 BBIA 5.8

The County ~~should~~ shall continue to encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts, as part of enhanced Land Development Regulations for the BBIA. Such adaptation strategies may include: [...]

Policy BBIA 6.13

Brevard County ~~should~~ shall continue to analyze those public structures within the high-risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall occur at least every five (5) years in coordination with Emergency Management and consider the following, at a minimum: [...]

Policy BBIA 6.17

The County ~~should~~ shall consider the results of the Brevard County Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.18

~~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.~~ The County shall include the BBIA within its hazard mitigation project planning outlined in Coastal Management Element Policy CM 14.5.

Policy BBIA 6.20

The County ~~should~~ shall 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 BBIA 6.22

Brevard County ~~should~~ shall continue to analyze the 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 BBIA 7.2

Brevard County shall establish in land development regulations criteria for enhanced vegetative buffering between development and marine resources, so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources. This shall include restoration standards for properties with disturbed shorelines.

Policy BBIA 7.6

Prior to any alteration or development of any property that, based on best available data, potentially contains wildlife habitat, wetlands, or shoreline or marine resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term "alteration or development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 8.8

Prior to any alteration or development of any property that, based on best available data, potentially contains wildlife habitat or upland natural resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term "alteration or development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 9.5

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

3. Commerce Comment 2 – Intergovernmental Coordination

Commerce Comment: The County is encouraged to coordinate with the Florida Fish and Wildlife Conservation Commission to address the comments regarding marine turtle protection, manatee protection, coastal species and habitats, and educational signage from their December 20, 2024, correspondence in the adopted amendment. In addition to this, the County should also review comments provided by the St. Johns River Water Management District (SJRWMD) and Department of Environmental Protection (DEP).

Brevard County Response: Brevard County staff met virtually with FWC staff on February 21, 2025 to discuss technical assistance comments and subsequently drafted amendments related to FWC’s input. County staff met again virtually with FWC staff, as well as representatives from the Sea Turtle Conservancy and 1,000 Friends of Florida, on March 10, 2025 to discuss the draft amendments and areas for further policy refinement, which led to additional amendments as well as plans for further implementation of many of the recommendations through codification in the BBIA land development regulations. County staff also reviewed comments from SJRWMD and FDEP to the initial draft version of the BBIA element sent for courtesy review prior to transmittal. Most of these comments had already been addressed or were no longer relevant to the transmittal version, or provided additional operational information. However, Policy BBIA 9.9 was updated per SJRWMD comments to provide additional clarity on impacts. All revisions are shown below with blue underline for additions and red strikethrough for deletions.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures, including rigid coastal structures as defined in Rule 62B-33, F.A.C., as amended, in accordance with Florida’s Marine Turtle Protection Act, section 379.2431(1), F.S., on the Atlantic coast and develop strategies for the removal of existing structures and re-establishment of the natural dune system.

Policy BBIA 2.3

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles and to establish mitigation strategies for any artificial lighting that becomes visible from the sandy beach. Such regulations shall be ~~periodically~~ reviewed and updated within twelve (12) months following an update to guidelines and ~~to reflect~~ best practices ~~in coordination with organizations such as~~ as established by the Florida Fish and Wildlife Conservation Commission (FWC), the Florida Department of Environmental Protection (FDEP), and other applicable agencies and organizations. Such review shall include addressing any areas with documented impacts to nesting habitats due to artificial lights.

Policy BBIA 2.4

Beach renourishment and dune restoration plans shall continue to be designed and implemented in accordance with local, State, and federal regulations so that sea turtle nesting is not disrupted. Brevard County shall implement strategies with the best available science for coastal engineering, beach nourishment, and dune restoration projects to protect and enhance the natural dune system, maintain viable sea turtle nesting habitat, and minimize visibility of upland lights from the sandy beach while providing beach access.

Policy BBIA 7.14

Brevard County shall continue to implement standards for marina and boat ramp siting within the coastal zone that shall address the following criteria at a minimum: [...]

- C. Brevard County shall coordinate with applicable partners including FWC on the development of new marinas and the expansion of existing marinas to ensure the project is consistent with the Brevard County MPP.

[New] Policy BBIA 7.17

Brevard County shall coordinate with FWC during design and modification of water control structures to prevent harm to manatees.

Policy BBIA 8.6

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible at size and scale approximating the removed invasive exotics so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources.

Policy BBIA 8.11

The County shall continue to implement education programs to promote the preservation of crucial habitats related to Species of Greatest Conservation Need, as defined by the FWC State Wildlife Action Plan ~~endangered and threatened species and species of special concern as well as their habitat~~, with the assistance of ~~the~~ 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.

Policy BBIA 8.12

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: [...]

- D. Dune crossovers, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation ~~and~~, shall be designed to allow adequate sunlight penetration for vegetation, and shall not include lighting.

[...]

- G. Private property owners ~~should~~ shall be encouraged to re-establish dune vegetation that has been destroyed by non-designated access activities or storm damage.

Policy BBIA 8.15

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species. When feasible, Brevard County shall incorporate educational signage at public beach access sites related to reducing disturbance and impacts to seabird and shorebird species listed by FWC as Species of Greatest Conservation Need.

Policy BBIA 9.9

Development shall not ~~negatively impact~~ result in adverse impacts to the drainage of adjacent properties or the quality of receiving surface water ~~body bodies~~ quality.

Policy BBIA 10.6

Brevard County shall encourage the protection and preservation of scenic features through implementation of the following: [...]

- E. Responsible outdoor lighting that conserves energy, avoids harmful effects on wildlife, and protects the night sky, while conforming to regulatory standards including, but not limited to, lighting safety standards.

4. Commerce Comment 3 – Barrier Islands Preservation and Protection Association (BIPPA) Feedback

Commerce Comment: The County may want to take under advisement the feedback provided by the Barrier Islands Preservation and Protection Association in their November 20, 2024, correspondence.

BCLA Recommendation: Brevard County staff have reviewed all of BIPPA's comments and suggested policy amendments, some of which were addressed via updates related to comments from Florida Commerce and reviewing agencies. On March 10, 2025, County staff met virtually with FWC staff and representatives from Sea Turtle Conservancy and 1,000 Friends of Florida to discuss draft amendments. As mentioned in the BIPPA letter, 1,000 Friends of Florida was involved in the drafting of the BIPPA recommendations. County staff also spoke with BIPPA representatives via phone call on April 3, 2025. County staff has incorporated feedback into policy amendments as shown below. Note that all BBIA Future Land Use category policies providing for residential density bonuses for PUDs have been updated as shown for Policy BBIA 12.4 as an example; the same updates have been included for policies BBIA 12.5, 12.6, 12.8, and 12.11 though not reproduced below.

Policy BBIA 4.11

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to provide fertilizer ~~management~~ Best Management Practices ~~BMP~~ information to agricultural and golf course operators within the BBIA.

Policy BBIA 4.13

Brevard County will update its Code of Ordinances to include requirements that support and enforce the provisions in Policy BBIA 4.~~16~~ 12 and as required by section 373.469, F.S., as amended.

Policy BBIA 5.7

Brevard County ~~should~~ shall 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 as necessary to reduce obstacles that hinder nature-based design standards and/or Low Impact Development. The County shall conduct this review and recommendation process at least as frequently as the regular evaluation and appraisal of this comprehensive plan.

Policy BBIA 8.4

Brevard County shall establish in land development regulations criteria for enhanced vegetative buffering between development and ~~the~~ upland resources of the Indian River Lagoon and the Atlantic Ocean, so as to reduce the impacts of nutrient loading, shoreline erosion, and lighting on natural resources. This shall include restoration standards for properties with disturbed native vegetation.

Policy BBIA 8.5

Brevard County shall ~~continue to develop programs for~~ prioritize acquisition of unique vegetative communities in the BBIA to protect upland resources, including dune ridges, beaches, and wildlife and related habitats. This acquisition shall be voluntary and shall not include the use of eminent domain.

Policy BBIA 12.4

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

- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered ~~with a~~ within an existing Planned Unit Development (PUD) approved before July 1, 2023 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 PUDs approved on or after July 1, 2023 or by properties within the CHHA.

[New] Policy BBIA 12.7

The Residential 4 Directive – BBIA land use designation is applied to lands following the recommendation of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to four (4) units per acre.

[New] Policy BBIA 12.9

The Residential 6 Directive – BBIA land use designation is applied to lands following the recommendations of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to six (6) units per acre.

Policy BBIA 12.~~8~~ 10

The Residential 8 Directive – BBIA land use designation ~~affords a transition in density between higher density areas and lower intensity residential uses~~ is applied to lands following the recommendations of the 1992 South Beaches Small Area Plan Study. This land use designation permits a maximum density of up to eight (8) units per acre.

Brevard County ACSC – Additional Changes Not Reviewed by Commerce

Brevard County proposes adoption of additional amendments to the Brevard Barrier Island Area Element that are unrelated to the Objections, Recommendations, and Comments report, which have not yet been reviewed by Florida Commerce. These amendments are the result of further County staff review and input to provide clarification, public input, structural/formatting considerations, and identification of scrivener's errors since transmittal. The proposed amendments are detailed below. Text changes since transmittal are shown in blue underline for additions and red strikethrough for deletions.

- 1. Policy BBIA 2.5:** Updated to further clarify that any majority reconstruction or replacement of a shoreline hardening structure shall be considered new construction. Previous policy language may have resulted in unintended interpretations that reconstruction or replacement of shoreline hardening structures with no damage or only minor damage could be exempt from this requirement.

Policy BBIA 2.5: The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the CSL shall be governed by the following conditions, at a minimum: [...]

D. Reconstruction or replacement of fifty (50) percent or more of a shoreline hardening structures on the Atlantic Ocean ~~that are more than fifty (50) percent destroyed~~ shall be considered new construction for purposes of Policy BBIA 2.1 above and shall be regulated as such, except for the maintenance of existing public navigational projects. [...]

- 2. Policy BBIA 5.6:** Language strengthened in coordination with Sierra Club Turtle Coast Group per correspondence received on April 29, 2025.

Policy BBIA 5.6: Using best available data, the County should ~~consider identifying~~ identify areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development 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.

3. **Policy BBIA 5.8:** Language strengthened and living shorelines added as nature-based design standard criteria in coordination with Sierra Club Turtle Coast Group per correspondence received on April 29, 2025.

Policy BBIA 5.8: The County ~~should~~ shall continue to encourage or require nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts, as part of enhanced Land Development Regulations for the BBIA. Such adaptation strategies may include:

Criteria:

- A. Living shorelines.
- AB. Multi-use stormwater parks,
- BC. Bioswales as stormwater management techniques,
- CD. Green streets,
- DE. Reduced impervious areas,
- EF. Florida-friendly landscaping/xeriscaping, or
- FG. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

4. **Policy BBIA 5.9:** New policy added to provide for general education and promotion of living shorelines to further support Objective BBIA 5, in coordination with Sierra Club Turtle Coast Group per correspondence received on April 29, 2025.

Policy BBIA 5.9: The County shall coordinate with organizations such as IRLNEP and the Marine Resources Council to promote the use of living shoreline design and support efforts to educate the public on the benefits of living shorelines throughout the BBIA.

5. **Policy BBIA 6.4:** Reworded to further clarify the specific strictly applied exemptions for locating certain public facilities within the CHHA.

Policy BBIA 6.4: Brevard County should not locate sewer and water transmission lines within the ~~coastal high hazard area~~ CHHA, except where there is no practical and cost-feasible alternative due to engineering, and safety ~~and cost considerations,~~ constraints; where there is a 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.

6. **Policy BBIA 6.21:** Updated to provide for potential acquisition of properties at risk of loss to flooding impacts, in addition to those with repetitive loss, for increased mitigation and resiliency planning capabilities for the County.

Policy BBIA 6.21: The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, 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 flood zones through acquisition of repetitive loss properties or properties at risk of loss for use as green space or stormwater management.

7. **Policy BBIA 6.23:** Updated to align with EAR-based amendments to the Coastal Management Element policies as originally recommended by the County’s Emergency Management Department.

Policy BBIA 6.23: Brevard County shall coordinate with the municipalities and appropriate state agencies ~~to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as~~ in managing and implementing the recommendations found within the Brevard County Comprehensive Emergency Management Plan, as amended.

8. **Policy BBIA 8.1:** Updated to clarify protections sought in the land development regulations for unpermitted land clearing and requirements for revegetation. Monitoring and maintenance of required revegetation plantings added as a requirement for unpermitted clearing.

Policy BBIA 8.1: Brevard County shall maintain regulations to address ~~premature~~ unpermitted land clearing and revegetation, including the following minimum criteria.

[...]

Criteria:

- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, ~~to prevent wind or water erosion~~ and adverse impacts to other natural resources including wildlife habitat, 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. Require monitoring and maintenance of revegetated areas to ensure successful establishment of plantings. [...]

9. **Policy BBIA 9.10:** Updated to provide for more comprehensive Low Impact Development design considerations at boat ramp facilities.

Policy BBIA 9.10: All new boat ramps should have parking areas constructed utilizing ~~permeable pavement where appropriate~~ Low Impact Development design and have the proper stormwater management system in place.

10. **Policy BBIA 11.4:** Updated to correct a grammatical scrivener's error and to remove mention of water-related industrial uses in the BBIA, referencing instead the MPP. These changes were made in coordination with Sierra Club Turtle Coast Group per correspondence received on April 29, 2025.

Policy BBIA 11.4: During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to: [...]

- B. Water-related uses such as certain utilities, ~~commerce~~ commercial and ~~industrial~~ other uses identified in the MPP; [..]

11. **Policy BBIA 12.3:** Updated to clarify that current directive-originated land uses within the BBIA are assigned new BBIA directive residential use categories in order to maintain continuity with the original South Beaches Small Area Plan.

Policy BBIA 12.3: Future Land Use Map designations shall be assigned to properties with the corresponding future land use map designations in effect prior to July 1, 2023 as shown below. [...]

- C. Lands with ~~RES Residential 4~~ or RES 4 Directive Future Land Use Map designations shall be assigned ~~RES Residential 4~~ – BBIA Future land Use Map designations;

D. Lands with Residential 4 Directive Future Land Use Map designations shall be assigned Residential 4 Directive – BBIA Future Land Use Map designations;

- ~~DE.~~ Lands with ~~RES Residential 6~~ or RES 6 Directive Future Land Use Map designations shall be assigned ~~RES Residential 6~~ – BBIA Future land Use Map designations;

F. Lands with Residential 6 Directive Future Land Use Map designations shall be assigned Residential 6 Directive – BBIA Future Land Use Map designations;

- ~~EG.~~ Lands with ~~RES Residential 8~~ Directive Future Land Use Map designations shall be assigned ~~RES Residential 8~~ Directive – BBIA Future land Use Map designations; [...]

12. Appendix: Inserting appendix index sheet listing adopted maps.

January 21, 2025

The Honorable Rob Feltner
Chairman, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, Florida 32940

Dear Chair Feltner,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Brevard County (Amendment No. 24-04ACSC), which was received on November 20, 2024. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines FloridaCommerce's findings concerning the amendment. FloridaCommerce has identified an objection and has included recommendations regarding measures that can be taken to address the objection. FloridaCommerce is also providing 3 comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the County to address the objection and comments. If you have any questions related to this review, please contact Joshua Pelfrey, Planning Analyst, by telephone at (850)-717-8549 or by email via Joshua.Pelfrey@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jp

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Stephen M. Swanke, Senior Planner, Brevard County, Planning and Development Department
Tara McCue, AICP, Executive Director, East Central Regional Planning Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Brevard County 24-04ACSC**

The Florida Department of Commerce has identified an objection and 3 comments regarding Local Government's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the County could take to resolve issues of concern. If the County adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the County to address the objection and comments.

I. Objection

Objection 1: Lack of Meaningful and Predictable Standards

Policies BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10 lack a specific timeframe for implementation, which may hinder their effectiveness and accountability. Lack of detailed targets and criteria does not establish meaningful and predictable standards for the implementation of the proposed policies, as required by section 163.3177(1), F.S.

Additionally, Policy BBIA 1.4 seeks to incorporate the guiding principles for development within the Brevard Barrier Island Area into the comprehensive plan. While the intention behind this policy is commendable, there are significant concerns regarding the proposed policy in its current form. Policy BBIA 1.4 references the introduction paragraph (section 380.0553, F.S.) but fails to include the comprehensive details of the guiding principles.

Statutory Authority: Sections 163.3177(1), 163.3177(1)(b), 163.3177(5)(a), 163.3177(6)(c)4., 163.3184(4), 380.05, and 380.0553 F.S.

Recommendation Brevard County must establish a clear and measurable timeframe commitments for achieving the following Policies: BBIA 2.6, BBIA 5.1, BBIA 7.8, BBIA 7.9, BBIA 7.12, BBIA 7.13, BBIA 7.15, and BBIA 8.10. Additionally, the County must revise Policy BBIA 1.4 to specifically reference subsection (5) of section 380.0553, F.S.

II. Comments

Comment 1 : Clarification of Terminology and Strengthening of Regulatory Language

As the amendment is intended to provide a framework for the protection and management of the Brevard Barrier Island Area (BBIA), it is essential that the language used is meaningful, predictable, and enforceable. To achieve this, FloridaCommerce recommends the following revisions:

1. To ensure consistency and clarity, Brevard County should define each acronym at its first occurrence within the Brevard Barrier Island Element by writing it out in full, followed by the acronym in parentheses. This convention will enable readers to quickly comprehend the

meaning of the acronym and provide a clear reference point. Additionally, each acronym should be included in the glossary to facilitate easy lookup and minimize confusion.

2. **Strengthening of Regulatory Language:** The use of passive language, such as “should,” “should consider”, or “may” can weaken the enforceability of regulatory statements. To address this, FloridaCommerce recommends reviewing each instance of "should" and replacing it with "shall" or "must" where appropriate. This will ensure that the language is direct and unambiguous, providing a clear framework for protection and management of the BBIA.

The following Policies should be reviewed by the County:

BBIA 3.3, BBIA 5.4, BBIA 5.8, BBIA 6.4, BBIA 6.13, BBIA 6.16-6.22, BBIA 7.2, BBIA 7.6, BBIA 7.15, BBIA 8.8, BBIA 9.1, BBIA 9.5, BBIA 9.8, BBIA 9.10

Comment 2: Intergovernmental Coordination

The County is encouraged to coordinate with the Florida Fish and Wildlife Conservation Commission to address the comments regarding marine turtle protection, manatee protection, coastal species and habitats, and educational signage from their December 20, 2024, correspondence in the adopted amendment. In addition to this, the County should also review comments provided by the St. Johns River Water Management District (SJRWMD) and Department of Environmental Protection (DEP).

Comment 3: Barrier Islands Preservation and Protection Association (BIPPA) Feedback

The County may want to take under advisement the feedback provided by the Barrier Islands Preservation and Protection Association in their November 20, 2024, correspondence.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://fldeo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"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, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.



Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Vice Chairman
Fort Lauderdale

Preston Farris
Tampa

Gary Lester
Oxford

Albert Maury
Coral Gables

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Office of the
Executive Director
Roger A. Young
Executive Director

Charles "Rett" Boyd
Assistant Executive Director

George Warthen
Chief Conservation Officer

Jessica Crawford
Chief of Staff

Division of Habitat and
Species Conservation
Melissa Tucker
Director

850-488-3831

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

December 20, 2024

Stephen Swanke
Brevard County
2725 Judge Fran Jamieson Way
Viera, FL 32940
Steve.Swanke@brevardfl.gov

Re: Brevard County 24-03ER (24LS00002) and 24-04ACSC (24LS00001), Comprehensive Plan Amendment

Dear Mr. Swanke:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist Florida Commerce and the County during the amendment review and future project planning.

Project Description

The Brevard County Board of County Commissioners is requesting amendments to the Comprehensive Plan based on an Evaluation and Appraisal Review that includes the Brevard Barrier Island Area (BBIA), an Area of Critical State Concern (ACSC). The BBIA encompasses the southern portion of Brevard County's barrier island which was designated as an ACSC by the Florida Legislature in 2023 (Chapter 380.0533 Florida Statutes). The legislative intent of the designation is to establish a land use management system that protects the natural environment of the BBIA, promotes orderly and balanced growth, protects and improves the Indian River Lagoon ecosystem, and ensures that the population of the BBIA can be safely evacuated in the event of a hurricane. The legislation and associated comprehensive plan amendments place a strong emphasis on the value of this area for marine turtle nesting, particularly for the loggerhead sea turtle (*Caretta caretta*, Federally Threatened), stating that the "beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere," and that "the management decisions made in the region have global impacts for the species."

Comments and Recommendations

FWC staff supports the Objectives and Policies within the comprehensive plan amendments (CPAs) provided by Brevard County as they will provide another layer of protection for marine turtles, manatees, the Indian River Lagoon, recreational and commercial fisheries, and imperiled wildlife species that use the BBIA for foraging and nesting. This area of Brevard County has relic habitats that would benefit from additional protections and habitat enhancement projects. Nature-based solutions supported in the CPAs will help restore and protect important wildlife habitat within the BBIA.

Given the strong emphasis in the legislation designating the BBIA ACSC on the importance of this area for marine turtles and coastal wildlife habitats, FWC staff offers the following comments and recommendations focusing on these issues for consideration by Brevard County.

Marine Turtle Habitat and Lighting

The policies proposed in the subject amendments (Brevard County 24-03ER and 24-04ACSC) would provide protections to marine turtles and their habitat. FWC staff supports the County's efforts to enhance sea turtle habitat by restricting development seaward of the Brevard County Coastal Setback Line (CSL), maintain lighting regulations, and continue to design and implement beach renourishment and dune restoration projects in accordance with local, state, and federal regulations. To further improve and strengthen marine turtle protections, FWC staff provides the following recommendations for Brevard County's consideration as policies are being created for the BBIA:

- Implement strategies with the best available science for coastal engineering, beach nourishment, and dune restoration projects to protect and enhance the natural dune system, maintain viable sea turtle nesting habitat, and minimize visibility of upland lights from the beach while providing beach access.
- Provide a defined timeline to re-evaluate the effectiveness of the CSL, such as every 5 or 10 years.
- Encourage dune vegetation plantings that will reduce light pollution on the sandy beach and create dark silhouettes on the dunes to positively impact sea turtle nesting behavior. Encourage planting of native vegetation on dunes where exotic vegetation has been removed to approximately the same height and density of the exotic plants being removed.
- Consider a requirement to conduct an exterior lighting survey before and after any dune vegetation removal to identify artificial lights that may have become visible from the sandy beach. Also consider mitigation strategies in the event that any artificial lighting does become visible, such as shielding or removal of the lights.
- In coordination with FWC, review and update sea turtle lighting ordinances every 5 years within the BBIA to reflect best available technology and science, to be consistent with Florida Administrative Code 62B-55.004, and to address any persistent areas ("hot spots") with documented impacts to nesting and hatchling sea turtles due to artificial lights.
- Consider procedures for implementing and enforcing new and existing lighting ordinances to eliminate and minimize the visibility of artificial or otherwise man-made light within the BBIA to the sandy beach.
- When environmental assessments are conducted for coastal properties in the BBIA, a proposed exterior lighting plan review would evaluate the potential increase of direct and indirect light visibility from the sandy beach. The FWC's Sea Turtle Lighting Guidelines are available at <https://myfwc.com/wildlifehabitats/wildlife/sea-turtle/lighting/> to assist in the development of an exterior lighting plan. FWC staff can also be contacted at SeaTurtleLighting@MyFWC.com to answer any questions and provide assistance in the development of a lighting plan.
- Develop outreach programs, partnerships, and development criteria within the Brevard County land development regulations to achieve reduction of light pollution throughout the BBIA.
- When promoting the establishment and maintenance of scenic vistas, consider policies that will not increase light visibility from the beach from coastal development.
- Minimize skyglow by recommending International Dark Sky lighting standards, which provides criteria for shielding and installing long wavelength lights along and adjacent to the coast.
- Design and construct dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL and in accordance with the Florida Department of Environmental Protection's Beach and Dune Walkover Guidelines. Designs that are elevated above dune vegetation, do not include exterior lights, and allow adequate

sunlight penetration will minimize impacts to marine turtle's and their nesting habitat. Designs should also consider potential entrapment of nesting females and hatchlings.

- Include a provision that dunes without complete coverage of native shrubby vegetation, herbs, and grasses be prioritized for dune revegetation.

FWC staff is available to assist and work with Brevard County staff on reviewing and updating their sea turtle lighting ordinances, developing outreach programs, and for any of the above recommendations at ImperiledSpecies@MyFWC.com.

Manatees

The proposed amendments and policies state that all development activities should be in compliance with the Brevard County Manatee Protection Plan (MPP), as amended, and that Brevard County will continue monitoring manatee protection measures to determine their effectiveness. The proposed policies for the BBIA ACSC also address water control structures by stating that 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 structures, habitable structures, and other public investments; protect or improve water quality; or restore the function of the natural water dependent ecosystem. To further improve and strengthen manatee protections in Brevard County and the BBIA ACSC specifically, FWC staff provides the following recommendations for Brevard County's consideration as policies are being created for the BBIA:

- Coordinate with applicable partners including FWC and the U.S. Fish and Wildlife Service on the development of new marinas, or the expansion of existing marinas to ensure the project is consistent with the Brevard County MPP.
- To inform and educate boaters on manatee awareness, encourage all existing commercial marinas to incorporate permanent manatee educational signs, such as the "Caution Boaters" sign.
- Coordinate with FWC staff on the design or modification of any water control structures to prevent the injury or killing of any manatees.

FWC staff is available to assist and work with Brevard County staff for on reviewing proposed marina facilities, implementing manatee signage, and on the design of water control structures at ImperiledSpecies@MyFWC.com.

Coastal Species and Habitats

FWC staff recommends that Brevard County work with partners such as St John's River Water Management District, Indian River Lagoon National Estuary Program, Florida Department of Environmental Protection (FDEP), and FWC to identify areas suitable for the creation or expansion of nesting habitat for shorebirds, seabirds, and wading birds. Such areas may include spoil islands managed by FDEP, aquatic preserves, or state parks. The creation or expansion of this habitat could be achieved through actions such as vegetation management, construction of nesting platforms, or creating additional substrate for nesting. In Objective BBIA 7, several specific shoreline and marine habitats and species are singled out for protection. Additional sensitive coastal resources to consider in this list include oyster reefs, salt marsh, shorebirds, seabirds, and wading birds.

The proposed BBIA policies refer to conducting environmental assessments prior to development on properties containing potential wildlife habitat (e.g., Policy BBIA 7.6 and 8.8). To better identify potential project impacts to listed species of fish and wildlife, FWC staff also recommends that species-specific surveys be conducted prior to any clearing or construction.

Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

In several of the proposed BBIA policies, “species of special concern” are mentioned (e.g., BBIA 8.11). Currently, there are no species covered under this category of protection (see Chapter 68A-27, Florida Administrative Code). Depending on the context, “Species of Greatest Conservation Need,” as defined in FWC’s State Wildlife Action Plan (SWAP, 2019), is likely an appropriate grouping of species to add. This term includes populations at risk or declining and the SWAP provides a comprehensive list (<https://myfwc.com/media/22767/2019-action-plan.pdf#page=152>). For example, in Policy BBIA 8.11 “... implement education programs to promote the preservation of endangered and threatened species, species of special concern, and species of greatest conservation need, as well as their habitat...”

Signage

FWC staff recommends that County and other public beach access sites incorporate educational signage related to seabird and shorebird species listed by FWC as imperiled or Species of Greatest Conservation Need. Such signage could include best practices that reduce disturbance and impacts to resident and migratory bird species using the beaches for nesting, loafing, and foraging. Additionally, to promote public awareness, Brevard County could work with the Florida Department of Transportation to install signage on A1A indicating the boundaries of the BBIA.

FWC staff appreciates the opportunity to provide input on the subject CPAs and looks forward to continuing coordination with Brevard County on the BBIA ACSC. For specific technical questions regarding the content of this letter, please contact Josh Cucinella at (352-620-7330) or by email at Josh.Cucinella@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,



Jennifer Goff
Deputy Director
Division of Habitat and Species Conservation

jdg/ms
Brevard County 24-03ER and 24-04ACSC_60479_12202024

cc: Donna Harris, Florida Commerce, DCPexter@Commerce.fl.gov
Yazmin Valdez, Florida Commerce, Yazmin.Valdez@commerce.fl.gov
James Stansbury, Florida Commerce, james.stansbury@commerce.fl.gov
Jeffrey Ball, Brevard County, Jeffrey.ball@brevardfl.gov
Bonnie Landry, Bonnie Landry & Associates, bonnie@bclandry.com
Michael Meier, Bonnie Landry & Associates, mike@bclandry.com
David Pullin, Florida Commerce, David.Pullin@commerce.fl.gov
Josh Pelfrey, Florida Commerce, Joshua.Pelfrey@commerce.fl.gov

Harris, Donna

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Thursday, December 19, 2024 3:00 PM
To: DCPexternalagencycomments
Cc: Plan_Review
Subject: [EXTERNAL] - Brevard County 24-04ACSC Proposed

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

To: Donna Harris, Senior Plan Processor, Florida Commerce Bureau of Community Planning and Growth

Re: Brevard County 24-04ACSC – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Brevard Barrier Island ACSC Draft Appendix – Courtesy Review

Office of Resilience and Coastal Protection:

- On pg. 4-5 where the CCCL is specifically mentioned, the BBIA is more restrictive in some instances than what the CCCL program may allow and/or permit, most notably the mention and restriction of “shoreline hardening structures” (i.e. seawall) or erosion control structures. This is not new however- as unincorporated Brevard County has had this prohibition in place for some time. In addition to this, is the mention and BBIA restriction on structures/activities seaward of the 81 CCCL (or setback). Based on siting and design of a particular proposed structure/activity, it may align with Department restrictions or prohibitions, but it is important to note that it also may not in every instance.
 - With these above mentioned County restrictions, it is important to note that in the CCCL application process for a permit, applicants are required to obtain and provide “Written evidence, provided by the appropriate local governmental agency having jurisdiction over the activity, that proposed activity, as submitted to the Department, does not contravene local setback requirements or zoning code” [paragraph 62B-33.008(1)(c), F.A.C.].
 - Similarly, for field permits written by FDEP field inspectors for qualifying minor structures and activities, each applicant signs in part for the permit that they “shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work”.
 - These two caveats to which an applicant must provide confirmation of or sign for prior to Department permitting recognizes the ultimate determination of the local jurisdiction as to what is allowed which is the status quo.

Division of Environmental Assessment and Restoration:

- There is a line in BBIA 3.2 that states: “...should be considered during the continued development of the BMAP”. We would recommend that line be revised to say “...during the continued implementation of...” instead.

Valdez, Yazmin

From: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Sent: Wednesday, August 21, 2024 10:03 AM
To: Valdez, Yazmin
Cc: Melisa Diolosa; Michelle Reiber; Stansbury, James; Swanke, Stephen M; Ball, Jeffrey; Bonnie Landry; Michael Meier; Pullin, David
Subject: [EXTERNAL] - RE: Request for Review: Draft Appendix for Brevard Barrier Island ACSC
Attachments: BBIA SJRWMD Comments to Draft Appendix 8.21.24_ Final.docx

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Good Morning,

As requested, please find attached the requested feedback from SJRWMD regarding the draft BBI ACSC appendix.

We appreciated the opportunity to review the draft document and to provide feedback. If you have any question, please let us know.

Thank you.

Steve

Steven Fitzgibbons, AICP
Intergovernmental Planner
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
Email: sfitzgib@sjrwmd.com
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/ePermit

From: Valdez, Yazmin <Yazmin.Valdez@commerce.fl.gov>
Sent: Thursday, August 1, 2024 4:44 PM
To: Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>
Cc: Melisa Diolosa <MDiolosa@sjrwmd.com>; Michelle Reiber <mreiber@sjrwmd.com>; Stansbury, James <James.Stansbury@commerce.fl.gov>; Swanke, Stephen M <Steve.Swanke@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>; Bonnie Landry <bonnie@bclandry.com>; Michael Meier <Mike@bclandry.com>
Subject: Request for Review: Draft Appendix for Brevard Barrier Island ACSC

Dear Steven,

BREVARD BARRIER ISLAND AREA (BBIA) WAS DESIGNATED AS AN OF AREA OF CRITICAL STATE CONCERN (ACSC) BY THE FLORIDA LEGISLATURE IN 2023, AS CODIFIED IN SECTION 380.0553, FLORIDA STATUTES.

DATE: August 21, 2024

COMMENTS PROVIDED BY: St. Johns River Water Management District (SJRWMD)

BACKGROUND INFORMATION FROM THE DRAFT APPENDIX: Brevard County has finalized a first draft appendix containing goals, objectives, and policies (GOPs) for the newly established Brevard Barrier Island (BBI) Area of Critical State Concern (ACSC). This draft is intended to be included in their proposed Evaluation and Appraisal Review (EAR)-based amendment package, due this November.

SJRWMD comments:

- **General comment:** Activities within this draft appendix are beyond the scope of and not regulated under Statewide Environmental Resource Permitting (SWERP) rules and statutes.
- **Policy BBIA 3.3 & Policy BBIA 3.4:** Note, the specific language in these policies do not exist in the current SWERP rules.
- **Policy BBIA 5.8:** SJRWMD is not opposed to these practices, however, developments that require an ERP permit under Chapter 62-330, F.A.C., must also meet the current water management district rules/presumptive criteria regarding water quality and the newly implemented Statewide Stormwater rule (water quality) criteria that became effect June 28, 2024, and will be fully implemented on December 28, 2025.
- **Policy BBIA 9.8:** It is unclear what "deficient" means. Is this referring to the conveyance capacity of existing stormwater systems not owned by applicant?
- **Policy BBIA 9.9:** A definition of "negatively impacted" would be helpful.

To: James Stansbury, Chief Florida Department of Commerce Bureau of Community Planning and Growth
107 East Madison Street MSC 160 Tallahassee, FL 32399-4120

Re: Request to Modify Brevard County's proposed new element (Appendix A) to the Comprehensive Plan regarding the Brevard Barrier Island Area.

Good morning Mr. Stansbury,

In my conversations with Barbara and Yazmin, each expressed to me that it is your goal to ensure that the Brevard Barrier Island Area (BBIA) plan for the Area of Critical State Concern protects the island's natural resources, conforms to Section 380.0553 "Guiding Principles," and reflects input from the BBIA's many stakeholders. Please consider this input toward those objectives.

The draft amendment (Appendix A) from Brevard County is a product of haste. The last Area of Critical State Concern was designated over 40 years ago, and it is clear that the County was taken by surprise. The County started late, hiring an out-of-town consultant who drew only mostly from existing text in the County Comprehensive Plan. The timing of splitting the "Transmittal" and the "Adoption" between outgoing and incoming Commissions hasn't helped. The result is largely a status quo version that does not meet the Guiding Principles in the statute.

The drafting process undertaken by the County's consultant hampered input from local residents, NGOs and other experts. With a 15-day notice, residents were asked to attend a 90-minute presentation with faulty acoustics and without a question-and-answer session. There was a poll of public opinion on general concepts, but the multiple-choice structure of the poll did not provide specifics that could shape the draft. That was the County's total program for stakeholder participation. The volume of participation did, however, reflect the high public interest in the process (Figure 1).

Nearly a thousand comments and editorial changes by residents and multiple NGOs were proactively sent to Brevard County and the County consultant. Counter to this input, on very short notice, the consultant dropped in "PUD" zoning, zoning "transition," and density "bonuses" language. This language will compound environmental pressures within the BBIA by increasing density and intensity of future development, in direct violation of CME 7.1 and BBIA Policy 12.1. Although the County's Land Planning Agency (LPA), voted unanimously to delete the PUD, transition, and bonuses language, we understand that the County's November 7th cover letter to you states that the LPA "...recommended transmittal of this Comprehensive Plan Amendment." This is not the whole truth. The LPA approved it, but only subject to pages of LPA comments, seemingly not included in the County's submittal to you.

The suggested edits to Appendix A we provide below fill the input gap left by Brevard County. This input comes from the Sea Turtle Conservancy (STC), 1000 Friends of Florida (1000 FoF), and the Barrier Islands Preservation and Protection Association (BIPPA), the 34-year-old de-facto protector of the island's balance of population and natural habitat, comprising residents of the BBIA, in addition to experts in land use, water quality, engineering, oceanography, beach ecology, and sea turtles.

We ask the following:

Ask #1: Please review BIPPA's South Beaches Combined Input to Appendix A (below) compiled by BIPPA from meetings with residents and NGOs.

Ask #2: Replace portions of the County's draft of Appendix A for the BBIA with the attached that edits we provide here, and with changes made at your discretion. Instruct the new Brevard County Commission to use our, and your, suggested edits to have Appendix A better conform to the Guiding Principles in Section 380.0553 and the CME.

Ask #3: Recommend that Brevard County staff, including Natural Resources Management, conduct at least two advertised community meetings with question-and-answer sessions prior to adoption. The first meeting would introduce the new draft of Appendix A, and the second meeting would solicit recommendations.

While reviewing the Combined Input version of Appendix A, please consider that residents and members of NGOs with advanced degrees and years of experience in Marine and Wildlife Biology, Land Planning, Environmental Engineering, Conservation and Landscape Architecture, have come together to offer comments for the BBIA Appendix A for the Area of Critical State Concern.

NGO's have provided expert scientific research and language in areas such as: Management of artificial lighting, seasonal beach usage, and timing and design of beach nourishment and coastal armoring to minimize impacts to uplands, beaches, sea turtles, ecosystems and associated wildlife by STC; Land Use and Water Resource Planning, Lagoon water run-off, updating storm surge zones for current and projected sea level rises and measurement methods of pre and post development of ground water recharge by 1000 FoF; and resiliency, Coastal Setback Line (CSL), evacuation, flooding, or density and intensity by BIPPA (and the County's Land Planning Agency).

The Brevard County Commission has heard none of their voices, nor conducted any workshops or included any of the hundreds of comments that we, their own LPA, and many NGOs have submitted.

Please review our compiled South Beaches Combined-Input comments and send it back to the new Brevard Commission for Adoption. With your support, we believe they will be receptive of the work we have done.

Further, by doing so, we guarantee that your staff will not be spending inordinate time doing the job that the County was responsible for. We'll do it for our community and to preserve one of the most important remaining natural habitats in the western hemisphere and home to the largest area of loggerhead sea turtle nesting in the world.

Please feel free to call me anytime at 321-431-7842.

Regards and Thank You,

Mark Shantzis, Executive Director

Barrier Islands Preservation and Protection Association (BIPPA)

"Leading Efforts To Preserve The Balance of Population Growth, Natural Habitat and Wildlife on the Barrier Islands for over 30 years" c-321-431-7842 seabomds@aol.com

cc: State Senators Wright and Fine, State House Reps, Mayfield, Brackett, Sirois, Tramont and Miller, 1000 Friends of Florida, Indian River Lagoon Coalition, Sea Turtle Conservancy, Marine Resources Council, Fish and Wildlife Commission, Sierra Club, FDEP, Surfrider Foundation, Departments of Agriculture and Consumer Services, of Education, of Environmental Protection and of State, Florida Fish and Wildlife, DOT, East Central Florida Regional Planning Council, Johns River Water Management District, Patrick Space Force Base and Cape Canaveral Station.

Public Interest in BBIA Topics

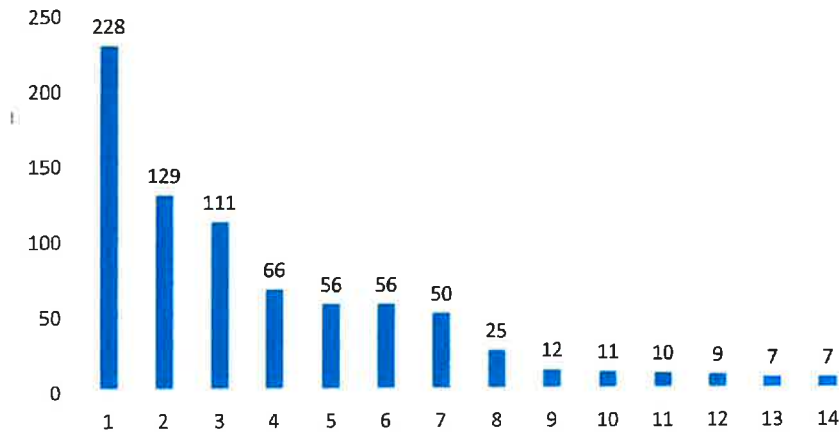


Figure 1. A plot of interests and concerns expressed by BBIA residents from a Public Survey conducted by Brevard County in 2024. This information was transmitted to Brevard Land Planning, and forwarded to the Brevard Board of Commissioners. Some categories have been combined in the plot to better reflect interests, in order of number of respondents:

- 1—Density and intensity, land development, A1A (evacuation);
- 2—Conservation, native vegetation, dune protection, clearcutting;
- 3—Sea turtle protection and shoreline hardening, coastal construction setbacks;
- 4—General information;
- 5—Code enforcement and penalties, oversight committee, legislation, marina requirements;
- 6—Stormwater management, water quality;
- 7—Utilities;
- 8—Floodplain;
- 9—Short-term rentals;
- 10—Recreational activities on BBIA;
- 11—Overall support of ACSC;
- 12—Oil, Gas, and Mining;
- 13—Wetlands;
- 14—Beach access

BIPPA’s South Beaches Combined-Input Comments:

(Comments pertain to the November 7, 2024 submittal by Brevard County of the Brevard Barrier Island Area (BBIA) new element for the Area of Critical State Concern).

The PROBLEM: The County and its Consultant collected over 700 resident and NGO comments in a survey and dozens of comments from their own LPA, but did not convert those comments into any more important Policy than had already existed in the Coastal Management Element of the 30-year-old Comprehensive Plan.

The SOLUTION: The South Beaches Combined-Input document below consolidated the resident and NGO comments into language that potentially reflects the intent of the Guiding Principles of F.S.380.0553 for the BBIA Appendix A.

Below are the FOUR (4) Primary Concepts and Sixteen (16) Important Changes relating to the Concepts that were prevalent among the Resident's and NGO's comments and the proposed Appendix A:

Four (4) Primary Concepts

- 1) Retention of existing DENSITY and INTENSITY to be compatible with Evacuation, Water and Waste, Flooding, Utilities and Habitat Conservation.
- 2) CONSERVATION, CLEAR-CUTTING AND FLOODING, including Land, Stormwater, Wetland, Floodplain, Dune and Native Vegetation management.
- 3) SEA TURTLE PRESERVATION, SHORELINE HARDENING and Coastal Construction SETBACKS. 4) CODE, LEGISLATION, OVERSIGHT and ENFORCEMENT

Sixteen (16) Important Changes suggested by Combined Input for Brevard's New Element

1) Policy 12 -DELETE all references to increasing density by "PUD", "Transition", and "Bonuses".

Other than policy 12.1 of the BBIA (which rightly mimics CME 7.1), Policy 12.2- is the complete opposite of 12.1 and 7.1 and the opposite of the entire GOAL and purpose of 380.0553 Guiding Principles. Much of Policy 12 allows the County to bypass the State for Amendments by declaring a PUD and then increasing density and mixed-use intensity within that PUD, circumventing the normally required submission to Commerce. Policy 12 was dropped in to the document "last minute" by the County and is of great concern.

Policy 12 introduces;

a) "PUD" language- Delete all;

- 1) **There is no PUD language in Ch 10, Coastal Management Element (CME) of the Brevard Comp Plan.** The PUD language has been recklessly lifted from the Comp Plan relating to the entire county of some 600,000 residents where large tracts of land are available.
- 2) The BBIA has only 7,000 residents living on small land parcels. There are no tracts or properties in the BBIA available for development as PUD/Mixed Use (other than the existing and mostly built out Aquarina Golf Club from the 1980's).
- 3) PUD designation, size, density and intensity are all controlled by the County. PUD language in the BBIA is designed to bypasses State oversight of F.S. 163.
- 4) PUDs allow the county to increase density in violation of CME Policy 7.1 and the entire GOAL of the BBIA (ref: "Policy 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").
- 5) The reasoning of the County to include PUD's is flawed because the Area of Critical State Concern is already a sub-set of 380.05(18) and therefore, not taking away any rights or value of current property owners. Adding specific PUD language muddies the waters, inviting litigation.

b) "Transition" language – Delete all;

Policy 12.5, 12.6, 12.7, 12.8 and the last sentence of 12.9 all allow for increase of density by Transition and violates CME 7.1. **There are no Transitional areas in the BBIA.** The BBIA is mostly built out as single-family, currently without "creeping" of density or intensity. Transition language is a ploy to circumvent State oversight in order to increase density and intensity and should be completely removed.

For example, if someone were to knock down 4 houses, zoned R-1, which are all now adjacent to a property that is zoned R-8, Policy 12.6 appears to allow, by “Transition” building 8 units per acre which 7.1 and 11.1 prohibits. Each of 12.1 through 12.8 are of identical language in 12.6 and all must be deleted. 12.9 thru 12.13 should also be deleted and possibly re-inserted after significant research.

c) “Bonuses” language for increased density – Delete all;

The most important function of the Area of Critical State Concern is to limit density and Intensity in the BBIA (as referenced in the ACSC public comment survey, attached). 25% bonuses for density are the complete opposite of the desires of the community and of the intent of the “Guiding Principles”.

Bonuses are inconsistent with C.M.E. 7.1 and Public Safety of evacuation.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of C.M.E. 7.1 and Policy 12.1 of the BBIA which states “Brevard County Shall not increase density for properties in the BBIA”.

2) Policy BBIA 1.1

After the words “Future Land Use Map, add “and by signage visible from SR A1A,

This change addresses an important objective for success—the human dimension. Visitors and residents who recognize the BBIA as a special place will be more likely to accept changes and become constructive partners in area protection

3) Policy BBIA 2.1

After the words “Atlantic coast” add, “as defined in FS Title XI CH 161 Section 54, and any artificial conditions that would impede sea turtle nesting, and shall”. This co-ordinates with State Statutes and is more defined.

4) Policy BBIA 2.3

After the words “Brevard County shall”, add “improve and proactively enforce”; After the words “updated to meet or” add, “exceed reflect best practices found in the 2020 DEP Model Lighting Ordinance for Sea Turtle Protection” After the words “such as FWC” add, “To further protect sea turtles from harmful lighting, and to enhance natural scenic resources and promote aesthetic benefits of the natural environment, the County shall develop outreach, partnerships, and development and landscape criteria within its Land development regulations to achieve reduction of light pollution throughout the BBIA.” This co-ordinates with State Statutes and is more defined.

5) Policy 2.5.A.

After the words “vegetation on,” add “the buildable site without including the already unbuildable portion of the entire site east of the CSL. The calculation of the 50% allowable clearing of oceanfront properties shall not include property east of the CSL. The allowable clearing will be 50% of the remaining property east of the CSL.” After the words “coastal protection needs” add, “No building permit will be issued until the County building inspector has verified these criteria. The county shall enact and enforce a schedule of maximum-by-law monetary fines and building license warnings and revocations for violations. In the event the 50% criteria is violated, no building permit will be issued until the property is restored to the 50% condition. Same as 7.1 below

6) Policy 4.7 – DELETE entirely.

This is not well thought out. It does not triage overall costs of compliance with alternative methods. It would require an enormous expense by a homeowner, when a better use of funds is warranted, at the unilateral discretion of the County.

7) Policy 3.2, 5.2.A, B, and D, 5.4, 5.6, 5.7, 5.8, 6.13, 7.2.H, 7.5, 7.6, 7.8, 8.8, and 9.5

The word “Should” is changed to the word “Shall” in several places in these policies.

Brevard County is notorious for ignoring code violations due to its policy of “passive” enforcement. Unless a violation is reported by a resident, a violation is NOT enforced. The resident must give their name and address, which leaves room for retaliation and discourages people from reporting violations. Items that the County “should” do will NOT be done. We only changed items we thought were necessary to meet the guiding principles. Several have not been changed.

8) Policy 5.8

After the words “flooding impacts,” add “and shall exclude all properties from the exemption in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the County’s exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion-of-the- exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says, “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED ALL important trees that are in the 28 pages of code. That was not an accident. The BBIA needs to be exempt from the 62-4334 exemption and we believe this will also increase property values.

9) Policy 6.9.C. – after the word “transportation” add “and the Indian River Sherrif’s Dept.”

The BBIA extends into Indian River County. Most of the evacuation of the BBIA is over the Sebastian Inlet Bridge and coordination between the two Counties is required.

10) Policy 7.1

After the words “reduce runoff.” Add 2 new sentences “The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.”

This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 95% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

11) Policy 8.1.C

After the word “vegetation,” add “specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete **“unless exempt by ordinance”. This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

12) Policy 10.6

Add letters "D and E. "D. To enhance natural scenic nighttime views unique to the Space Coast, the County shall develop outreach, partnerships, and criteria to minimize inland light pollution throughout the BBIA" and "E. As the density and community character of the BBIA shall not be disturbed, the utility poles shall be restricted to the current heights, widths, and numbers of poles."

The 70-foot-high poles that have been placed in Indialantic and north of the BBIA are an industrial look that no-one wants in their beachside neighborhood. Further, the eye-sore is not appreciated by tourists or land-based residents driving on the designated A1A Scenic Highway to the Sebastian Inlet State Park. How it was allowed further north is anybody's guess but it is definitely not compatible with the community character, as required, by 380.0553.

13) Objective 11

After the word "Brevard County" add, "shall ensure that development is compatible with the unique characteristics of the BBIA and shall not increase intensity or density, zoning or designations, or allow density swaps or exchanges within the BBIA." This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.

14) Policy 12.1

Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential or commercial, density intensity, zoning or designations. ~~residential densities~~ within the BBIA. ~~by amending the Future Land Use Map designation for such properties.~~

- 15) **Policy 12.4-12.9 DELETE Entirely-** These are full of "Transitional" language that does not apply and there are no viable additional buildable Residential 15 sites in the BBIA.
- 16) **Policy 12.10 – DELETE Entirely-** Community Commercial – There is no viable current or FLU Community Commercial Zoning in the BBIA.

In addition, there are several other smaller changes consistent with these above throughout the Amendment that support the 4 Concepts and 16 Major Issues, but are not listed above.

Also, the numbering will need to be adjusted as we have recommended deleting certain policies entirely due mostly to redundancies elsewhere.

BELOW are the South Beaches Combined-Input proposing Edits to PART XVI, BREVARD BARRIER ISLAND AREA ELEMENT. We Have only included the sections with changes to make the document shorter to read.

PART XVI

BREVARD BARRIER ISLAND AREA ELEMENT

BBIA Boundary

Policy BBIA 1.1

The BBIA shall be shown on the Future Land Use Map, and by signage visible from SR A1A, as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following

townships, ranges, and sections as designated by the Brevard Public Land Survey System: 28-3817-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County.

Sea Turtle Habitat Objective BBIA2

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures on the Atlantic coast, as defined in FS Title XI CH 161 Section 54, and any artificial conditions that would impede sea turtle nesting, and shall develop strategies for the removal of existing structures and re-establishment of the natural dune system.

Policy BBIA 2.3

Brevard County shall improve and proactively enforce lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to meet or exceed reflect best practices found in the 2020 DEP Model Lighting Ordinance for Sea Turtle Protection in coordination with organizations such as FWC. To further protect sea turtles from harmful lighting, and to enhance natural scenic resources and promote aesthetic benefits of the natural environment, the County shall develop outreach, partnerships, and development and landscape criteria within its Land development regulations to achieve reduction of light pollution throughout the BBIA.

Policy BBIA 2.4

Beach renourishment and dune restoration plans shall continue to be designed and implemented in accordance with local, State, and federal regulations so that sea turtle nesting is not disrupted. Proper grain size for nourishment sediments shall be enforced.

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline.

Development seaward of the CSL shall be governed by the following conditions, at a minimum:

Criteria:

- A. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on the buildable site without including the already unbuildable portion of the entire site east of the CSL. The calculation of the 50% allowable clearing of oceanfront properties shall not include property east of the CSL. The allowable clearing will be 50% of the remaining property east of the CSL. In addition, native dune vegetation seaward of the CSL shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs. No building permit will be issued until the County building inspector has verified this criteria. The county shall enact and enforce a schedule of maximum-by-law monetary fines and building license warnings and revocations for violations. In the event the 50% criteria is violated, no building permit will be issued until the property is restored to the 50% condition.

- B. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal predevelopment recharge volume and rate.
- C. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
- D. Reconstruction or replacement of shoreline hardening structures on the Atlantic Ocean that meet or exceed that are more than fifty (50) percent of the existing linear footage destroyed shall be considered new construction for purposes of Policy BBIA 2.1 above and shall be regulated as such, except for the maintenance of existing public navigational projects.
- E. Underground storage tanks or the storage of hazardous materials are not permitted.
- F. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and re-evaluate the effectiveness of this line within 5 years of the enactment of BBIA Appendix A and every ten years afterwards or sooner if from time to time —coastline changes dictate. The public will be broadly notified no later than 3 months before re-evaluations. The County shall provide the Florida Department of Environmental Protection (FDEP) with their findings and request a review of the 1981 FDEP Coastal Construction Control Line (CCCL), ~~if deemed appropriate.~~

Policy BBIA 2.7

Outer Continental Shelf (OCS) activities such as oil and gas exploration, or mining other than for beach sand as previously provided in this Amendment, adjacent to Brevard County shall not be approved ~~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 OCS and offshore drilling leases proposed for waters adjacent to the County. This policy change does not discourage or otherwise prohibit OCS sand and gravel mining activities conducted as part of Brevard County's shore protection and restoration strategy.

Water Quality Restoration Objective BBIA 3 Policy BBIA 3.2

Land use decisions relating to water resources and natural drainage features shall should be consistent with comprehensive water basin management plans. Area wide water quality management plans will should be considered during implementation and updates of the BMAP. All new development shall meet the established stormwater requirements.

Policy BBIA 3.3

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 structures, habitable structures, and other public investments; protect or 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 shall should be designed and operated so as to minimize harm to non-target organisms or natural ecosystems.

Policy BBIA 3.5 – 3.10 should be deleted as they are already included in the Comprehensive Plan’s Coastal Management Element. New water quality restoration goals are needed for the BBIA.

Reducing Nutrient Contributions Objective BBIA 4

Brevard County shall reduce nutrient contributions from septic tanks by prioritizing wastewater improvement projects and discouraging the use of new Onsite Sewage Treatment and Disposal Systems on the BBIA. And wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

Policy BBIA 4.1 – 4.6 should be deleted, as they are already included in Comprehensive Plan’s Sanitary Sewer Element. New Sanitary Sewer requirements should be included in the BBIA.

Policy BBIA 4.8 – should be deleted, as it is already included in the Brevard County Comprehensive Plan’s Coastal Management Element.

Policy BBIA 4.11

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to provide fertilizer management BMP information to agricultural and golf course operators within the BBIA.

Policy BBIA 4.12

Brevard County acknowledges that FDEP will not permit the installation of new onsite sewage treatment and disposal systems (OSTDS) in the BBIA where a sewer system is available. If sewer is not available, only enhanced nutrient reducing OSTDS achieving at least 65 percent nitrogen reduction shall be authorized in compliance with section 373.469, F.S., as amended.

Policy BBIA 4.13

Brevard County will update its Code of Ordinances to include requirements that support and enforce the provisions in Policy BBIA 4.12~~6~~ and as required by section 373.469, F.S., as amended.

Policy BBIA 4.14

Brevard County will update its Code of Ordinances, ~~no later than July 1, 2030,~~ to require that any commercial or residential property with an existing OSTDS within the BBIA will connect to a sewer system if available. If sewer is unavailable or not planned to become available within 5 years, Brevard County will require that existing OSTDS be upgraded to an enhanced nutrient reduction, achieving at least 65 percent nitrogen reduction, per section 373.469, F.S., as amended, no later than July 1, 2030.

Nature-Based Solutions Objective BBIA 5

Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

Policy BBIA 5.1

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

Policy BBIA 5.2

Within its land development regulations, Brevard County shall develop strategies to prioritize modification of existing development that 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 management facilities within existing developments ~~shall~~ ~~should~~ be 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 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.
- B. Site specific stormwater maintenance plans to ensure that all facilities are ~~should be~~ maintained at design capacity.
- C. Properties with bulkheads or seawalls 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.
- D. Properties with altered vegetated shorelines shall be required 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 non-native vegetation is predominant. Runoff quality and rates shall be identified and evaluated and shall ~~should be~~ equivalent to the pre- development state.

Policy BBIA 5.3 should be deleted, as it already exists in the Brevard County Comprehensive Plan.

Policy BBIA 5.4

Nonstructural methods of stormwater management that reduce the generation and accumulation of potential stormwater runoff contaminants ~~shall~~ ~~should~~ be utilized to the maximum extent possible. Nonstructural methods of stormwater management may include pesticide and herbicide control, proper fertilizer management, erosion control, and proper waste disposal. 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 BBIA 5.8

The County ~~—should~~ shall ~~continue to encourage~~ require development to meet nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts and shall exclude all properties from the exemption of Brevard Code 62-4334. Such adaptation strategies ~~may~~ shall include:Criteria:

- A. Multi-use stormwater parks,
- B. Bioswales as stormwater management techniques,
- C. Green streets,
- D. Decreasing impervious areas

E. Florida-friendly landscaping/xeriscaping, or Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas). **Critical Assets Objective**

BBIA 6

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in section 380.093, F.S.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The information contained in the Florida Regional Evacuation Study.
- B. The goal to e>Create and test a plan before June 1, 2025 to complete all evacuations prior to the onset of tropical storm force (39 mph) winds, as outlined in the Evacuation Concept of Operations.
- C. The requirements of F.S. 163.3

Policy BBIA 6.8

Brevard County shall coordinate with all appropriate agencies, specifically with the Indian River Sheriff's Department in reference to evacuation over the Sebastian Inlet Bridge and Highway A1A leading to the Wabasso Causeway, and manage the planning for, and implementation of, evacuations as outlined in the Evacuation Concept of Operations. Mock evacuation studies simulating hurricane landfall for all categories of hurricanes will be performed every 4 years.

Policy BBIA 6.9

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon capabilities, limitations, and vulnerabilities.

Criteria:

- A. Priority shall be given to improvements of roadway networks serving hurricane evacuation routes with the greatest number of people.
- B. Brevard County, in cooperation with the Florida Department of Transportation and the Indian River Sheriff's department, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion. The County shall certify by June of each year that they are prepared to meet required statutory evacuation times in the BBIA for all categories of hurricanes. ~~during the established evacuation time.~~ Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

Policy BBIA 6.10

In those areas where citizens cannot be evacuated within the adopted evacuation clearance times outlined in the Florida Regional Evacuation Study, development orders will be deferred until such time as adequate evacuation capacity has been programmed.

Policy BBIA 6.13

Within the BBIA, Brevard County shall should continue to analyze those public structures within the high-risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall be conducted prior to Jan 1, 2030 and consider the following, at a minimum:

Criteria:

- 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 permitted when consistent with the Conservation Element and the Coastal Management 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. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Local Mitigation Strategy and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed and considered.

Policy BBIA 6.16

The County shall designate~~ing~~ certain portions of the BBIA as Adaptation Action Areas (AAAs), as allowed by Florida law under the 2011 Community Planning Act, 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 BBIA 6.17

The County shall utilize~~ould consider~~ the results of the Brevard County Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.18

The County shall utilize relevant~~ould 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 BBIA 6.19

The County shall~~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 BBIA 6.20

The County ~~should~~ shall 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 BBIA 6.21

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding and erosion impacts.

Objective BBIA 7.1- 7.4 should be deleted, as it is already included in the Brevard County Comprehensive Plan.

Marine Resources Objective BBIA 7

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats. “The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” Policy BBIA 7.5

The County shall prohibit mining operations within the BBIA other than for beach sand pumped from the adjacent ocean, all of which will remain in the BBIA. ~~’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.~~
- B. ~~— Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.~~

Policy BBIA 7.6

Prior to development of any property that, based on best available data, potentially contains wildlife habitat, wetlands, or shoreline or marine or upland resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term “development” excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land. Developers using this exclusion will be required to certify that no foliage will be removed or damaged. No building permit will be issued until the County building inspector has verified these criteria prior to development. The county shall enact and enforce a schedule of maximum-by-law fines and building license warnings and revocations for violations. In the event of a violation, no building permit will be issued until the land is restored to its original condition.

Policy BBIA 7.7 should be deleted, as it is already required by law.

Policies BBIA 7.8 – 7.16 should be deleted, as they are already included in the Brevard County Comprehensive Plan.

Upland Resources Objective BBIA 8

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain and proactively enforce regulations to eliminate unwarranted address premature land clearing and promote revegetation, including Specimen, Heritage and important hardwoods and other trees as defined by Brevard Code Section 62, Art. XIII, Div 2 g the following minimum criteria.

Criteria:

- A. Require permitting prior to any 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.~~ Locally native vegetation should be utilized to the maximum extent possible. E. Require tree and canopy preservation, including root protection standards.

Policy BBIA 8.3

Brevard County shall protect individual, mature, native, canopy-forming trees such as live oaks, gumbo limbo, and sabal palm, Specimen, heritage and important hardwood trees as described in Brevard Code Sec.62.XIII. and shall conserve vegetative communities, especially maritime hammock, coastal dune, coastal scrub, and mangrove, from inappropriate development using the following minimum criteria: ~~conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:~~

Criteria:

- A. Require vegetative buffers surrounding developed properties. ~~Heat Island Mitigation.~~
- B. Require like-for-like replacement of removed native trees and shrubs. ~~Vegetative Buffering.~~
- C. Provide incentives to replace turf with native canopy species. ~~Vegetative Loss Replacement.~~

Policy BBIA 8.4

Brevard County shall establish inland development regulations criteria for enhanced vegetative buffering between development and the Indian River Lagoon and the Atlantic Ocean.

Policy BBIA 8.5

Brevard County shall continue to protect ~~develop programs for acquisition of~~ unique vegetative communities and protect upland resources, including dune ridges, beaches, and wildlife ~~and related~~ habitats, through land acquisition and conservation easements. Each year, Brevard County shall evaluate its land acquisition needs for the BBIA relative to local, state, and federal funding opportunities, and apply to at least one state or federal land acquisition funding opportunity. ~~This acquisition shall be voluntary and shall not include the use of eminent domain.~~

Policy BBIA 8.6

Brevard County shall, with coordinated involvement from Parks and Recreation, Environmentally Endangered Lands, and Public Works Departments, continue to ensure removal of invasive exotic plants 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 appropriate native vegetation ~~where feasible.~~

Policy BBIA 8.8

Prior to development of any property that, based on best available data, potentially contains wildlife habitat or upland natural resources, an environmental assessment ~~should~~ shall be completed by an environmental professional that would analyze the impact of the proposed development on the resources. For the purposes of this policy, the term “development” ~~excludes~~ also includes renovation, rehabilitation, or remodeling of any existing structure ~~—only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.~~

Policy BBIA 8.12

Brevard County shall ~~continue to~~ adopt and enforce standards for maintenance ~~and~~ or-establishment of dune areas within the BBIA that exceed minimum standards elsewhere in the County. These standards shall include, at a minimum, the following provisions:

Criteria:

- A. Native dune vegetation shall be maintained and restored on site unless removal or alteration is permitted by both Brevard County and FDEP, 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.
- D. Dune crossovers, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate sunlight penetration ~~—light penetration~~ and to minimize entrapment hazards to nesting sea turtles.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except where there is a public need, and where alternatives for handicap access, such as beach wheelchairs, are impractical, ~~except as required to comply with Americans with Disability Act (ADA) access.~~
- F. Dunes that have incomplete coverage of native shrubby vegetation, herbs, and grasses, shall be prioritized for dune revegetation. Privately owned dune shall be required to maintain dune vegetation as in County and State standards for new construction, within a reasonable grace period. ~~Publicly owned dunes, especially those identified for beach access sites, that 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 that 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 BBIA 9.1 should be deleted as it is already in the Brevard County Comprehensive Plan.

Policy BBIA 9.2

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. Restoration of the original saltmarsh shoreline of the Indian River Lagoon shall progress through county, state and federal partnerships.
- C. The following specific uses are not compatible with the resource requirements of the onehundred-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.

Policy BBIA 9.5

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

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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. The County shall consult with the Florida Flood Hub at USF, in 2025 and every 5 years thereafter, to determine if the 25-year, 24-hour storm event threshold is still relevant or if more stringent requirements are needed.
- 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 BBIA 10.3

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 clear of vertical construction as a breezeway/visual corridor

Policy BBIA 10.5

SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features. ~~The County shall consider requiring bicycle lanes to adhere to the US Department of Transportation standards improving bicycle safety.~~

Policy BBIA 10.6

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. Native 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.
- D. To enhance natural scenic nighttime views unique to the Space Coast, the County shall develop outreach, partnerships, and criteria to minimize inland light pollution throughout the BBIA.
- E. As the density and community character of the BBIA shall not be disturbed, the utility poles shall be restricted to the current heights, widths, and numbers of poles.

Compatibility

Objective BBIA 11

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA and shall not increase intensity or density, zoning or designations, or allow density swaps or exchanges within the BBIA.

Policy BBIA 11.2 should be deleted, as it is written to “maximize opportunities” for marinas.

Policy BBIA 12 should delete all references to PUD, transition and bonus densities and clarify that no density or intensity bonuses will be authorized.

Policy BBIA 12.1

Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential or commercial intensities, zoning or designations, residential densities within the BBIA by amending the Future Land Use Map designation for such properties.

Residential 1 – BBIA Future Land Use Policy BBIA 12.4

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 – BBIA 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 that 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 that 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 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 2 – BBIA Future Land Use Policy BBIA 12.5

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 – BBIA 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 designations but not adjacent to Residential 1; ~~or~~
 - B. ~~Areas that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.~~
- ~~Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development 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 interconnectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.~~

Residential 4 – BBIA Future Land Use Policy BBIA 12.6~~3~~

The Residential 4 – BBIA 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. The Residential 4 – BBIA 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 but not adjacent to Residential 1 or 2 or:
- B. ~~Areas that 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 that 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 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 – BBIA Future Land Use Policy BBIA 12.7

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 - BBIA 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 but not adjacent to Residential 1, or 2, or 4; ~~or~~
- B. ~~Areas that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6. Up to a 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the Planned Unit Development 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 – BBIA Future Land Use Policy BBIA 12.8

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. Areas adjacent to existing Residential 8 land use designation may not be increased in density or intensity. Areas of Residential 8 that are currently used for lower densities may not be used for Residential 8.

Residential 15 – BBIA Future Land Use Policy BBIA 12.

6

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 – BBIA 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 that 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 that 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 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 interconnectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.~~

Neighborhood Commercial – BBIA Future Land Use Policy BBIA 12.9

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy FLU 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy FLU 2.11 of the Future Land Use Element; e) Institutional uses; and

- f) ~~Recreational uses; and~~
- g) ~~Public Facilities~~

~~—The 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 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 in~~ the BBIA.
- 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 three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75 unless zoned and providing 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. Due to the linear nature and lack of interstate interchanges via arterial and principal collector transportation corridors along SR A1A south of Melbourne Beach, new recreational vehicle parks shall not be considered within the BBIA. 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.

~~Community Commercial — BBIA Future Land Use Policy BBIA 12.~~

~~8. Community Commercial — BBIA Future Land Use Policy BBIA 12.108~~

~~Community Commercial — BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy FLU 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria are met, include the following:~~

- a) ~~Existing strip commercial;~~
- b) ~~Transient commercial uses;~~

- e) — Tourist commercial uses;
- d) — Professional offices;
- e) — Personal service establishments;
- f) — Retail establishments;
- g) — Non retail commercial uses;
- h) — Residential uses pursuant to Policy FLU 2.11 of the Future Land Use Element; i) — Institutional uses;
- j) — Recreational uses; and
- k) — Public facilities;

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.
 - 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.
- 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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0 unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- D. — 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.

Public Facilities – BBIA Future Land Use Policy BBIA 12.10

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

- A. Public facilities are those uses that, 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 0.25

- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map 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.
- 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.

In order to maximize the efficiency of public facilities and resources, Brevard County and 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 — BBIA Future Land Use Policy BBIA~~

~~12.10~~

~~The Recreation — BBIA land use designation may be adopted as part of the Future Land Use Map 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, 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 acquisition by Brevard County of the property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.~~

Objective BBIA 13 should be removed, as it is already contained in State Statute.

~~— Removal of Area of Critical State Concern Designation Objective BBIA 13~~

~~The BBIA may be recommended for de-designation by the state land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.~~

~~Sufficiency of Local Plan and Land Development Regulations Policy BBIA 13.1~~

~~Brevard County acknowledges that the state land planning agency may at any time recommend the removal of the designation of the BBIA as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the BBIA and carry out the legislative intent expressed in section 380.0553(3), F.S., and are in compliance with the principles for guiding development specified in section 380.0553(5), F.S.~~

Criteria for De-designation Policy BBIA

13.2

~~Brevard County acknowledges that the state land planning agency must recommend removal of the designation to the administration commission if it determines that:~~

- ~~Adequate restoration and renourishment programs are in place to preserve the beaches and dunes of the southern barrier island in Brevard County for nesting sea turtles;~~
- ~~A. — Seagrass replanting in the Indian River Lagoon extending the length of the BBIA is in a coverage volume that would establish recovery to scientifically defensible reference targets;~~
- ~~B. — Nonpoint pollution sources into the Indian River Lagoon that contribute to total phosphorus, total nitrogen, chlorophyll a, fecal coliform, and metals have been sufficiently reduced to meet water quality criteria standards resulting in the removal of the Indian River Lagoon from the impaired waters list;~~
- ~~C. — The green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and leatherback sea turtle (*Dermochelys coriacea*) have been delisted from the Florida Endangered and Threatened Species rule and the Florida Marine Turtle Protection Act under section 379.2431, F.S., as may be amended from time to time;~~
- ~~D. — The Brevard County local comprehensive plan, its land development regulations, and the administration of such plans and regulations are adequate to protect the BBIA, fulfill the legislative intent specified in section 380.0553(3), F.S., and are consistent with and further the principles guiding development; and~~
- ~~E. — The Brevard County Commission has adopted a resolution at a public hearing recommending the removal of the designation.~~

Timeline for De-designation Policy BBIA 13.3

~~Brevard County acknowledges that the Administration Commission must initiate rulemaking to remove the BBIA area of critical state concern designation within 45 days after receipt of the recommendation from the state land planning agency, if the commission concurs with the recommendation for removal.~~



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

July 17, 2025

James Stansbury, Chief
Bureau of Community Planning and Growth
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120

Re: Adoption of the BBIA as a new element to the Comprehensive Plan.

Dear Mr. Stansbury:

Please find enclosed, Brevard County's EAR based amendments to the Comprehensive Plan. This amendment is subject to the State Coordinated Review Process pursuant to Section 163.3184(4), Florida Statutes. The following statements are included to ensure consistency with statutory requirements contained therein.

- This amendment includes the Brevard Barrier Island Area, an Area of Critical State Concern adopted pursuant to Section 380.05.0553, Florida Statutes.
- This amendment is not related to a rural land stewardship area pursuant to Section 163-3248, Florida Statutes.
- This amendment is not related to a sector plan pursuant to Section 163.3245, Florida Statutes.
- This amendment is related to an update of the Comprehensive Plan based on an Evaluation and Appraisal Review pursuant to Section 163.3191, Florida Statutes.
- This amendment does not propose a development pursuant to Section 380.06, Florida Statutes.
- This amendment is not related to a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, Florida Statutes.

The Brevard County Local Planning Agency held a public hearing at 3:00 pm on October 14, 2024, and recommended transmittal of this Comprehensive Plan Amendment.

The Board of County Commissioners held a public hearing at 5:00 pm on November 7, 2024, and approved transmittal of the Comprehensive Plan Amendment.

The Brevard County Local Planning Agency held a public hearing at 3:00 pm on June 16, 2025, and recommended adoption of this Comprehensive Plan Amendment.

The Board of County Commissioners held a public hearing at 5:00 pm on July 17, 2025, and adopted this Comprehensive Plan Amendment.

Brevard County certifies that it has sent a complete amendment package with supporting data and analysis via e-mail to the following agencies on the date indicated.



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

- Department of Agriculture and Consumer Services (CompPlans@fdacs.gov) on July 21, 2025.
- Department of Education (CompPlans@fdoe.org) on July 21, 2025.
- Department of Environmental Protection (PlanReview@dep.state.fl.us) on July 21, 2025.
- Department of State (CompliancePermits@dos.MyFlorida.com) on July 21, 2025.
- Florida Fish and Wildlife Conservation Commission (FWCConservationPlanningServices@myfwc.com)
- Department of Transportation, District 5 (CompPlans.D5@dot.state.fl.us) on July 21, 2025
- East Central Florida Regional Planning Council (Compplan@ecfrpc.org) on July 21, 2025
- St. Johns River Water Management District (sfitzgibbons@sjrwmd.com) on July 21, 2025
- Patrick Space Force Base (ann.heyer.1@spaceforce.mil) on July 21, 2025

The adopted Comprehensive Plan Amendment will incorporate new and updated goals, objectives and policies into the Comprehensive Plan based on the requirements of Section 380.05.0553, Florida Statutes

The local Contact person is:

Derrick Hughey, Associate Planner

Brevard County Planning and Development Department

2725 Judge Fran Jamieson Way, Suite A-114

Viera, Florida 32940

Direct line: 321-409-9426

Fax: (321) 633-2087

Derrick.Hughey@brevardfl.gov

April 2, 2025

RESPONSE VIA E-MAIL ONLY

Mr. Billy Prasad
Interim Director
Brevard County Planning and Development
2725 Judge Fran Jamieson Way, Building A, Room 114
Viera, Florida 32940

RE: EAR-Based Amendment

Dear Mr. Prasad:

This letter is in response to the e-mail dated April 2, 2025, notifying of an extension for the adoption of a proposed amendment COM# 24-03ER to the Brevard County Comprehensive Plan pursuant to Section 163.3184(3), Florida Statutes (F.S.).

FloridaCommerce acknowledges receipt of the notice to extend the deadline to adopt the proposed amendment. The new extended adoption date is September 17, 2025. FloridaCommerce reminds Brevard County that all affected persons who commented on the amendment need to be notified of the extension.

Once the proposed amendment is adopted, please submit the amendments to FloridaCommerce, Bureau of Community Planning and Growth, Plan Processing Team within 10 working days of adoption pursuant to Section 163.3184, F.S.

If you have any questions concerning this matter, please do not hesitate to contact Yazmin Valdez at (850)717-8524, or myself, at 850.717.8491.

Sincerely,



Donna Harris, Senior Plan Processor
Bureau of Community Planning and Growth

DH/



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

July 5, 2025

James Stansbury, Bureau Chief
Florida Commerce, Bureau of Community Planning and Growth
107 East Madison Street
Caldwell Building
Tallahassee, Florida 32399-4120

VIA E-MAIL

RE: Extension request for adoption of EAR based amendments and BBIA Element

Dear Mr. Stansbury:

To allow sufficient time for internal staff review and to address concerns expressed by third parties, Brevard County requests a sixty (60) day extension to the required adoption date for the EAR based amendments and the Brevard Barrier Island Area element of the comprehensive plan. With your approval the new adoption date will be September 17, 2025.

If you have any questions, please contact me.

Sincerely,

Billy Prasad,
Interim Planning and Development Department Director

cc: Bonnie Landry, Bonnie C. Landry & Associates.
Kim Dinkins, 1000 Friends of Florida
Stacey Gallagher, Sea Turtle Conservancy
Mark Shantzis, BIPPA



BREVARD COUNTY

BBIA ACSC

PUBLIC FEEDBACK SUMMARY

September 24, 2024



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BREVARD BARRIER ISLAND ACSC OVERVIEW

The southern portion of Brevard County’s barrier island was designated as an Area of Critical State Concern (ACSC) by the Florida Legislature in 2023. The ACSC designation aims to protect the south beaches from any adverse impacts of development. The designation of ACSC requires the local government, Brevard County, to update its Comprehensive Plan and Land Development Regulations to support the principles guiding development, found in Section 380.0553 of the Florida Statutes.

The Brevard Barrier Island Area of Critical State Concern (BBIA) represents an important marine ecosystem with critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. A key component of drafting local regulations is outreach to the public to ensure new goals and policies mirror both the new legislation and the public’s desires.

Brevard County has engaged the services of Bonnie C. Landry and Associates (BCLA) to oversee the planning and execution of public outreach initiatives for the Area of Critical State Concern Project. BCLA utilized a diverse array of outreach strategies to solicit public feedback, recognizing the varied ways individuals process and assimilate information. Understanding that each person has distinct learning preferences—whether visual, auditory, verbal, social/interpersonal, or kinesthetic—the outreach effort was designed to incorporate best practices and innovative methods to cater to these diverse learning styles. By employing a comprehensive range of interactive outreach techniques, the outreach initiative aimed to enhance the depth and quality of public engagement.



This document offers a comprehensive summary of the feedback collected through various channels:

- **Live Meeting Survey Results:** Attendees of the Public Education and Outreach Meeting held on August 28, 2024, utilized hand-held polling devices to respond to questions similar to those in the online survey. This report presents a graphical representation for each survey question at the live workshop. This report can be found in the **appendix** of this document.
- **Public Email Feedback:** Members of the public were invited to share their comments via email to the planning consultant at info@blandry.com. This report summarizes the received emails, categorizing them by topic. The complete content of these emails is included in the **appendix** of this document.
- **Online Survey Results (SurveyMonkey):** The report features graphical representations for each survey question alongside summarized open-ended responses, organized by topic. Detailed comments can be found in the **appendix** of this document.

1. EXECUTIVE SUMMARY

Brevard County has actively sought public feedback on the draft ACSC Appendix to the Comprehensive Plan. The draft document was made available on the County's website more than two months prior to the first Public County Commission Hearing scheduled for November 7, 2024. This outreach effort aimed to incorporate public comments into the draft document before the initial hearing with the County Commission.

This Executive Summary outlines the various avenues of public participation in this planning process, including live polling from the Outreach Meeting, public comments submitted via email, and responses from the online survey portal. The summary provides an analysis of the collected data, highlighting trends and common themes.

While this is a high-level overview, a complete record of all comments from emails and survey responses is included in the appendix of this report.

PUBLIC INFORMATION AND OUTREACH MEETING

An in-person Public Information and Outreach Meeting was conducted on August 28, 2024, at 5:30 PM at South Beach Community Park, located at 500 Old Florida Trail, Melbourne Beach, FL 32951. This venue was selected for its accessibility to residents of the Barrier Island, and a virtual participation option was also provided. The meeting attracted a total of **254 participants**, including 212 attendees in person and 42 participating virtually.

The agenda featured a project timeline, an overview of Florida laws designating the Brevard Barrier Island as an Area of Critical State Concern, a map of the region, and an explanation of the "Guiding Principles" that influence local policies and regulations, the comprehensive plan appendix, and land development regulations.

Following the presentation, attendees participated in a live survey using handheld polling devices, which delivered real-time results and graphical representations of participant feedback. Additionally, polling questions were made available on the Brevard County website for those unable to attend.

PUBLIC COMMENTS (EMAILS)

The public was invited to provide feedback on the draft ACSC Appendix via email, ensuring that each comment was digitally recorded as part of the public record. Over **100 emails** were received for this project, and all emails submitted up to September 6, 2024, are included in this report. Comments received after this date will also be part of the public record.

Due to the volume of emails, each was categorized by topic. It is important to note that many emails contained multiple comments; consequently, while there were approximately 100 emails, a total of **400 comments** were identified. These comments have been organized by topic and graphed to identify trends in public sentiment. The full documentation of these emails can be found in the Appendix of this report.

ONLINE SURVEY RESULTS (OPEN COMMENT PORTAL)

Bonnie C. Landry and Associates utilized SurveyMonkey to gather community feedback regarding perceptions of the ACSC and the priorities deemed most significant by respondents. The survey received a total of **340 responses**. The results, including graphical representations, are detailed in the Appendix of this report.

The survey also invited open-ended responses on the ACSC, which are included in the appendix. While 184 survey participants submitted open-ended comments, multiple topics were identified within these responses, resulting in a total of **332 comments** included in this component of the survey.

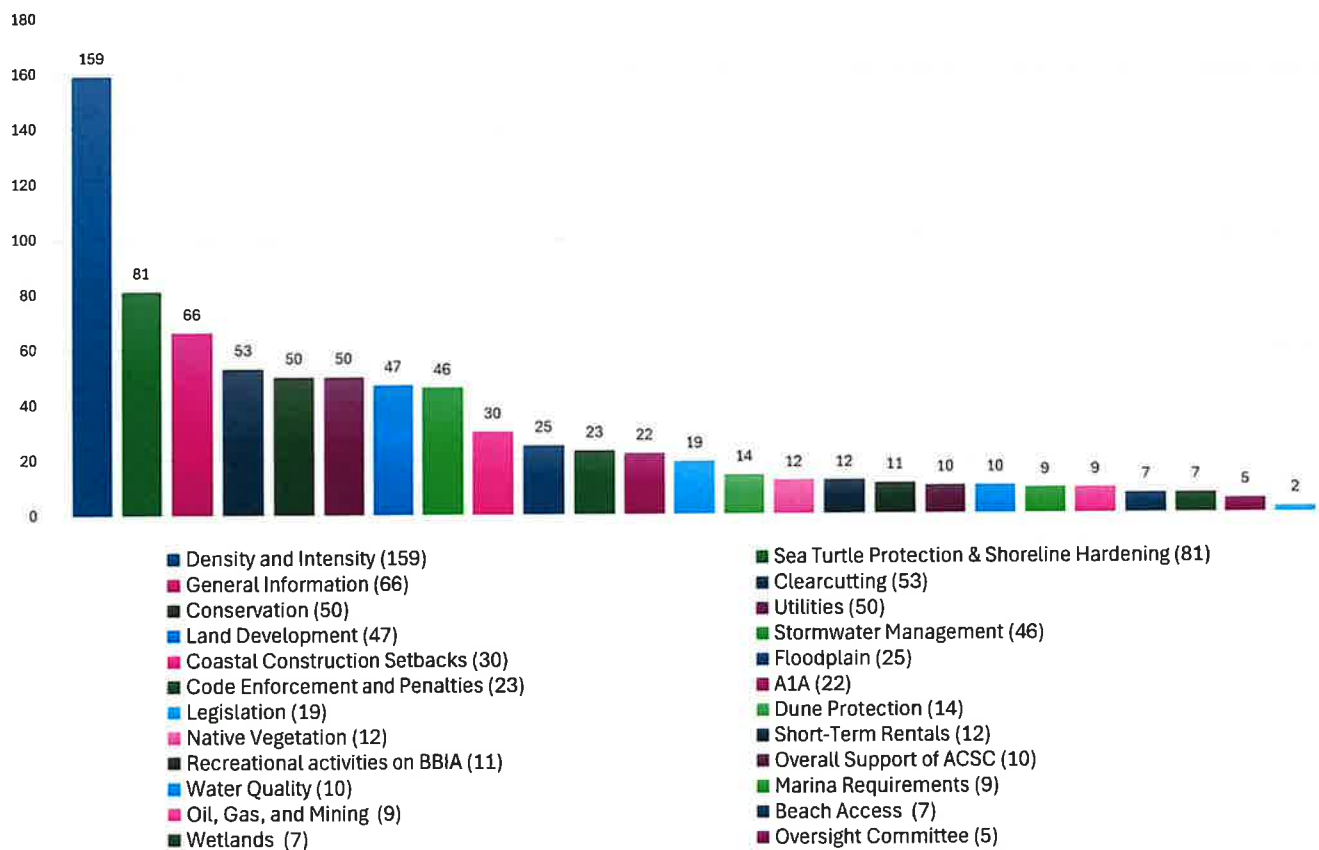
COMBINED EMAIL AND OPEN COMMENTS SURVEY RESULTS

The emails and open comments from the online survey have been compiled and categorized by topic. In total, **732 comments** have been documented in this report.

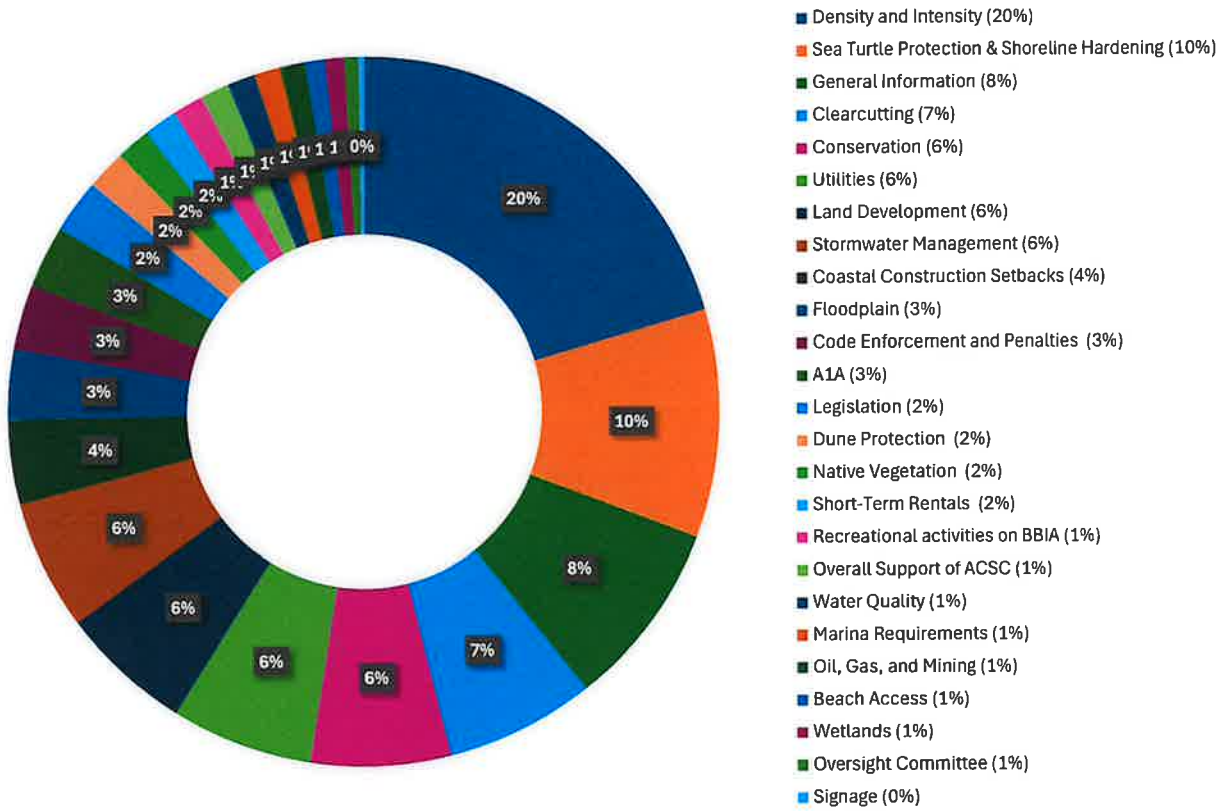
2. ANALYSIS & SUMMARY OF PUBLIC INPUT

The total of 732 comments from email and open comment portal of the survey have been summarized by topic in this graph.

ACSC Public Comments - Total Number by Topic



ACSC Public Comments - Percentages by Topic



GUIDING PRINCIPLES

To effectively analyze the feedback received, the consultant initiated the process by comparing the guiding principles of development outlined in the legislation that designated the Brevard Barrier Island as an Area of Critical State Concern with the public comments. The enabling legislation, FSS 380.0553, specifies ten guiding principles:

- a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.
- b) Prioritizing water quality restoration projects in the Indian River Lagoon.
- c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.
- d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.
- e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical public infrastructure.
- f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.
- g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.
- h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.
- i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.
- j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

The comments were organized into 25 categories. This report will focus on the **top 8 categories** of topics identified:

- Density and Intensity
- Sea Turtle Protection and Shoreline Hardening
- General Information
- Clearcutting
- Conservation
- Utilities
- Land Development Regulations
- Stormwater Management

GUIDING PRINCIPLES MATRIX & COMMENT TOPIC COMPARISON

Comment Topics	BBIA ACSC Guiding Principles from FSS 380.0553								
	a)	b)	c)	d)	e)	f)	g)	h)	i)
Density and Intensity									X
Sea Turtle Protection and Shoreline Hardening	X					X	X		
General Information									
Clearcutting						X	X	X	X
Conservation	X					X	X		
Utilities			X				X		
Land Development Regulations							X		X
Stormwater Management		X	X			X	X		
Coastal Construction Setbacks	X				X	X			
Floodplain	X					X	X		
Code Enforcement and Penalties									
A1A									
ACSC Legislation									
Dune Protection					X				
Native Vegetation						X	X		X
Short-term rentals									
Recreational Activities									
Overall Support of ASCS Designation	X	X	X	X	X	X	X		X
Water Quality		X	X	X		X	X		
Marina Requirements			X		X		X		X
Oil, Gas and Mining			X		X	X	X		X
Beach Access						X	X		
Wetlands				X					
Oversight Committee									
Signage									

PUBLIC FEEDBACK SUMMARY

Brevard County BBIA ACSC

DENSITY AND INTENSITY

The category with the highest number (20%) of comments (159 comments) was “Density and Intensity” with. These comments ranged from requests to “stop density of any kind” to calls to “limit density” and “avoid high-rise development.” Upon reviewing the Guiding Principles of Development, the principle most closely aligned with this category is Principle j), which pertains to compatibility, given the prevalence of single-family homes on the island.

However, the legislative findings in FSS 380.0553(f) acknowledge that “density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provision of services, as well as the building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding structures following severe erosion events.”

Many comments concerning density specifically referenced Objective 12 in the August draft of the document, which states, “Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, PUB CONS-BBIA.” It is important to note that these proposed BBIA Future Land Use categories mirror those on the existing Future Land Use Map of the barrier island, with no increase in density proposed in the BBIA appendix.

The proposed BBIA Future Land Use Map maintains the same density for residential properties and intensity for commercial properties as currently exists on the Brevard Barrier Island. For instance, lands designated as Res 15 on the existing Future Land Use Map will continue to be classified as Res 15-BBIA, with both designations allowing for fifteen units per acre. A similar methodology was applied to assign commercial Future Land Use categories, which reflect the intensities present on the existing Future Land Use Map. Lands currently classified as Community Commercial will be designated as Community Commercial – BBIA on the Future Land Use Map.

In summary, it is clear that community input regarding this draft appendix expresses a strong desire for assurances that densities and intensities will not increase. Consequently, the Transmittal document presented to the County Commission will include policies clarifying how BBIA Future Land Use Map categories are assigned, based on the current Future Land Use Map. Additionally, it will acknowledge Brevard County Coastal Element Policy 7.1, which states, “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.” There are no plans to remove Coastal Management Policy 7.1 as part of the EAR-based amendments that coincide with the ACSC project.

PUBLIC FEEDBACK SUMMARY

Brevard County BBIA ACSC

SEA TURTLE PROTECTION AND SHORELINE HARDENING

The second most frequently mentioned topic (10%) was Sea Turtle Protection and Shoreline Hardening, which garnered 81 comments. These comments ranged from calls to protect the dunes to requests for educating seasonal residents about the importance of managing artificial lighting (including cell phone lights) and enhancing the enforcement of existing regulations.

Four guiding principles correspond to the comments regarding Sea Turtle Protection and Shoreline Hardening: a), g), and h). The Draft Appendix includes a policy to prohibit the construction of new shoreline hardening structures, as well as policies aimed at preserving the natural beach and dune systems. Additionally, policies will be implemented to uphold lighting regulations that minimize the visibility of artificial light to nesting female turtles and hatching turtles. These policies will be further detailed in the corresponding Land Development Regulations.

GENERAL INFORMATION

General Information comments represented 8% of the total comments, with 66 comments being recorded in this category. This category served as a catch-all for general comments regarding the process, the Outreach Meeting, the protection of community character, expressions of appreciation for the appendix, offers of assistance, and concerns about potential exceptions and loopholes. As these are general comments, there are no specific guiding principles associated with this category. For individuals who raised concerns about the acoustics of the gym where the meeting was held, we directed them to the audio recording available online, which provides clear audio along with the visual presentation.

CLEARCUTTING

The comments in this category, with 53 comments, (representing 7% of the total comments received) consistently focused on how the county calculates the area eligible for clearing in new development. While limiting the clearing of lots may relate to Guiding Principles g), h), i), and j), the level of detail involved is more appropriate for the Land Development Regulations (LDR). The LDR is more specific about how a site is developed. Comprehensive Plan policies should remain broad, such as Policy 7.1A, which states, "Maintain and enhance upland vegetation with required setbacks to reduce runoff." Specific definitions for setbacks and open space should be addressed during the upcoming updates to the LDR associated with the designation.

PUBLIC FEEDBACK SUMMARY

Brevard County BBIA ACSC

CONSERVATION

Comments in the Conservation category, with 53 comments, (representing 7% of the total comments received) focused on land acquisition for conservation purposes, with specific attention to the importance of protecting private property rights. Additional feedback addressed the overall protection of the area, concerns about excessive asphalt, and the need to limit certain types of land uses. There were also comments regarding shark fishing and the necessity of educating the community about protected wildlife. The guiding principles associated with this category include a), g), and h).

UTILITIES

Comments in the Utilities category, with 53 comments, (representing 7% of the total comments received) primarily addressed the use of traditional septic tanks, expressing support for a conversion from septic to sewer systems on the island. There were also calls to discourage the establishment of new package treatment plants and a desire to provide potable water service to the island. The guiding principles associated with this category include c) and h). The EAR-based amendment to the Sewer Element includes a policy to prohibit private wastewater systems.

In response to these comments, the Transmittal version of the appendix includes three new policies under Objective 4, in accordance with FSS 373.469, which prohibits the installation of new septic tanks where a sewer system is available. It mandates that only upgraded septic systems with enhanced nutrient reduction achieving at least 65 percent nitrogen reduction be permitted by July 1, 2030. This regulation applies to the barrier island, as it falls within a Department of Environmental Protection Basin Management Action Plan (BMAP) area. Additionally, numerous existing policies in the appendix already limit the use of private treatment plants.

LAND DEVELOPMENT REGULATIONS

This category of comments, with 47 comments, (representing 6% of the total comments received) pertains to the land development regulations that are scheduled for updating within one year of the adoption of this appendix. Feedback included concerns about the evaluation of new development applications, zoning categories, and flood mitigation. The guiding principle associated with this category is h).

PUBLIC FEEDBACK SUMMARY

Brevard County BBIA ACSC

As noted in the section regarding clear cutting, the land development regulations are integral to the BBIA designation and will be revised following the adoption of the appendix. However, the plan includes policies that outline several recommended changes for the land development regulations.

STORMWATER MANAGEMENT

The Stormwater Management category, with 46 comments, (representing 6% of the total comments received) included comments regarding the use of pesticides, insecticides, and other chemicals in runoff that negatively impact water quality. Most comments emphasized the importance of managing and reducing runoff into the Indian River Lagoon. Support was expressed for the county's policy prohibiting direct discharges of wastewater into surface waters, along with other protective measures. Additionally, comments advocated for the protection of seagrass beds and the reduction of water pollution. Overall, the feedback highlighted the need for comprehensive regulations to prevent water pollution and emphasized the importance of strong enforcement of these measures. The guiding principles related to this category are b), c), g), and h).

3. APPENDIX

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WORKSHOP POLLING GRAPHS

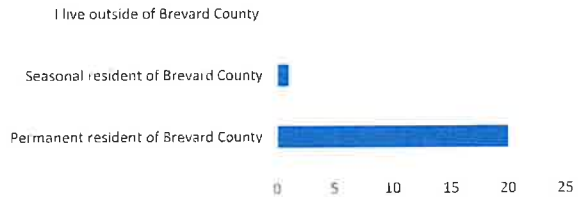
Attendees of the Public Education and Outreach Meeting held on August 28, 2024, utilized hand-held polling devices to respond to questions similar to those in the online survey. The following pages presents a graphical representation for each survey question at the live workshop.

Question Analysis Report

8/28/2024 6:38 PM

1. I am a:

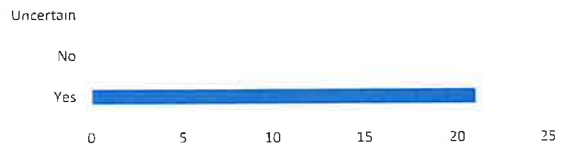
1	Permanent resident of Brevard County	20	95%
2	Seasonal resident of Brevard County	1	5%
3	I live outside of Brevard County	0	0%
		21	100%



8/28/2024 6:39 PM

2. I live in the Brevard Barrier Island Area (BBIA) of Critical State Concern (ACSC)?

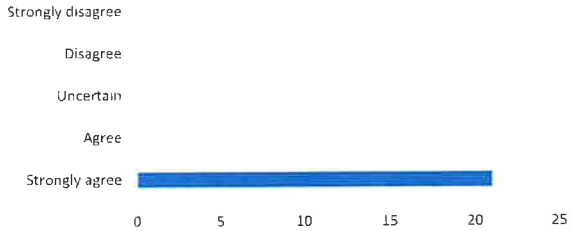
1	Yes	21	100%
2	No	0	0%
3	Uncertain	0	0%
		21	100%



8/28/2024 6:40 PM

3. The ACSC designation is important to the future of the Brevard Barrier Island Area.

1	Strongly agree	21	100%
2	Agree	0	0%
3	Uncertain	0	0%
4	Disagree	0	0%
5	Strongly disagree	0	0%
		21	100%

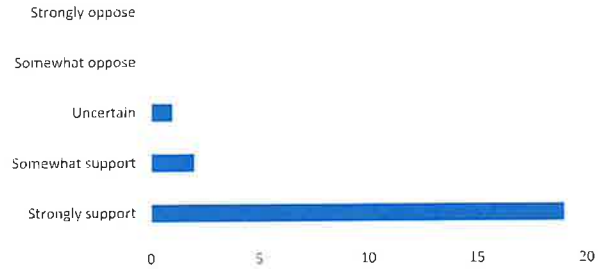




8/28/2024 6:41 PM

4. The draft BBIA appendix in the Brevard County Comprehensive Plan prohibits new shoreline hardening (seawalls, riprap and bulkheads) and encourages living shoreline concepts. How do you feel about this proposed policy?

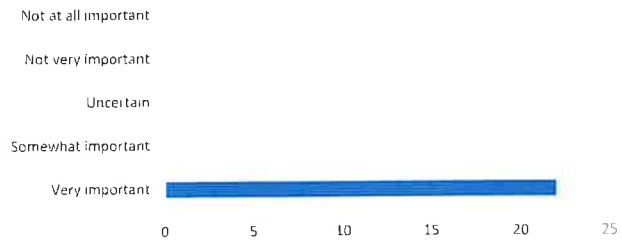
1	Strongly support	19	86%
2	Somewhat support	2	9%
3	Uncertain	1	5%
4	Somewhat oppose	0	0%
5	Strongly oppose	0	0%
		22	100%



8/28/2024 6:41 PM

5. How important is it for Brevard County government to prioritize funding of water quality restoration projects to benefit the Indian River Lagoon?

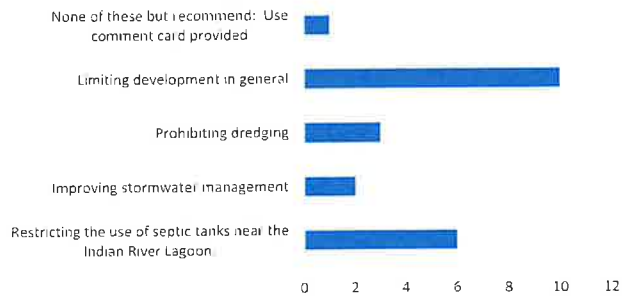
1	Very important	22	100%
2	Somewhat important	0	0%
3	Uncertain	0	0%
4	Not very important	0	0%
5	Not at all important	0	0%
		22	100%



8/28/2024 6:42 PM

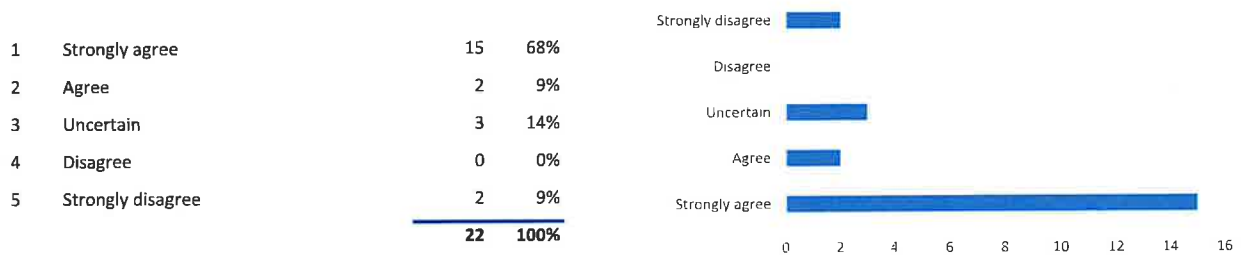
6. Which of these strategies to reduce nutrient pollution in the BBIA is most important to you?

1	Restricting the use of septic tanks near the Indian River Lagoon.	6	27%
2	Improving stormwater management	2	9%
3	Prohibiting dredging	3	14%
4	Limiting development in general	10	45%
5	None of these but recommend: Use comment card provided	1	5%
		22	100%



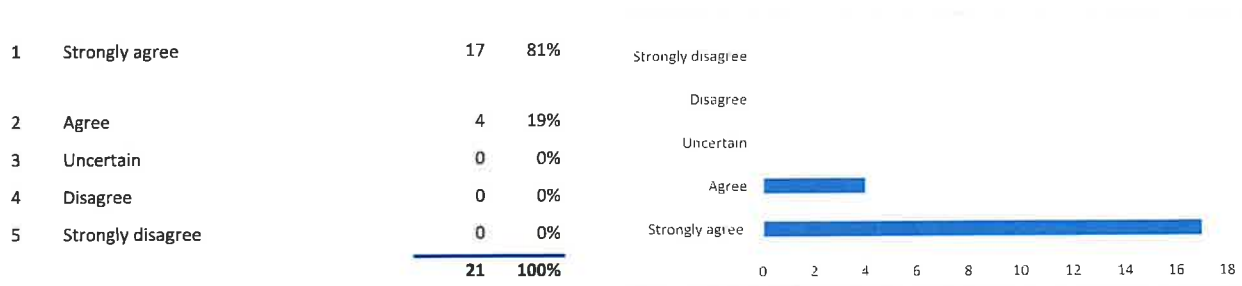
8/28/2024 6:43 PM

7. Brevard County supports innovative, nature-based solutions including living shorelines and wetland restoration.



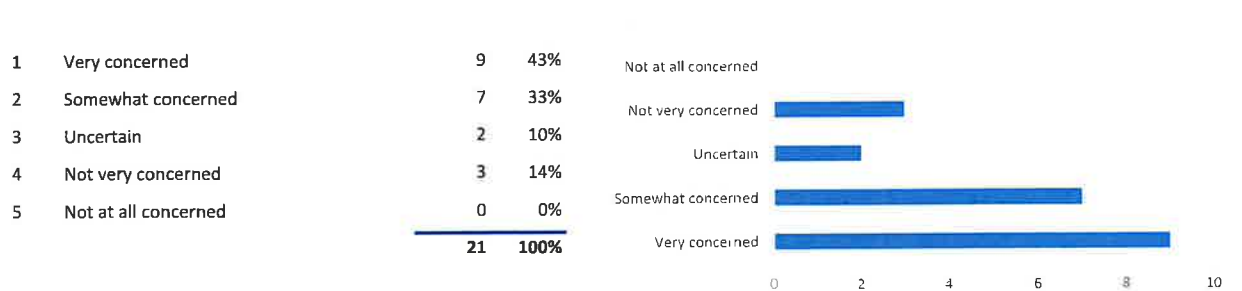
8/28/2024 6:44 PM

8. Brevard County should encourage innovative ways to manage stormwater (rain gardens, bioretention areas and vegetated swales) within the BBIA.



8/28/2024 6:45 PM

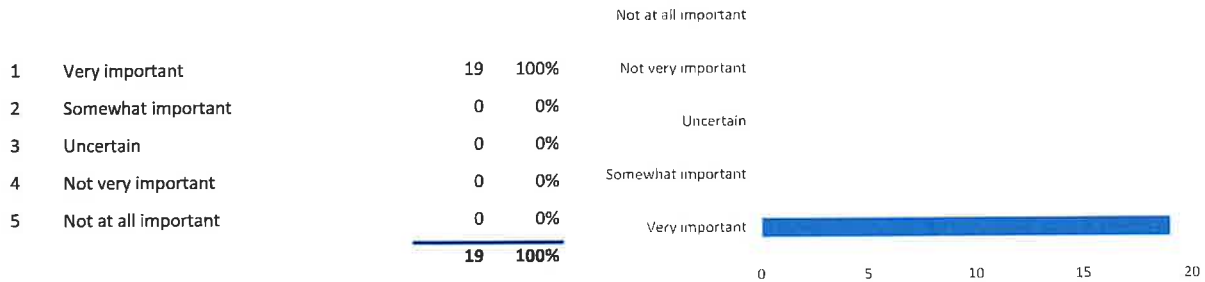
9. How concerned are you about flooding and storm surge for the BBIA?





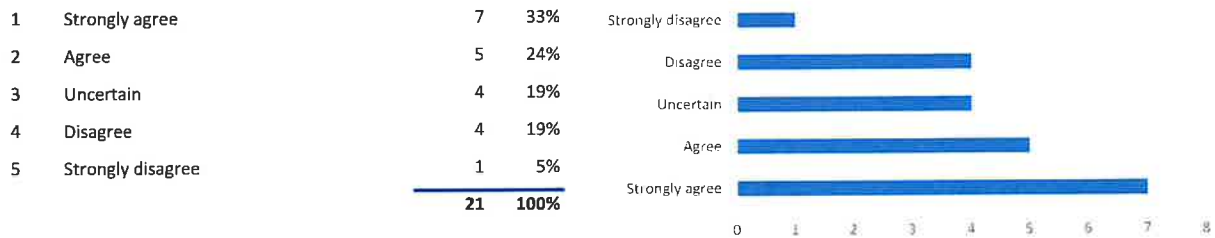
8/28/2024 6:46 PM

10. How important is it to you to protect upland resources such as dune ridges, beaches, and wildlife habitats?



8/28/2024 6:46 PM

11. Brevard County protects shoreline and marine resources, including mangroves, seagrass beds, wetlands, manatees, fish and wildlife and related habitats:



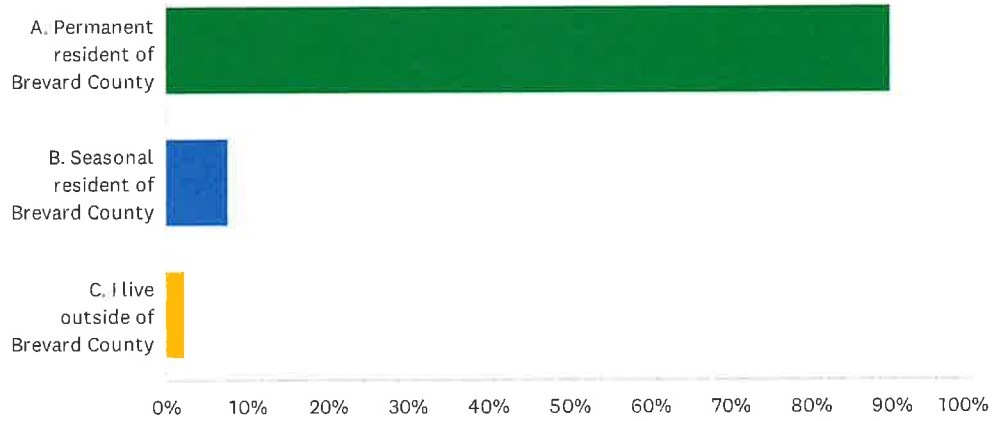
ONLINE POLLING GRAPHS & OPEN COMMENTS (SURVEY MONKEY)

The following pages include graphical representations for each question from the online survey (conducted through Survey Monkey), along with all detailed comments received.

Brevard Barrier Island Area of Critical State Concern Survey

Q1 I am:

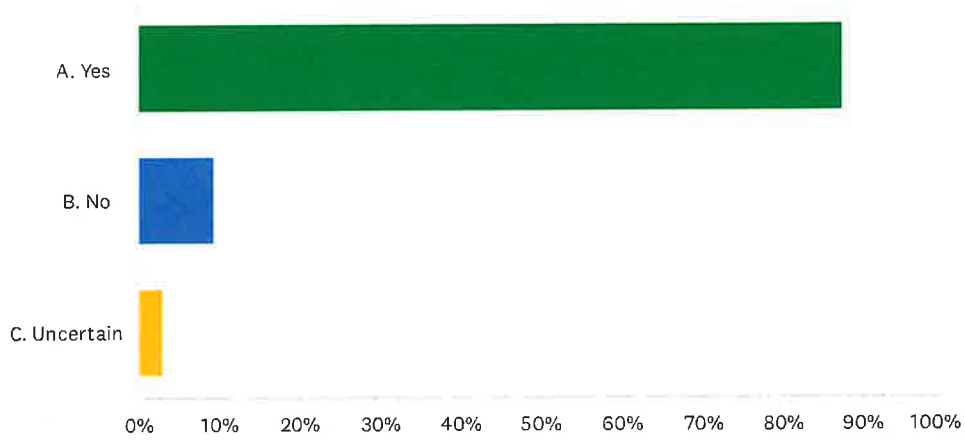
Answered: 339 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Permanent resident of Brevard County	89.97%	305
B. Seasonal resident of Brevard County	7.67%	26
C. I live outside of Brevard County	2.36%	8
TOTAL		339

Q2 I live in the Brevard Barrier Island Area (BBIA) of Critical State Concern (ACSC)?

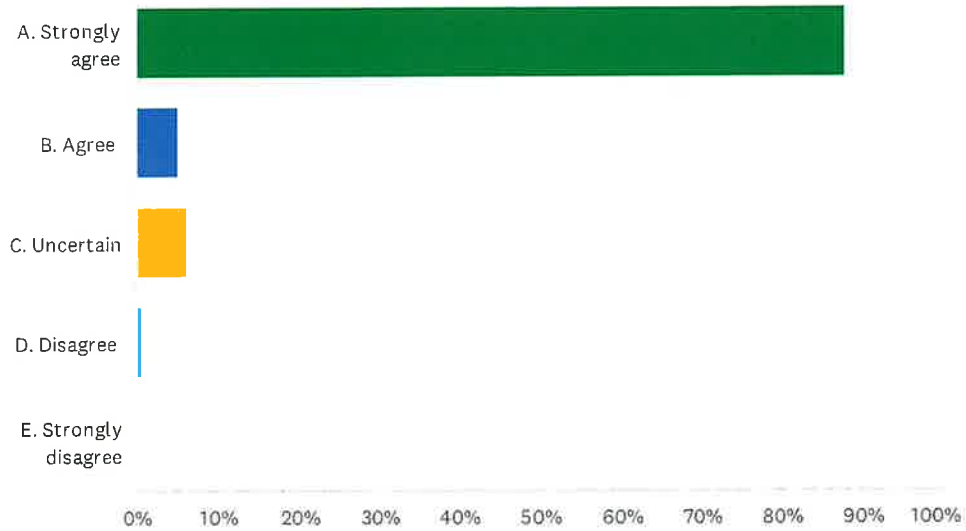
Answered: 338 Skipped: 2



ANSWER CHOICES	RESPONSES	
A. Yes	87.57%	296
B. No	9.47%	32
C. Uncertain	2.96%	10
TOTAL		338

Q3 The ACSC designation is important to the future of the Brevard Barrier Island Area.

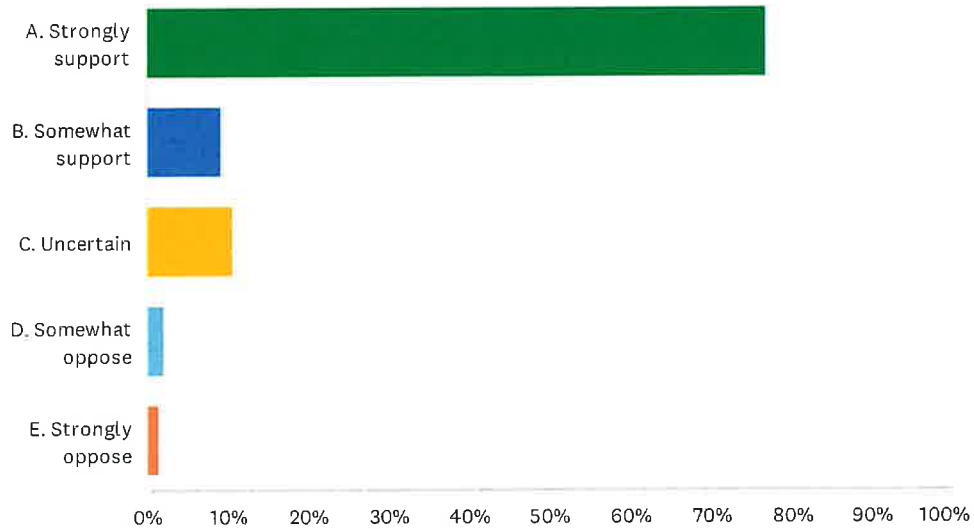
Answered: 337 Skipped: 3



ANSWER CHOICES	RESPONSES	
A. Strongly agree	87.83%	296
B. Agree	5.04%	17
C. Uncertain	6.23%	21
D. Disagree	0.59%	2
E. Strongly disagree	0.30%	1
TOTAL		337

Q4 The draft BBIA appendix in the Brevard County Comprehensive Plan prohibits new shoreline hardening (seawalls, riprap and bulkheads) and encourages living shoreline concepts. How do you feel about this proposed policy?

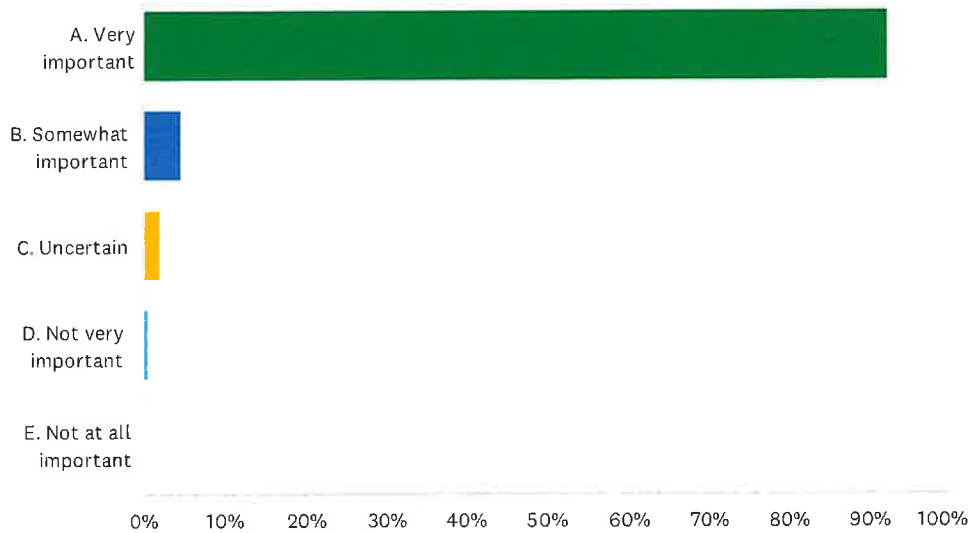
Answered: 339 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Strongly support	76.70%	260
B. Somewhat support	9.14%	31
C. Uncertain	10.62%	36
D. Somewhat oppose	2.06%	7
E. Strongly oppose	1.47%	5
TOTAL		339

Q5 How important is it for Brevard County government to prioritize funding of water quality restoration projects to benefit the Indian River Lagoon?

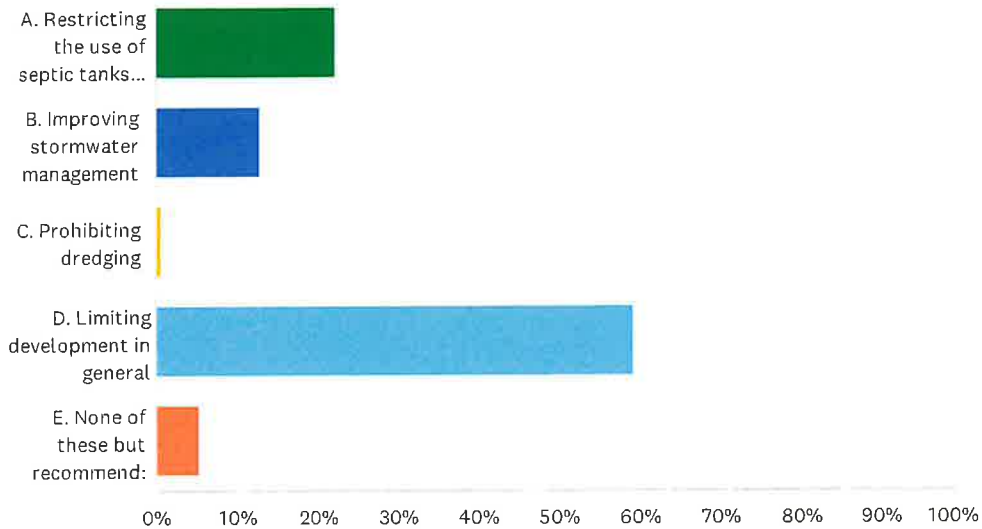
Answered: 339 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Very important	92.33%	313
B. Somewhat important	4.72%	16
C. Uncertain	2.06%	7
D. Not very important	0.59%	2
E. Not at all important	0.29%	1
TOTAL		339

Q6 Which of these strategies to reduce nutrient pollution in the BBIA is most important to you?

Answered: 338 Skipped: 2



ANSWER CHOICES	RESPONSES	
A. Restricting the use of septic tanks near the Indian River Lagoon	22.19%	75
B. Improving stormwater management	12.72%	43
C. Prohibiting dredging	0.59%	2
D. Limiting development in general	59.17%	200
E. None of these but recommend:	5.33%	18
TOTAL		338

#	E. NONE OF THESE BUT RECOMMEND:	DATE
1	Limiting development to Residential 1-BBIA, one single family home in the ACSC area is essential saving the IR Lagoon. So Future Land Use Objective BBIA 12 shall restrict the assignment of future land use to RES 1-BBIA. Remove RES 2-BBIA through RES 15-BBIA and remove NC-BBIA, CC-BBIA. These uses must be removed from the Comp Plan Draft to protect the barrier island in line with the ACSC designation. Thank you for letting us give you our ideas.	9/6/2024 5:58 PM
2	The Comp Plan Draft, as it is currently written, does not meet the intent of the State's Area of Critical Concern designation section 380.0553 FS. The Comp Plan may need more review and input from the Natural Resources staff. So, we do appreciate that we can provide comments tonight. As written, the draft does not reflect what the residents want, because it does not provide adequate protections from development. Our journey to this point has involved many hours of trying to hold back uncontrollable development that wanted to increase density through variance requests. The ACSC designation, we hope, means it will no longer be "business as usual". The end of our journey begins with how well this new section of the Comp Plan is written. If it does not have teeth, it will not protect the island. So, it cannot be ambiguous. Development should continue to be single-family residences. Brevard County	9/2/2024 6:55 AM

Brevard Barrier Island Area of Critical State Concern Survey

should restrict the assignment of future land use categories within the BBIA to only RES 1 and RES 2. Variance requests for anything above RES-1-BBIA or RES 2-BBIA should be prohibited in the South Beaches area. The impacts of development I would like to focus on, are tree canopy and dune vegetation because they are usually the first things to go. Native trees and dune vegetation provide habitat, and hold the dirt and sand in place. They help stabilize the island, prevent erosion, and reduce runoff to the Lagoon. During a hurricane, a tree canopy creates a windbreak. Tree canopy reduces the speed of the wind, and directs it over the canopy protecting the habitats, homes, and soil below it. Tree canopy reduces the intensity of rainfall, like an umbrella. The rain that would have hit the ground, with force is slowed down by the canopy, allowing absorption and reducing runoff. Some Developers in the south beaches are using clear-cutting methods to prepare lots for building. There are other options. The practice of clear-cutting a lot removes almost every tree, bush, and plant. Removing trees not only interrupts the continuity of the island's canopy but it leaves the lot bare so runoff of dirt and sediment finds its way to the IR Lagoon. Evidence from cleared lots and bare dunes along A1A shows that the current regulations are not working. The Comp Plan draft does not strengthen protections for native tree canopy or dune vegetation. Land development regulations must ensure the preservation of tree canopies, and dune vegetation. Violators must be charged and fined. Some items I would like to see addressed in the Draft regarding Tree Canopy, are as follows: 1. There should be no exemption in Section 62-4334 "Landscaping, Land Clearing, and Tree Protection" of the County Code for the South Beaches Area. 2. The practice, of clear-cutting residential lots in the BBIA must be banned. It is the exact opposite of what we are trying to accomplish here. 3. There shall be no exemptions for canopy (tree) removal on Single-family lots, 1.25 acres or less. Section 62-4334 "Landscaping, Land Clearing, and Tree Protection" of the County Code, should be changed so there are no exemptions for Land Clearing and Tree Protection of the lots on the island. 4. The setback area in front of each lot that extends from the lot line to the street, especially along A1A should remain 50% un-cleared, except for invasive species or dead trees. 5. Encourage and educate residents with little or no canopy to plant native wind-tolerant trees. Residents could work from a list of wind-tolerant native trees like Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms. This will help re-establish canopies lost on lots that have already been clear-cut.

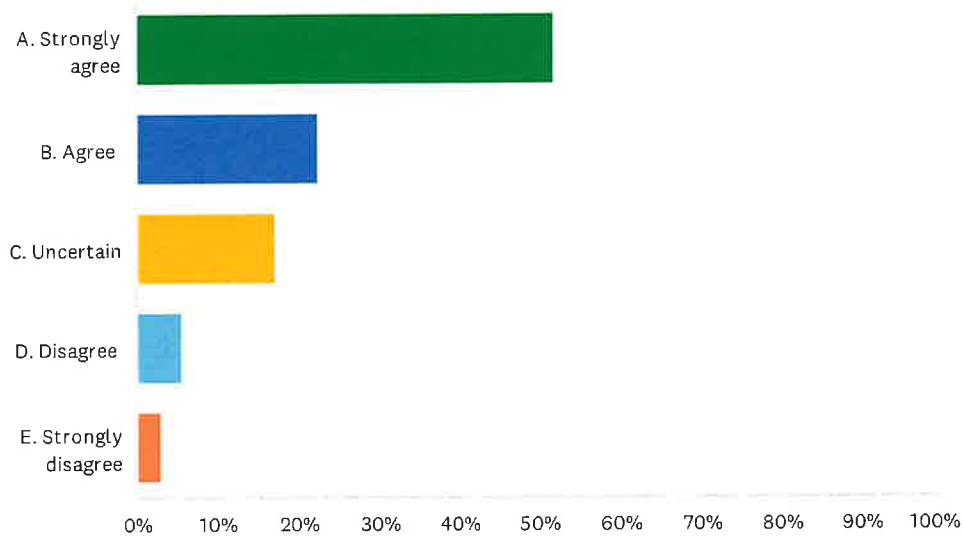
3	Stay out of our business.	8/30/2024 3:17 PM
4	Leave well enough alone!	8/29/2024 10:31 AM
5	All of the above	8/28/2024 6:35 PM
6	Restrict discharge of nutrients from water plants and storm water rich in nutrients. Restrict fertilizer use in any subdivisions with connected storm water ponds to the lagoon.	8/28/2024 6:34 PM
7	Everyone above	8/28/2024 6:29 PM
8	ALL THE ABOVE	8/28/2024 3:09 PM
9	We do not have a public / city water resources to support large scale development.	8/27/2024 3:58 PM
10	Limiting developmental growth —esp multi- family units	8/22/2024 5:09 PM
11	We need a multi-option for above options. We need to do A, B and D to reduce nutrient pollution in the Indian River Lagoon.	8/22/2024 12:43 PM
12	What are the stats on the above? What about all the runoff? Does that come in under stormwater management?	8/19/2024 3:57 PM
13	no more building permits for housing directly on the beaches	8/19/2024 11:40 AM
14	Funding septic to sewer conversions	8/17/2024 2:48 PM
15	use septic systems only if they meet all updated health codes!!	8/16/2024 5:01 PM
16	Ending runoff into lagoon. Maintain runoff at source. No exceptions.	8/16/2024 8:32 AM
17	All of the above plus . No nutrients /herbicides on lawns . Disallowing clear cuts . Imposing rules for planting native trees back in clear cutted property. Strick guidelines as in other civilized places like the Hamptons	8/16/2024 3:55 AM
18	Reduce development and enforce watering restrictions, somehow incentivize planting native plants and lagoon friendly lawns, and reducing lawn chemicals among homeowners. Most	8/15/2024 10:27 PM

Brevard Barrier Island Area of Critical State Concern Survey

beachside lots are 95-100 cleared of all signs of life, a large house is built, a few scrawny non-native plants planted, then aggressive watering and chemical maintenance is immediately implemented by the new homeowner.

Q7 Brevard County supports innovative, nature-based solutions including living shorelines and wetland restoration.

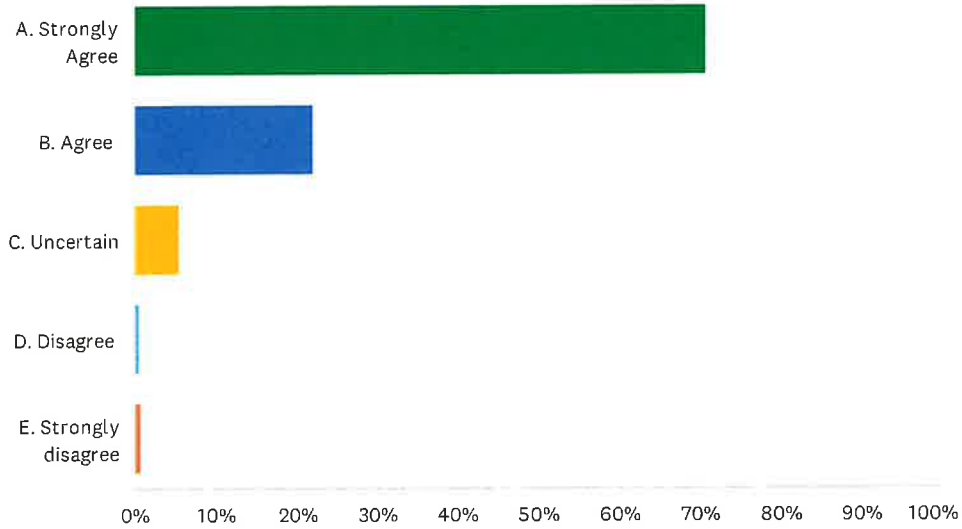
Answered: 338 Skipped: 2



ANSWER CHOICES	RESPONSES	
A. Strongly agree	51.78%	175
B. Agree	22.49%	76
C. Uncertain	17.16%	58
D. Disagree	5.62%	19
E. Strongly disagree	2.96%	10
TOTAL		338

Q8 Brevard County should encourage innovative ways to manage stormwater (rain gardens, bioretention areas and vegetated swales) within the BBIA.

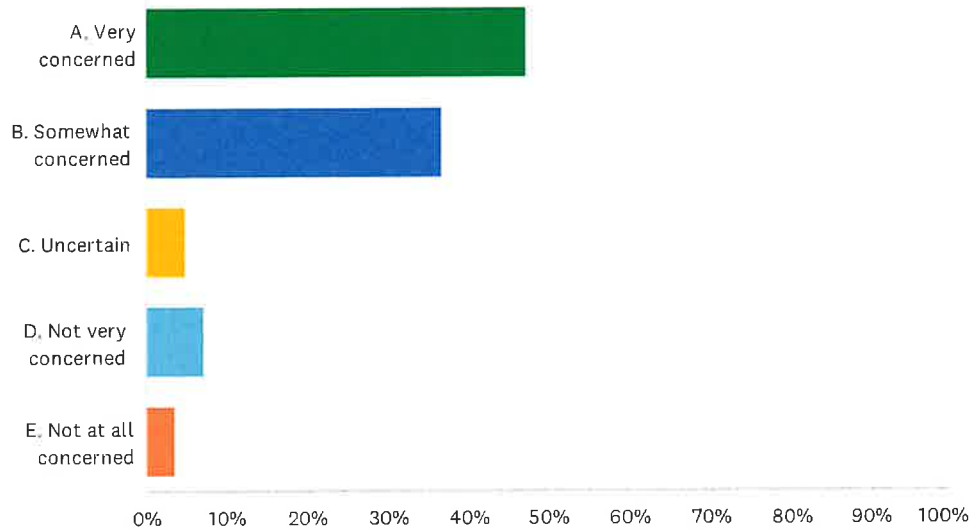
Answered: 340 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Strongly Agree	70.88%	241
B. Agree	22.06%	75
C. Uncertain	5.59%	19
D. Disagree	0.59%	2
E. Strongly disagree	0.88%	3
TOTAL		340

Q9 How concerned are you about flooding and storm surge for the BBIA?

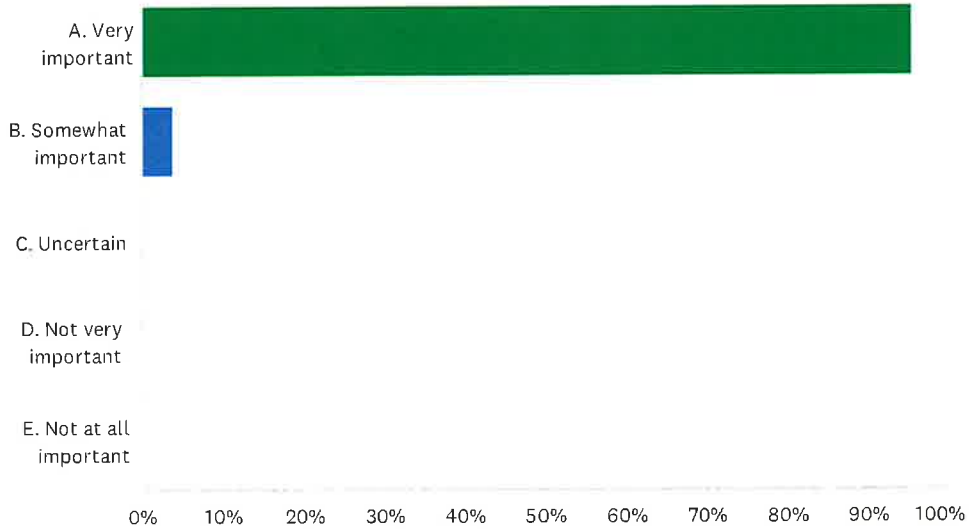
Answered: 340 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Very concerned	47.35%	161
B. Somewhat concerned	36.76%	125
C. Uncertain	5.00%	17
D. Not very concerned	7.35%	25
E. Not at all concerned	3.53%	12
TOTAL		340

Q10 How important is it to you to protect upland resources such as dune ridges, beaches, and wildlife habitats?

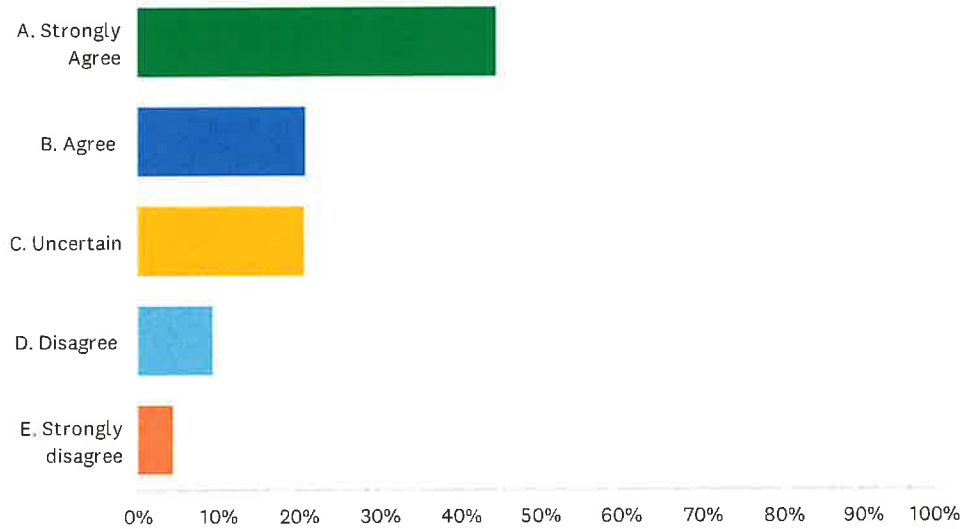
Answered: 340 Skipped: 0



ANSWER CHOICES	RESPONSES	
A. Very important	95.59%	325
B. Somewhat important	3.82%	13
C. Uncertain	0.29%	1
D. Not very important	0.00%	0
E. Not at all important	0.29%	1
TOTAL		340

Q11 Brevard County protects shoreline and marine resources, including mangroves, seagrass beds, wetlands, manatees, fish and wildlife and related habitats:

Answered: 339 Skipped: 1



ANSWER CHOICES	RESPONSES	
A. Strongly Agree	44.54%	151
B. Agree	20.94%	71
C. Uncertain	20.65%	70
D. Disagree	9.44%	32
E. Strongly disagree	4.42%	15
TOTAL		339

Brevard Barrier Island Area of Critical State Concern Survey

Q12 If you have additional comments to share, please enter them here:

Answered: 183 Skipped: 157

#	RESPONSES	DATE
1	Development of the barrier island above RES 1-BBIA will make it impossible to protect the Natural Resources here. Thank you for including us in the Comp Plan Draft.	9/6/2024 5:58 PM
2	So glad this is being addressed! How can I help?	9/6/2024 4:14 PM
3	The current character of development in the BBIA is R-1 Single Family Residences. RES-1 works well with the current level of infrastructure, hurricane evacuation times and the fragile ecosystem of the area. According to the Compatibility Objective BBIA 11, Brevard County ensures there shall not be an increase in density in the BBIA area. Compatibility, Objective BBIA 11, Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA. Policy BBIA 11.1, Brevard County shall not increase residential density designations for properties located within the BBIA. To stop density from increasing, I would like to see Policy 12-1 through Policy 12-8 deleted from the Comp Plan Draft. And Replaced with the following: Future Land Use Categories within the BBIA , Objective BBIA 12 Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, one Residential Single Family Home per acre Residential 1 – BBIA Future Land Use, Policy BBIA 12.1 The Residential 1 – BBIA land use designation permits low-density residential development with a maximum density of up to one (1) unit per acre. 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; orB. Areas that serve as a transition between existing land use or land use designations with a density of one (1) unit per acre. C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for RES 1-BBIA The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023	9/5/2024 9:40 AM
4	-there should be no increases in density -no clear cutting of trees/remove exemptions -	9/4/2024 4:15 PM
5	Thank you for allowing us to comment on the Comprehensive Plan Draft and letting us participate in the process. In 2023, The Florida Legislature, unanimously voted to designate the Brevard Barrier Island Area as an Area of Critical State Concern. That was a big deal and a special moment for us. The Comp Plan Draft, as it is currently written, does not meet the intent of the State's Area of Critical Concern designation section 380.0553 FS. The Comp Plan may need more review and input from the Natural Resources staff. So, we do appreciate that we can provide comments tonight. As written, the draft does not reflect what the residents want, because it does not provide adequate protections from development. Our journey to this point has involved many hours of trying to hold back uncontrollable development that wanted to increase density through variance requests. The ACSC designation, we hope, means it will no longer be "business as usual". The end of our journey begins with how well this new section of the Comp Plan is written. If it does not have teeth, it will not protect the island. So, it cannot be ambiguous. Development should continue to be single-family residences. Brevard County should restrict the assignment of future land use categories within the BBIA to only RES 1 and RES 2. Variance requests for anything above RES-1-BBIA or RES 2-BBIA should be prohibited in the South Beaches.	9/2/2024 6:55 AM
6	Building beyond what our resources can handle stresses the environment and people living here. It's imperative to have a realistic plan in action to protect what we have.	8/31/2024 9:17 AM
7	Density in the area of critical concern should not be increased period. Beachfront properties should remain 1 unit per acre period.	8/30/2024 4:04 PM
8	If you want to protect the area, stop building everywhere, allow natural habitat/plant life to remain.	8/30/2024 3:40 PM
9	Brevard County could do a better job monitoring shoreline restoration. Rick rack is replaced along the lagoon when it washed out (personal knowledge of several sites). Companies doing the repairs do not get permits. Lawn services should not be blowing lawn debris into storm	8/30/2024 11:16 AM

Brevard Barrier Island Area of Critical State Concern Survey

drains. No supervision of this common practice. Companies impacting the lagoon need to have trading and then fines if not following approved ways to do their business.

10	Do not change the density requirements on the Barrier island !	8/30/2024 9:19 AM
11	Stop development. Keep our natural resources.	8/30/2024 7:44 AM
12	Need septic to sewer	8/30/2024 12:45 AM
13	Do not overdevelop	8/29/2024 1:20 PM
14	Please facilitate w/FDOT the resurfacing of A1A, the landscape of West side sidewalks for safety, litter control & maint thereof, and slow down A1A speed limit on island. Please facilitate w/FPL turtle luminary lighting East side A1A.	8/29/2024 11:22 AM
15	There are lots of exceptions in the plan that could potentially destroy the barrier island!	8/29/2024 10:31 AM
16	A team of local residents should form an 'up close' group to meet periodically with local county elected officials to provide ongoing input and receive regular updates as to project performance. I under this designation requires implementation and accomplishment of preservation goals in order to be retained. We need to know our local officials are as committed to these goals as we are.	8/28/2024 8:40 PM
17	NA	8/28/2024 7:47 PM
18	more alerts to rental owners to make dune protection laws clear for their temporary tenants. signage that warns drivers to avoid and even stop and move gopher turtles off A1A and not be angry about being inconvenienced by someone who is assisting one.	8/28/2024 7:03 PM
19	The overwhelming need to sugar coat the re-zoning of the BBIA area is concerning to me. I understand there are environmental benefits to the proposal. Any reasonable person would agree these so called "benefits" should obviously be implemented to attempt to save the dying environment around us. That is beside the point. Indicated several times within the proposal there will be ZERO property density increases. When viewing the later pages of the proposal certain "RES" categorizations will be increased to a maximum of 10-12 dwelling units per acer. Currently we are at 1-4. That is the definition of density increase.	8/28/2024 6:59 PM
20	There is a 2 year old development, Harbor Island Beach club, which would never have been approved under new regs. We must do something to minimize there very detrimental impact. Short term rental limits, property rule enforcement, beach ordinance enforcement. Would like direct feedback Russ Rhodes 2canes@comcast.net	8/28/2024 6:44 PM
21	No new development of residential or commercial buildings on the barrier island is best to protect our area.	8/28/2024 6:44 PM
22	This is coming alittle too late ! The county had allowed Harbour island to be built ! High density! Not with the beauty of the comm. very ugly . Full of ARB s. Have seen them not caring about the dunes, turtles and beaches in general. Totally intrusive . It seems by the time this is completed all the land will be developed!! They are allowing multiple units which encourages Vrbo,ARB rentals ! The could go on and on but will end it there ! Hope this time there will be action taken to protect the residents that love this community.	8/28/2024 6:43 PM
23	Need this to happen asap! Harbour Island is an atrocity and should have never been allowed. We need to stop new developments from happening. This area and its surroundings are in dire need of regulation now before the small amount of land left is gone.	8/28/2024 6:42 PM
24	Additional funds need to be allotted to natural shoreline solutions. Beach renourishment needs to cease. Non functional decorative yards should be banned and native plant gardens allowed by all HOAs. Any development with a certain square footage of pavement should receive financial incentives to convert pavement to permeable surfaces. Imminent domain for condos that require foundation improvements that compromise shoreline	8/28/2024 6:41 PM
25	We need to limit development to single family homes on 0.25 acre lots or larger. Homes need to be an appropriate scale and should not be allowed to clear cut lots of all trees. They can build houses without cutting down every single tree on the lot.	8/28/2024 6:41 PM
26	Better management of public beaches with uniform enforcement	8/28/2024 6:39 PM
27	None	8/28/2024 6:39 PM

Brevard Barrier Island Area of Critical State Concern Survey

28	Short term rentals. Unregulated, increase environmental footprint without increasing density. How is this addressed?	8/28/2024 6:39 PM
29	How are the impacts addressed that are being done by recent developments that wouldn't have been approved under the new regulations? Currently there are not enough Code Officials or Sheriff's Deputies to address people who are doing harm to the environment, so the regulations have no teeth. How will that be addressed?	8/28/2024 6:39 PM
30	No mention has been made about the annual waste of money spent on "beach renourishment". Also, Brevard County has failed to introduce ordinances protecting heritage trees such as Gumbo Limbo, Sea Grape, or Oak.	8/28/2024 6:38 PM
31	Short term rentals are a bane to this area.	8/28/2024 6:38 PM
32	So glad density has already been established	8/28/2024 6:37 PM
33	How do the plans to improve and reconstruct a new bridge over the Sebastian Inlet comply or impact the ASCSC and BBIP?	8/28/2024 6:37 PM
34	I didn't know if 7 or 11 were question or a statement ? I'd like to see that county is proactive and regulates development that has impact on environment	8/28/2024 6:36 PM
35	I don't have time to think about this at the public meeting	8/28/2024 6:36 PM
36	Improving waters edge native landscaping	8/28/2024 6:36 PM
37	Moratorium on new construction. Change overhead FPL power lines to underground utilities. Continue water mains and fire hydrants south to Sebastian Inlet.	8/28/2024 6:36 PM
38	What keeps state or local policies from changing and endangering the BBIA? They want to change how state parks are used and put in golf courses racketball and hotels. What will keep politicians from wanting to change designations of the BBIA in the future?	8/28/2024 6:35 PM
39	Septic to sewer very important Existing Parks or sanctuaries will not be able to be sold to developers. Coyotes be relocated from marine hammock sanctuary	8/28/2024 6:35 PM
40	If septic to sewer is a forgone conclusion, state funding is a must. This area is heavily populated by retired folks who will have a hard time finding this.	8/28/2024 6:35 PM
41	It's the state that regulates some of the above such as mangroves and turtles and ccl...so should be local also in comp plan	8/28/2024 6:35 PM
42	Reminder per national studies Sea Grapes not sea oats protect the sea turtles from our house lights plant accordingly.	8/28/2024 6:35 PM
43	Limit growth and density	8/28/2024 6:35 PM
44	My comments in blue after each section inside brackets too. Policy BBIA 2.5 2. 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. {How is this measured, verified and penalties for this}? 3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean. {I disagree with this as we are trying to maintain groundwater recharge rate and reduce the volume of water running into the IRL}. 4. Reconstruction of shoreline hardening structures that 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. {No new permits for reconstruction of shoreline hardening. Protection should be done with a living shoreline using mangroves or sea grapes} . Policy BBIA 2.6 Brevard County shall enforce development restrictions associated with the 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 CCCL, if deemed appropriate. {development restrictions should be changed to percent area of developable land. Area from the mean high tide to the CCL and area setbacks from A1A or other streets should not be part of any calculations for development or clearing of vegetation}. Policy BBIA 2.7 Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.} Policy BBIA 3.5 Brevard County shall continue a water and sediment quality monitoring program within the	8/28/2024 6:34 PM

Brevard Barrier Island Area of Critical State Concern Survey

Indian River Lagoon system, and shall coordinate such a program with other federal, state and local agencies. {Would like to see an upgraded mean high tide measurements that would influence the percent developable land for determining that metric}. BMAP = basin management action plan NPDES = National pollution discharge elimination system Policy BBIA 3.9 Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. {At least quarterly and should be made available to the public within 30 days of survey} Reducing Nutrient Contributions Objective BBIA 4 Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon. {BC shall reduce nutrient contributions to levels that continued contributions do not pose a negative impact on the health of the ecosystem}. Policy BBIA 4.1 Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. {What about the construction of new water treatment plants?}. Policy BBIA 4.3 Brevard County shall discourage new package treatment plants. {Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards}. Page 8 bottom Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. {This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to prevent hiding polluted water for future generations to treat}. Policy BBIA 4.5 Interim and/or "package-type" wastewater 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. {Interim and/or package-type wastewater treatment facilities shall be required to connect to the public centralized system when access to the system is made available within two years}. Policy BBIA 4.6 Brevard County shall maintain land development regulations that 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. { Brevard County shall maintain land development regulations that only permits development to locate in areas within a designated sewer service area with adequate capacity for the land use}. Policy BBIA 4.7 Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. {If such drainage has a negative impact on adjacent natural resources then zero growth should be permitted}. Policy BBIA 4.9 Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. {When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If "accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed "illegal." Policy BBIA 4.12 Brevard County should address modification of existing development that does not meet stormwater management standards {by revoking development permits}. Policy BBIA 4.13 Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. {Repeated failure to comply shall result in the suspension and/or revocation of license to conduct business}. Policy BBIA 4.15 {No marina facilities shall be expanded beyond that which presently exists}. {No new marinas should be allowed to be constructed}. No new fuel facilities shall be added to existing ones. Nature-Based Solutions Objective BBIA 5 Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration. { This shall include the use of mangrove and sea grape trees to filter the water.} Policy BBIA 5.1 Brevard County shall identify structural controls within the floodplain that degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain where feasible. {These alternatives must be in operation within five years of identification}.

45	Thank you	8/28/2024 6:34 PM
46	Harbor island beach club would never have been approved under these new guidelines - specifically density increases and zoning changes. These very issues are what we lobbied the	8/28/2024 6:34 PM

Brevard Barrier Island Area of Critical State Concern Survey

county commissioners about and were ignored. In fact Thad Calkins lied to us. So we are stuck with HIBC. Need to lessen impact by restricting Short term rentals and forcing property managers to enforce rules that protect the turtles and the neighbors quality of life.

47	Question 6 is not a single answer solution. Doing one without the others is not a solution. Brevard Co does some good work but a WHOLE lot more needs and can be done.	8/28/2024 6:33 PM
48	Na	8/28/2024 6:33 PM
49	Concerned about neighbors using pesticides that go into the ground and what effect does this have for our fresh water?	8/28/2024 6:33 PM
50	No condos, no multifamily buildings, limit public parking lots,	8/28/2024 6:33 PM
51	Who, and how frequently will they monitor the actionable items within this critical concern plan concern	8/28/2024 6:33 PM
52	Will stormwater/nutrient impacts also be managed/minimized for areas that feed into the Lagoon but are not specifically in the area of concern?	8/28/2024 6:33 PM
53	Let me know how I can help!	8/28/2024 6:33 PM
54	Is there an enforcement of dune preservation and beach lighting???	8/28/2024 6:33 PM
55	Please limit the building on the barrier island Evacuations are a real concern.	8/28/2024 6:33 PM
56	You can make all the rules, laws, codes, & regulations ...but without enforcement they are useless!!!	8/28/2024 6:33 PM
57	I am afraid A1A will be widened if there is too much development	8/28/2024 6:33 PM
58	Thanks for looking out to make sure this area stays special !	8/28/2024 6:33 PM
59	I do not understand why you say no increases to density? It seems to me that the numbers of homes built in this year in this ACSC area has already increased the density	8/28/2024 6:33 PM
60	Please limit density of the area, no more developments	8/28/2024 6:33 PM
61	Concerned about property bought a long time ago that may allow high density housing	8/28/2024 6:33 PM
62	We are thrilled to have this plan! It has been needed for many years. Thanks for helping us eith this!	8/28/2024 6:33 PM
63	Would have liked to have the conservation needs of gopher tortoises included as the BBIA has state critical breeding colonies and genetic diversity.	8/28/2024 6:33 PM
64	This meeting is very informative and I'm thrilled that this area will be protected in this way...after 40 years!	8/28/2024 6:32 PM
65	Above holding to no population density increases, there should be a reduction - no high density acreage should be allowed.	8/28/2024 6:32 PM
66	Will provide detailed concerns about the draft plan online	8/28/2024 6:32 PM
67	Pls be mindful	8/28/2024 6:32 PM
68	Please keep in mind and consider the riverfront properties	8/28/2024 6:31 PM
69	Practice is different than what is presented, ie, not enough being done to protect the land. Building projects are more than ever been which will damage resources.	8/28/2024 6:31 PM
70	Please keep up the good work!!	8/28/2024 6:31 PM
71	None	8/28/2024 6:31 PM
72	Na	8/28/2024 6:31 PM
73	For the preservation of the IRL, what is the county doing about the mainland and upriver areas? Just this area alone cannot fix this	8/28/2024 6:31 PM
74	none	8/28/2024 6:31 PM
75	We need to send all the information to all the barrier island residents	8/28/2024 6:30 PM

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Policy BBIA 2.2 A, the Brevard County Coastal Setback Line should be recalculated to incorporate recent and projected sea level rise. The current CSL is out of date. The new line should be proactive for SLR B. The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. The Flood Hub at USF will be a good source of new data Policy 2.3 - this should be expanded to consider a dark skies provision to better manage overall light pollution, which can disrupt nesting Policy 2.4 - enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine grained sediment was deposited in the past couple of years Policy 2.5 1. the 1981 Coastal Construction Control Line needs to be updated to reflect recent and projected data on Sea Level Rise. Since the CCCL is a FLDEP regulation, Brevard County should create a new CCCL for the BBIA using updated data 2. Aquifer use calculations needs to incorporate data from the Florida Flood Hub (USF), which accounts for SLR, aquifer draw down, climate (rainfall) changes Policy 2.6 see comments above. The county CSL and CCCL should be revised based on current and projected data for SLR and information from Florida Flood Hub. Revising the CCCL and CSL based on coastline changes in reactive. A development plan for the BBIA should be proactive. Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data should be applied here. Policy 3.2 evaluate of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties. Policy 4.4 no private treatment plans should be allowed at all. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, and the region is already over capacity on septic systems Policy 4.14 ad 7.15 live-aboards should be restricted to designated zones. This will simplify monitoring and enforcement Brevard County should implement a policy to facilitate the removal of derelict vessels in a timely manner Policy 6.9, 6.10, 6.11 this appears to leave the door open to building an additional bridge to the mainland to provide closer evacuation access. A new bridge should be specifically addressed as not happening Policy 7.2 this text should be revised to state that there is no allowable loss of wetlands. Mitigation is not effective natural resource management. The mitigation approach facilitates wetland destruction for development Policy 7.4 Mining should not adversely affect groundwater resources and groundwater quality Policy 7.13 mosquito impoundments should be managed to increase their value as fish nursery habitats. This might include multi-day opening of culverts during summer to allow juvenile fish to emigrate from the impoundments, followed by refilling impoundments to prevent mosquito breeding Policy 7.16 one acre of upland is insufficient for a functioning marina. More land should be required Policy 8.1 failure to follow these criteria should result in accountability that is not specified here Policy 8.3 add aquifer recharge, flood mitigation Evaluation of development of vegetated areas should be done as a stand-alone evaluation, but in the context of the area, to include current development locations, current development impacts, impervious surface, and similar criteria Policy 8.7 the assessment should include freshwater flows (runoff) that will impact the IRL Policy 8.13 does this include electric bikes? It should Policy 9.7 C. The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes due to climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher. Policy 10.7 Brevard County should make a strong effort to acquire more lands in the BBIA for conservation purposes to offset future development Policy 11.3, 11.4, 11.5 this is a bad idea. This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL Policy 12.3, 12.4, 12.5, 12.6 these densities should not be allowed. These densities are too high to maintain the current environmental and lifestyle conditions in the BBIA Policy 12.7 and 12.8 neither of these zoning categories should be allowed. There is no need for additional commercial entities in the BBIA. Policy 12.12 there should be a provision to acquire more lands for public conservation in the BBIA Objective 13 the standards for enabling the removal of the Area of Critical State Concern Designation are too lax. Improvements to the IRL seagrass and water quality, for example, may be due to improvements in other portions of the IRL. There is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches. Overall, this Objective leaves the door way too wide open to reversing this designation

8/28/2024 6:29 PM

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Water pollution should be the highest priority

8/28/2024 5:38 PM

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78	I would like to see a more user friendly description of exactly what areas are included.	8/28/2024 4:45 PM
79	Reducing Nutrient Contributions Objective BBIA 4 Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon. Is this based on: HB1379 (applicants for any new septic systems serving lots of any size to install nitrogen-reducing system (ER-OSTDS). By July 1, 2030 any commercial or residential property with an existing OSTDS located with this area must connect to central sewer if available or upgrade to nitrogen reducing system or other waste water treatment that achieves at least 65% nitrogen reduction) Policy BBIA 4.1 Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. Provide penalties Policy BBIA 4.2 Untreated wastewater shall not be discharged into drainage ditches, surface waters or aquifers. Change to treated and untreated Policy BBIA 4.3 Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. Eliminate completely if no existing commercial or residential uses in urban fringe, urbanizing or urban density area warrant this policy. Policy BBIA 4.4 Private treatment plants shall be subject to all of the following permitting criteria: Criteria: A. Private treatment plants shall be permitted under any of the following circumstances: 1. When environmental conditions exist that 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 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; 3. 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. 4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection. C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. Provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely. Policy BBIA 4.5 Interim and/or "package-type" wastewater 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. Delete option and add time period. (helps discourage development using package systems) Policy BBIA 4.6 Brevard County shall maintain land development regulations that 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. Brevard county shall maintain land development regulations that only permits development to locate in areas with designated sewer system with adequate capacity for proposed development. Policy BBIA 11.2 The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity Change to: The existence of sewer, water, roadways or other public infrastructure shall not and will not be considered justification for an increase in density.	8/28/2024 4:15 PM
80	I would like to submit more comments. My email is tunadoctor@mac.com and phone 321-806-8940	8/28/2024 3:09 PM
81	If you need further input please contact me. I have worked on environmental projects in North and South America and as I am retired I have time available to help George Bolton 116 Signature Drive, Melbourne Beach 32951 (boltongd1@gmail.com)	8/28/2024 10:44 AM
82	Need to Keep the existing zoning, and Future Land use, as of July 1, 2023	8/28/2024 9:17 AM
83	Somehow the lagoon needs better water movement as far as tide changes. I live in Melbourne beach. There is no high tide or low tide to help water movement. Or a lot more scallop beds. Or open a new inlet or a few of them. It's costly but the water looks it's best near inlets	8/28/2024 12:38 AM
84	Key areas of concern for protecting the environment in this area of fragile ecosystem are: protecting our Environment and the wildlife that inhabits our area: To continue the partnership of Sea Turtle Conservancy, Brevard County Natural Resources, 1000 Friends of Florida, Indian River Lagoon Coalition, Marine Resources Council, Fish and Wildlife, Indian River County and Barrier Islands Preservation and Protection Assoc (BIPPA), as these are the experts To	8/27/2024 11:27 PM

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promote orderly and balanced growth, and protect the natural environment of the area including the Indian River Lagoon To safely evacuate the Island and reduce flooding of A1A To prevent adverse impacts of development To Keep the existing zoning, and Future Land use, as of July 1, 2023 To Protect our Dune vegetation, uplands and tree canopy, on BOTH sides of the Coastal Control and Setback Lines To use Light-management practices during sea turtle nesting period To have an outreach program for the Short Term renters. Providing materials that outline rules and guidelines for managing artificial lighting, protection of the dune and nesting sea turtles

85	Density should be limited to RES 1-BBIA and RES 2-BBIA and no more in the South Beaches BBIA ACSC due to limited infrastructure, evacuation times and most importantly, to preserve the Natural Resources here.	8/27/2024 8:28 PM
86	Water testing more than once every 5 years BBIA3.5. Management Protection Plans should be attached. Not aware of what species have one. Specifically the Seabird and Shorebird populations of Brevard. BBIA 5.8 - Did public survey include the protection of specific species more than the scrub jay, manatee and sea turtle? BBIA A-7 - Marine Resource Objective-no specific mention of birds. BBIA 7.2 - Mitigation Credit - will Brevard county benefit from this? Why don't we have our own bank? BBIA 8 - Brevard County protection of habitat that could be suitable for nesting sea and shore birds not specific. BBIA 8.9 Compliance of specie management plans. What are they? Do our sea birds and shorebirds have a plan? If not will they? BBIA 8.10 - What is the plan for education of shorebird and seabirds that are threatened and endangered? BBIA 10.7 Land acquisition for passive recreation could be land more beneficial to wildlife that has lost it natural habitat. Such as Least Tern, black skimmers and american oyster catchers ground nesting real estate. Shorelines for seasonal nesting needed. Thank you.	8/27/2024 7:47 PM
87	We are not concerned with flooding from rainstorms but we are concerned with storm surge if the dune restoration flattens dunes and buries the critical vegetation as we experienced with the latest fill in the far south end of the island. We are unsure Brevard County is doing its part vs the State / Fed in protecting our island.	8/27/2024 3:58 PM
88	There should be no new development period in this area. No net loss of wetlands does not alleviate the stress on the environment where the wetlands are being converted to development.	8/27/2024 3:49 PM
89	How do we safely bring municipal drinking water to the unincorporated areas. Also, the building on the barrier island is way out of control, part of which is caused by the Airbnb's and short-term rentals. Ex: Harbor Island	8/27/2024 2:50 PM
90	Development must be strictly limited to reduce septic and run off. The tortoise population is taking a big hit do to increasing traffic	8/27/2024 12:47 PM
91	It is the responsibility of every person and every area of our government to do everything possible to save and protect this most treasured and precious area of Brevard. We must be pioneers and leaders to achieve this goal. Our efforts will be rewarded many times over for the good of all.	8/27/2024 12:02 PM
92	No more high rise Airbnb's in the South Beaches area, as these renters are not educated on how to safely see sea turtles on our beaches. There needs to be more & better education to our visitors bc most just don't know and aren't willing to look it up b4 they come. The resources are there, but the mgmt co's at a few of these places just check off the box that they've spoken to somebody at Sea Turtle Preservation but don't follow through or fully understand themselves how to protect these creatures.	8/27/2024 10:27 AM
93	I live in Melbourne Beach	8/26/2024 9:45 PM
94	Stop so much building	8/26/2024 8:21 PM
95	Development in the South Beaches needs more control and supervision.	8/26/2024 7:12 PM
96	strongly opposed to plan that was previously discussed to make some islands in the indian river lagoon off evan pines into salt marshes. That would have huge impact on the marine life that I see all throughout those areas while kayaking.	8/26/2024 6:11 PM
97	Too many variances are being granted to new construction. Approved setback variances leave no room for safely pulling onto A1A from driveways. Approved septic variances add to polluting the Indian River Lagoon. Crowding more dwellings in the ACSC multiplies the problem.	8/26/2024 5:12 PM

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98	As a native and lifelong Floridian, protecting the natural resources of the south beaches area by limiting future development is critical for quality of life, the tourism economy, and the many threatened plant and animal species that call this area home.	8/26/2024 3:25 PM
99	2023 Harbor Branch Study showed sewage is the primary cause of nitrogen pollution in IRL. The south beaches needs wastewater treatment sooner than later. The Lagoon is in bad shape in the area of Washburn Cove. Lots of septic tanks and old package plants in operation. Funding mechanism needs to be addressed to provide municipal wastewater treatment in the south beaches. Thanks! Shorelines are eroding in places, even with a mangrove strip, and rip-rap may be needed to stabilize land behind the mangroves.	8/26/2024 2:26 PM
100	The Brevard County Commission completely ignored past input from residents and allowed an extensive commercial development to be built in a residential neighborhood area. This commercial business consists of 54 two-story mini-hotels (called homes) with a 3-day occupancy for 12-18 adults. Additionally, there are 4 four-story condominiums with 88 units that have outside lighting on all four floors throughout the night. The lights directly impact the neighboring one-story residential homes. The property was built 4-6 feet higher than the neighboring community with their stormwater drains abutting the lower built single story homes. This business advertises itself as, "the perfect spot to have a blast with your family and take advantage of the quiet, peaceful lifestyle Melbourne, Florida has to offer." Unfortunately, these short term visitors have done exactly as advertised and taken advantage of our previously quiet and peaceful lifestyle as they tell even the BCSO deputies that they can act as they want because they paid for the vacation. The local residents are living the major problems created as a result of Brevard County Commission decisions. Please stop the madness now.	8/26/2024 12:37 PM
101	8-26-24 Barrier Islands Preservation and Protection Association (BIPPA) Comments: To the August 2024 County (Landry)Draft of Brevard Barrier Island Area (BBIA) for the "Area of Critical State Concern". Eight (8) MAJOR ISSUES 1) Policy 12 -Delete in its entirety. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA. All of the policies 12.1 thru 12.8 allow density to increase by "creeping", as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states "Brevard County Shall not increase density for properties in the BBIA". For example, if I knock down 4 houses, zoned R-1, which are all now adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language in 12.6 and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research. 2) Policy 11.1 – after the word "residential", add "and commercial and all other"; after the word "designations", add "or allow density swaps or exchanges within the BBIA". This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA. 3) Policy 5.8 – after the words "flooding impacts", add "and shall exclude all properties from the exemption 62-4334 (which currently allows ALL properties in the BBIA to clear-cut 100% of the natural trees and foliage) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections; At the end after the word include add "a, b, c, and e and shall include d and e". Currently any property in the BBIA can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This change protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. 4) Policy 8.1.C – after the word "vegetation" add ",specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation"; delete "unless exempt by ordinance. This is the same reasoning as in Policy 5.8 above 5) a. Policy 2.5 – Number 1. – after the words "vegetation on sight" , add " excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly" b. Policy 7.1 – Letter A – after the words "reduce runoff." Add 2 new sentences "The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly." Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100% so the builder uses the already unbuildable area to claim it counts as the 50% that	8/26/2024 11:11 AM

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cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building. 6) 10.6 – Add letter "D. As the density and community character of the BBIA shall not be disturbed, the utility poles shall be restricted to the current heights, widths, and numbers of poles." The 70-foot-high poles that have been placed in Indian River and north of the BBIA are an industrial look that no one wants in their beachside neighborhood. Further, the eye-sore is not appreciated by tourists or land-based residents driving on the designated A1A SENIC Highway to the Sebastian Inlet State Park. How it was allowed further north is anybody's guess but it is definitely not in compliance with the community character, as required, by BBIA. 7) Policy 4.5 – DELETE entirely. This is not well thought out. It does not clarify the distance that is reasonable that would require an enormous expense by a homeowner, at the complete discretion of the County. 8) Policy 1.5- DELETE entirely. This is confusing and will invite litigation. What does July 1, 2023 have to do with anything? Other IMPORTANT ISSUES (in chronological order) A) The word "Should" could be changed to the word "Shall" in the following 6 places; Policy 5.6, 5.7, 7.2.H, 7.5, 7.8 and 8.7. B) Policy 1.2.G. – after the word "system", add "and root systems" C) Policy 1.3 – after the "D.", add "E. Establishes a land use management system that reduces flooding severity and events." D) Policy 2.3 – after the word "maintain", add "and enforce" E) Policy 2.6 – after the words "these lines", add "within 6 months of the enactment of the BBIA and afterwards every two years and."; after the word "dictate", add a new sentence "The public will be broadly notified no later than 2 months before re-evaluation. " F) Policy 2.7 – after the word "Brevard County", replace "are discouraged" with "shall not be approved" G) Objective BBIA 4 – after the word "shall" add "when economically feasible" H) Policy 4.16 – replace "provide" with "require"; after "management" insert "and provide"; after the word "agricultural", add "and golf course" I) Policy 5.2 – after the word "standards" add "listed in Addendum B"; in 5.2.C replace the word "should" with "shall be evaluated and identified with incentives to reach" J) Policy 5.8 – after the word "encourage" add "and require development to meet"; in "d." after the word "areas" add "to standards listed in Addendum B" K) Policy 6.7 – add "C. The current requirements of F. S. 163.3" L) Policy 6.8 – after the word "agencies" add "specifically with the Indian River County Sheriff's Department"; after the word "response time", add "and specifically at Sebastian Inlet Bridge and A1A leading to the Wabasso Causeway"; add "D. Mock evacuation studies simulating land falls for all category hurricanes." M) Policy 6.9.C. – after the word "transportation" add "and the Indian River Sheriff's Dept." N) Policy 7.2C – after the word "repairing" add ", replacing"; replace "feasible or desirable" with "possible"; after the word "repair" add ", replacement"; after the word "compensation" add "determined by a full financial review of destroyed environmental value" O) Policy 7.5 – after the word "marine" add "and upland" P) Policy 8.1.A – after the word "prior to" add "any"; ...8.1.D. – delete, "where no approved landscape plan exists or no active development order has been issued" Q) Policy 8.7 - replace "excludes" with "includes" R) Policy 12.9.D – after the word "utilities" add ", restricting poles to the current height, width and numbers" S) Policy 12.11 - replace "or so" with "and" T) Policy 12.13 – after the word "assigned" add "existing and " U) Policy 13.1 – at the end of the paragraph add " in the event of conflict between the BBIA and either 380.05 or the County Comprehensive Plan, the strictest interpretation of either shall apply. BBIA Comments received by BIPPA from just 3 Residents Legend: # 1 Resident's comments in yell # 2 Resident's comments in purple #3 Resident's comments in blue BBIA Boundary Policy BBIA 1.1 The BBIA shall be shown on the Future Land Use Map as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County. Someone needs to check these to confirm ok—IRLC? Sea Turtle Habitat Objective BBIA 2 Someone needs to check these at STC to confirm ok + reference GP 1 from "Background document" Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat. -The draft does not address strengthening and review of the County's 21-year-old sea turtle protection ordinance (Chapter 46, Article III). There are new technologies, science, and land-use trends, and qualified partners to assist the County with expertise, such as FWC. An independent review of Brevard's sea turtle ordinance by the Sea Turtle Conservancy found weaknesses unbefitting an area of Critical State Concern. Policy BBIA 2.1 Brevard County shall prohibit new shoreline hardening structures. Blair comments-For example, the draft does not clearly define "shoreline

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hardening structures" prohibited in Policy BBIA 2.1. Although there is a related definition in state statute (Ch 161.54), this is incomplete in terms of effects on sea turtles. Prohibited shoreline hardening should include any artificial conditions that could impede sea turtle nesting. This would include beach structures such as seawalls, bulkheads, revetments, rubble, groins, breakwaters, and materials other than beach sand, but also wood walls, lattice, huts, gazebos, boats, fencing, lawn debris, and other hazards. Because these structures within the current BBIA have a poor detection history, the County should proactively survey the beachfront for these structures, annually, before the spring nesting season. Policy BBIA 2.2 reference 11.1 from "Background document" Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria: Criteria: A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access. Do we need to revisit the CSL definition 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, the Florida Building Code, as amended, and other applicable regulations. needs to be more restrictive Page 5 Policy BBIA 2.5 The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the CSL shall be governed by the following conditions, at a minimum: 1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs. This should be modified/clarified to communicate that all land seaward of the CSL is not a part of the 50% and is excluded from the 50% calculation. 2. 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. {How is this measured, verified and penalties for this}? 3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean. I disagree with this as we are trying to maintain groundwater recharge rate and reduce the volume of water running into the IRL}. 4. Reconstruction of shoreline hardening structures that 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. Please see Guiding Principles BBIA 2.1 prohibiting new shoreline hardening structures, and if there is a bona fide need to repair as new then perhaps should be bifurcated between ocean shoreline hardening structures and river or IRL shoreline hardening structures {No new permits for reconstruction of shoreline hardening. Protection should be done with a living shoreline using mangroves or sea grapes}. 5. Underground storage tanks or the storage of hazardous materials are not permitted. 6. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure. Please include new Septic system requirements as mandated under HB 1379 which became law July 1, 2023 that requires all new permitted septic tanks to use enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS, or "nitrogen-reducing systems") and that all septic tanks will need to be upgraded by Jan 1, 2030 throughout the BBIA. Policy BBIA 2.6 Brevard County shall enforce development restrictions associated with the 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 CCCL, if deemed appropriate. For example, Policy BBIA 2.6 is too vague to be helpful. The Brevard County Coastal Construction Line (CCL) has remained the same for more than 40 years. Over that time, Brevard has had a hurricane disaster declaration about every 1.5 years. This Comp Plan change is an opportunity to require re-assessment of the coastal setback line relative to the high-hazard zone. In the Plan, "... re-evaluate the effectiveness of these lines from time to time as coastline changes dictate," should be "... re-evaluate the effectiveness of these lines immediately, then every ten years, or as coastline changes dictate." {development restrictions should be changed to percent area of developable land. Area from the mean high tide to the CCL and area setbacks from A1A or other streets should not be part of any calculations for development or clearing of vegetation}. comments Page 6 Policy BBIA 2.7 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 OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore

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protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal waters {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.} Policy BBIA 3.5 Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state 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. {Would like to see an upgraded mean high tide measurements that would influence the percent developable land for determining that metric}. Policy BBIA 3.9 Brevard County shall support the SJRWMD's 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. Management strategies shall be coordinated with the municipalities and other agencies. {At least quarterly and should be made available to the public within 30 days of survey} Reducing Nutrient Contributions Objective BBIA 4 Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon. And shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA. {BC shall reduce nutrient contributions to levels that continued contributions do not pose a negative impact on the health of the ecosystem}. Policy BBIA 4.1 Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. {What about the construction of new water treatment plants?}. Policy BBIA 4.3 Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. {Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards}. Policy BBIA 4.4 Private treatment plants shall be subject to all of the following permitting criteria: Criteria: C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. {This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to prevent hiding polluted water for future generations to treat}. Page 9 Policy BBIA 4.5 Interim and/or "package-type" wastewater 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. {Interim and/or package-type wastewater treatment facilities shall be required to connect to the public centralized system when access to the system is made available within two years}. Policy BBIA 4.6 Brevard County shall maintain land development regulations that 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. {Brevard County shall maintain land development regulations that only permits development to locate in areas within a designated sewer service area with adequate capacity for the land use}. No color?! WHY IS THE LENGTH OF COMMENT LIMITED TO HERE?!

102	Please limit development in this area to keep this area beautiful and safe for its residents and marine life.	8/25/2024 9:27 PM
103	I have consistently seen the Brevard County Commission solicit public feedback on efforts to protect the barrier island ecology and then do nothing to act on that feedback. It's important that action is taken to protect the fragile environment that has been damaged by unfettered commercial development and short-sighted efforts to boost tourism in the area.	8/25/2024 5:50 PM
104	Limit Rentals 3 months or more. Many short term renters do not observe protection of beaches, dunes.	8/25/2024 8:10 AM
105	I will have more comments once I review county proposals .	8/25/2024 8:09 AM
106	There was a question about the use of septic systems close to the Indian River. Where I live there's no other option. I am on septic and on a welll.	8/24/2024 5:53 PM
107	If we don't take steps to limit growth only to sustainable levels and enforce policies to protect our water and natural resources then this area will become indistinguishable from other	8/24/2024 2:14 PM

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overcrowded southern Florida coastlines. We will lose the healthy outdoor recreational opportunities that bring money to this area. We will lose the long term residents who will be priced out of their homes and the wildlife who will suffer from habitat loss. Coastal Florida is under so much strain in this state and I don't want our area of Brevard to just become another victim of human greed.

108	I strongly support the State's designation of the South Beaches as an Area of Critical State Concern. I would like to see the inclusion of groundwater resources. I appreciate the County's recommendation for living shorelines, but would encourage the development of specific guidance, requirements, and standards. As well, I believe that a 50-foot buffer is inadequate given storm surge, shoreline migration, and upland water sources.	8/24/2024 1:46 PM
109	The county has proven it does not care by approving developments like Harbor Island Beach Club. They allowed many violations of existing codes for Winkler. We now have hundreds of short term renters who have zero clue about beach ordinances and are not told about them by property managers. If they cared about the community, the property managers and owners would have tough rules and enforce. The Sheriffs do very little to manage loud guests, trspassing and harassment. WE are the residents, help us maintain our quality of life. The Sheriffs lean over backwards for renters.	8/24/2024 11:45 AM
110	Violators who "accidentally " dump sewage into the Indian River Lagoon should get more than a hand slap, they should get very heavy duty fines and rights taken away	8/23/2024 10:30 PM
111	This area of the county does not need any more development. Single family homes should be the only building option. Also more land needs to be put into the preserve category.	8/23/2024 9:15 PM
112	Limit devolpment!	8/23/2024 10:04 AM
113	We pay an extra tax to improve the quality of the lagoon yet we allow high density building. Seems a contradiction to me. Apparently tax dollars are really more important to the county.	8/22/2024 9:27 PM
114	Enforce the laws we ALREADY have. The offices at Brevard county are derelict in THAT. Instead they want to explore innovative solutions...just stick with the obvious stuff! Less development & better demand for impact fees from builders. Obviously, no sewage runoff into IRL. Prohibit commercial business ie: jet sky rental business for new AB&about communities like the new one in MelBch! Consider the citizens that live here over the favorable consideration of commercial business and local 'insiders'	8/22/2024 3:18 PM
115	There is no "policing" of current rule, restrictions, and laws...just fining those who harass sea turtles with lights, could pay the salaries of wildlife representatives! Do something...anything... please!!!!	8/22/2024 1:46 PM
116	Please have someone with administrative authority contact me at (203) 240-5645 for more critical feedback Thank you, Cynthia NeJame	8/22/2024 12:45 PM
117	I do not live in the Area of Critical State Concern but I work here as a conservation professional. This area is vital to protecting endangered and threatened species. If we protect these species and their habitat, we protect our way of life as well. Thank you for seeking public feedback.	8/22/2024 12:43 PM
118	We're very concerned about turtles,pollution of the river,sand dunes....and then a development is allowed with an extremely high concentration of people, who have absolutely NO investment or regard to the area. We are paying a tax to protect the river, but then that is allowed. I believe the county is speaking out of both sides of their mouths. Please protect the area and not use it as a money maker.	8/22/2024 12:11 PM
119	Please take into consideration and limit building in this area. Fix drainage before flooding	8/22/2024 6:38 AM
120	Save the natural vegetation that has protected our shoreline. No more concrete parking or commercial buildings. Residential only.	8/22/2024 2:25 AM
121	Re A1A -slow down traffic for wildlife & humans. Allow for scenic views. Focus on litter control. Remove grass swale along A1A & 'bike lane' to expand sidewalks & discourage our gophers from highway deaths.	8/21/2024 7:11 PM
122	.	8/21/2024 4:13 PM
123	Please stop overdevelopment. I am a longtime native, since birth, 1960 and have seen too many adverse changes.	8/21/2024 3:53 PM

Brevard Barrier Island Area of Critical State Concern Survey

124	My biggest concern is the source of potential funding. For example, if there is a determination that the local water plant is not meeting some new standard, will the plant have to bear the cost to do so (which would then, presumably, be passed on to me and other customers) or would there be funding from the county, state and/or federal level?	8/21/2024 2:43 PM
125	None	8/21/2024 9:14 AM
126	Restrict additional building, limit new residences	8/21/2024 8:03 AM
127	We live in an area of great natural beauty that is also home to a lot of wildlife. We must take responsibility for protecting their and our home from depredations that accompany development. Once this Eden is paved over and polluted, it's gone. Don't let greed win.	8/21/2024 7:41 AM
128	Brevard County does not claim responsibility when it comes to the protection of Mangroves, they defer to State DEP	8/20/2024 7:19 PM
129	Protect this special place.	8/20/2024 7:07 PM
130	no high density development sb allowed. the turtles also need protection. stop out of control development	8/20/2024 5:01 PM
131	The residents in Melbourne Shores (outdoor resorts) were not given proper notice for the renovation / restructuring of Harbor Island beach club, this has not only strained the water processing plant but the light and activity from the short term renters is complete havoc. PLEASE STOP DEVELOPING THIS AREA! We need to keep Melbourne beach an old beach town and protect our environment and the animals that we are so fortunate to have here.	8/20/2024 10:03 AM
132	TOO MANY HUMANS. LAGOON HAS NO CHANCE TO SURVIVE.	8/20/2024 7:28 AM
133	We need to use strategic low impact development practices to protect and preserve what is left.	8/20/2024 7:26 AM
134	The constant and continual development brings more people, congestion, and waste to the south beaches area of concern. The land, roadways, evacuation routes, and enforcement already cannot keep up with the growth and damage from all the current development, continuing to develop will only deteriorate the south beaches further.	8/20/2024 7:11 AM
135	Brevard County does a terrible job of protecting our resources and waste taxpayers money. The County Commissioners should be banned from handling any funds and overseeing and projects dealing with our lagoon. 63 year Brevard native.	8/20/2024 1:20 AM
136	I strongly feel you should leave Melbourne Beach south as natural as possible. Do not allow variances or buildings to disrupt the natural habitat. The amount of cars on A1A has gotten out of hand. I see more and more gophers hit by cars and killed. Our South Beaches are a rare gem and we need to fight to keep it that way or we will end up with another cement city.	8/19/2024 5:47 PM
137	We can't continue to protect everything we want to protect when we continue to build these massive communities. It doesn't make any sense	8/19/2024 5:43 PM
138	Living shoreline and innovative strategies are great but they aren't a panacea. Restricting and carefully limiting development is the only way for this area which is unique and vital to the entire area and state. I would propose the creation of Islands Planning Commission similar to Sea Island/St. Simon's Island - Islands planning commission (in Brunswick county Georgia).	8/19/2024 5:07 PM
139	If there is talk of limiting septic systems, what is the alternative? We have no access to sewer or city water in South Melbourne Beach area.	8/19/2024 3:49 PM
140	The development in Viera, Palm Bay and west of I-95 in Brevard County is shameful. Let's not let the same thing happen to the beaches. The South Beaches have been able to withstand development to a large extent to this point. We need to make sure this new document/law doesn't set us back. I'm all for more preservation but I'm suspicious of this document.	8/19/2024 1:21 PM
141	no more permits to build directly on beach sides. no more cutting of trees which favor rain, (did you notice less rain on the barrier island than on mainland?) they also hold back the sand and dirt, give shade and habitat to all..wildlife included. instead of dragging sand from the ocean when beaches are depleted, you should have perpendicular to the dunes, rock walls that would hold back the sand. This is done all over Europe beaches ..as an example	8/19/2024 11:40 AM
142	Do NOT let the barrier islands become another Miami Beach full of highrises. Protect the natural beauty of the area and the peaceful lifestyle locals like me have enjoyed for decades.	8/19/2024 9:49 AM

Brevard Barrier Island Area of Critical State Concern Survey

We do not want the area to become another tourist trap like Panama City, Daytona Beach, etc, Save our sleepy little beach towns.

143	Strongly recommend not accepting short term vacation rentals in the south beaches. It will only bring, more traffic which the barrier islands are not equipped for, Outsiders who do not understand our wild life, outsiders who do not respect our beaches and communities.	8/18/2024 12:47 PM
144	Scenic A1A needs to have a consistent speed limit of 40 mph.	8/18/2024 11:48 AM
145	Giving law enforcement the right to seriously control people blatantly engaging with the wildlife on the lagoon and the beaches. More manpower needed.	8/17/2024 5:44 PM
146	A program to convert all septic to sanitary sewer is critical to reducing nutrient loading in the IRL. This should be a top priority!	8/17/2024 4:03 PM
147	Draft policy seems to encourage higher density development along A1A. Don't create a canyon along a road that should be rural in your quest to limit shoreline development	8/17/2024 2:48 PM
148	I would like to see more effort in educating residents and visitors especially about our fragile environment and the creatures that reside here. A dark sky designation and mandatory tinting on ocean side windows, enforcing lighting regulations.	8/17/2024 2:10 PM
149	State/EEL should buy more vacant land in the designated area. Keep restrictions on building size. More oyster mats for the lagoon. Restrict builder permits to only so many in a given year.	8/17/2024 2:03 PM
150	Brevard should stop allowing construction on or near wetlands including inland areas that is near flood zone areas with out informing, notifying by letter and meeting with those living near by, whom would be flooded out. Brevard highly lacks on proper water flow, maintaining and watching the areas they have allowed to develop & flood the public and wildlife areas. No concern of public or wildlife safety.	8/17/2024 7:45 AM
151	The south beaches area can not handle the condo load that is seeping south. We are an island with one road in and out. We cannot handle more waste water, nor potable water consumption. I personally feel we need a year round fertilizer ban on the barrier island.	8/17/2024 7:41 AM
152	Stop allowing condos' and homeowners associations from allowing their gray water to go to the IRL. Year round ban on lawn fertilizer by spreaders. Spot treatment of plants and trees only allowed.	8/16/2024 9:05 PM
153	No new development. Enforce short term rental ordinances.	8/16/2024 6:22 PM
154	Dogs on the beach is at an all time high. From Spessard Holland south we can see at least 20 dogs a day. Apparently no one is assigned to monitor this...there are fines in place, but I would be interested to know how many fines have actually been issued. Authorities are too busy to respond to calls. They're pooping on the beach and the owners just throw sand over it and walk on...this is the worst kind of pollution. I would hope our elected officials who care so much about tourism (as they should) could find some \$\$ in their budgets to correct this...not just discuss it.	8/16/2024 6:11 PM
155	New home construction East of A1A should not remove the established Native vegetation near the dune lines.	8/16/2024 5:44 PM
156	Please proactively enforce beach lighting and dune protection ordinances.	8/16/2024 5:33 PM
157	STONE JETTIES WORK IN OTHER PARTS OF THE WORLD. WHY ARE WE DIFFERENT?....."TURTLE OVEREACH" THERE IS NEW WAYS USED IN OTHER COUNTRIES WE MIGHT ALSO WORK. SAND REPLENISHMENT IS A WASTE OF MONEY AND VERY EXPENSIVE...55k?	8/16/2024 5:01 PM
158	Brevard county needs to prioritize funds for the protection of the Barrier Island environment included ceasing high density development; have county water and sewer; address current drainage issues , especially on A1A after heavy rains; ban clear cutting of vacant lots that destroy animals and their habitats; establish sea grass beds in the Indian River and enforce current traffic laws and "No parking anytime" signage.	8/16/2024 4:42 PM
159	We have great laws but none are enforced, southern Brevard in Southern Melbourne Beach are not enforcing not having fires on the beach, leaving said fire stuff like pallets on the beach, dog walkers (who are predators to turtles) both off-leash as well as on, or people on dunes and leaving things on dunes (chairs, canopies, etc). I would love some more enforcement on keeping the area beautiful and upholding those types of laws. I need much more information	8/16/2024 3:27 PM

Brevard Barrier Island Area of Critical State Concern Survey

about the sea walls and not having them that does scare me. We need seawalls and stormwater management help. Pls stop dumping into the river.

160	The county should be proactive in both outreach and enforcement relative to dune vegetation requirements and light pollution. Evidence shows that a protective, vegetated dune is good for property owners and public resources. Restoring and maintaining the dunes should be a priority. This could begin with an inventory of properties where the native dune vegetation has been lost.	8/16/2024 3:26 PM
161	Put in JETTIES as required by the USACE to stop erosion and make sand replenishment unnecessary and a huge waste of money	8/16/2024 2:20 PM
162	I would like to see more lands in the BBIA purchased as conservation lands.	8/16/2024 12:02 PM
163	Controlled growth in this area should be a priority. The amount of short term rentals and the damage these businesses cause to the fragile ecosystem is horrific. Enough is enough!	8/16/2024 11:04 AM
164	It is vital to maintain the natural resources unique to The South Beaches. Having lived here since 1986 I have witnessed development. This small barrier island can't handle more residential/commercial population growth. Our infrastructure isn't set up for development beyond what we have already here. It is vital to maintain safety, maintain turtle mating season, not continue polluting our ocean & river waterways, among so many other reasons to not permit building beyond what is already causing decimation here and traffic injuries on our 2 lane strip of highway a1a. We do not need big business building monstrosities along our tiny strip of land that will compromise the existing neighborhoods. Stop developing in this area.	8/16/2024 10:21 AM
165	At the end of the day, we do not want to end up like Naples, Fort Myers, Sarasota or even Indialantic, Satellite Beach, Cocoa Beach where developments took away the natural beauty of the area.	8/16/2024 9:56 AM
166	I wish there was a muck removal effort in unincorporated Melbourne Beach like they have going on in Satellite Beach and Cocoa Beach.	8/16/2024 9:50 AM
167	Where did this proposal come from, is there a draft and who can I contact. Max Taylor gypsycscribe.max@gmail The area of concern for controlling runoff is not the BBIA but rather the constant, continuing and ongoing attack on the lagoon caused by runoff from the mainland! That is the problem. Further restrictions on the South Beaches will be easy, pretty and noteworthy but ultimately useless to the health of the lagoon. Again...I must have background on this proposal to evaluate its worth.	8/16/2024 8:32 AM
168	Please limit new development. No more multi unit housing. Vacation rentals should be prohibited.	8/16/2024 6:30 AM
169	We must continue to protect this valuable environment and to keep those away who want to land grab for inappropriate development .	8/16/2024 3:55 AM
170	I think there needs to be stronger attempts at getting homeowners to do their part to help improve the health of the barrier islands and Brevard needs to somehow better educate and incentivize of require or encourage homeowners to have lagoon friendly lawns and have native plants in their yards. Maybe incentivize landscapers to promote native plants. Lowe's and Home Depot sells almost no native plants and many category 1 and 2 invasive plants. Require Air BNB owners to have education displayed for renters about dunes, lights, and sea turtles.	8/15/2024 10:27 PM
171	None at this time.	8/15/2024 8:55 PM
172	A resent development using previous land density was approved allowing Air B&B Time share structures. Even though Brevard County does not allow daily or 3 to 4 day rentals, this is operating and is advertised. This has increased traffic thru Town of Melbourne Beach to over 12000 cars a day during season. This traffic is outrageous and should never have been allowed. Stop these destinations for vacationers that do not care about our small island or environment.	8/15/2024 8:34 PM
173	Effects of short term rentals in residential neighborhoods on our natural resources	8/15/2024 7:21 PM
174	We've lost so much wildlife ie birds on beach, herons & sandpipers migratory birds were on the beach in hundreds at a time in the same areas of Mel Beach, this year they've disappeared. I've many videos of them year after year on our shores as I walked the beach whereas they never mover moved as I walked by...today they're totally gone. Migratory birds are no longer	8/15/2024 6:20 PM

Brevard Barrier Island Area of Critical State Concern Survey

present as their habitat has been disrupted by dogs, whom are not allowed on the beach. It's heartbreaking to see the loss of such rare & beautiful nature~

175	Limiting development is probably the best way to protect the south beaches. New homes, condos, and businesses should only be allowed on properties that are already zoned for such. State, County, and Federal lands designated as preserves should remain as such.	8/15/2024 5:58 PM
176	increase setback requirements for lots east of A1A in the considered area	8/15/2024 2:59 PM
177	We live beachside. In the past 10 years we have noticed a significant reduction in wildlife, particularly waterfowl. We believe it is primarily the result of a lack of enforcement of county regulations. There is a blatant disregard for "no dogs" on the beach. We have contacted the Sheriffs Department, Animal Control, Commissioners etc. NO ONE IS DOING ANYTHING ABOUT THIS.	8/15/2024 2:04 PM
178	The MOST effective action Brevard County can take is to limit development on the barrier island. Any other actions become irrelevant if population density is allowed to continue to increase.	8/15/2024 9:46 AM
179	Rebuilding the dunes is such a waste of resources. The dunes did better before dirt dumping became a thing. The beach can and will take care of itself. Plus the downside of a mafia sand supply type of business this has created.	8/15/2024 7:50 AM
180	The continued development of this island is the primary issue. There is no preservation if development continues as it has for many years.	8/14/2024 6:29 PM
181	Need a shuttle!	8/14/2024 1:01 PM
182	Inland development needs to be reduced. All the storm water & septic leaching from these small lot line developments flow directly into the canals directly into the IRI.	8/14/2024 10:40 AM
183	N/a	8/12/2024 1:27 PM

PUBLIC EMAILS

All emails sent to info@bclandry.com can be found on the following pages.

Brevard Barrier Island ACSC PowerPoint Presentation

Irving, Robert <Robert.Irving@MyFWC.com>

Wed 8/28/2024 6:03 PM

To:Heather Shaw <Heather@bclandry.com>

Hi Heather,

Please send me a copy of the presentation given at the public meeting. It was a great primer for ACSCs.

Thank you.

Robert Irving
Land Use Planning Program Supervisor
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
Phone: (850) 354-3578

Just checking to make sure I have the correct emails for you

glovprop@bellsouth.net <glovprop@bellsouth.net>

Sun 9/1/2024 12:26 PM

To:glovprop@bellsouth.net <glovprop@bellsouth.net>

Good Morning;

I am confirming that I have the correct email for you.

Sorry to bother you.

Beth Glover

321-726-0800

Melbourne Beach, Fl 32951

Re: BREVARD COUNTY BARRIER ISLAND AREA PLAN (1730 8/282024 Meeting)

Bob Abend <rjabend@gmail.com>

Wed 9/4/2024 2:20 PM

To: Heather Shaw <Heather@bclandry.com>

📎 1 attachments (69 KB)

image001.png;

Heather,

Thanks for the update. I would appreciate any implemented corrective action description to improve similar future meetings.

Thanks again,

Bob Abend

On Wed, Sep 4, 2024, 1:42 PM Heather Shaw <Heather@bclandry.com> wrote:

Mr. Abend,

Thank you for taking the time to provide your comments. We have received your feedback, and it has been recorded for review. Your comment will be included in the agenda item backup information for the LPA and BOCC hearings.

Your input is valuable to us. Should we need any further clarification, we will reach out to you.

Thank you once again for your contribution.

Best regards,

Heather Shaw

Office Manager & Project Coordinator

Bonnie C. Landry and Associates

Heather@bclandry.com

From: rjabend@gmail.com <rjabend@gmail.com>

Sent: Sunday, September 1, 2024 1:10 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Subject: FW: BREVARD COUNTY BARRIER ISLAND AREA PLAN (1730 8/282024 Meeting)

I just received your additional email addresses and thought I would forward my previous email to you. The community meeting process needs improvement, and I hope my suggestions are helpful in that regard. Please let me know of any planned corrective action.

Sincerely,



From: rjabend@gmail.com <rjabend@gmail.com>

Sent: Friday, August 30, 2024 9:46 AM

To: Don.Walker@BrevardFL.gov; Logan.Hemenway@BrevardFL.gov; Rachel.Horst@BrevardFL.gov; Anda.Skambraks@BrevardFL.gov

Subject: BREVARD COUNTY BARRIER ISLAND AREA PLAN (1730 8/282024 Meeting)

I attended the subject meeting and had resultant comments and suggestions for your consideration. I may be excluding key points of contact and, if so, would appreciate your forwarding this email to appropriate personnel at the County. **Many** in the audience reported the following meeting characteristics:

1. The meeting start was significantly delayed
2. The audience vast majority could not hear the presentation due to a grossly inadequate audio setup (Note the discussion in the presentation audio recording beginning)
3. Some reported not being able to see the presentation screen
4. The presentation excluded many key areas of importance to South Beach residents that are included in the Plan PDF (attached)
5. The presentation was poorly prepared, incomplete, and very repetitive
6. There was no question-and-answer session

I concur with most of the above complaints although I was directly in front of the presenter and could hear almost everything. The primary areas of concern were not mentioned in the presentation

and are in the last 10 or so pages of the attached PDF document. An example of wide concern in the attached document is **“The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre”**. The latter may have a benign explanation. My optimal suggestion is that the meeting be rescheduled and conducted **properly** for South Beach Residents. A lesser alternative might be to redo the presentation and email it to the attendees that signed in with their email addresses. We have an online community discussion group that would likely help disseminate the information.

Thank you for your consideration of the above and please let me know if you have any questions or need more information. I would also appreciate your response to this email in terms of corrective action, if any.

Sincerely,



South Beach Critical Area of Concern Public Comment

glovprop@bellsouth.net <glovprop@bellsouth.net>

Thu 9/5/2024 8:42 AM

Cc:Glover Beth <glovprop@bellsouth.net>

Good morning;

I understand the public comment period ends tomorrow, September 6. I have already sent in my ideas, however, I would like to suggest that there be an oversight committee form. This committee should be selected from within the boundaries of the Critical Area of Concern. We have residents that have various talents and degrees regarding our environment. There has been a lot of interest in this topic of Land Management throughout the South Beaches. So please add to your public comments that we would like to have an Oversight Committee.

Thank you so much for your time.

Beth Glover
glovprop@bellsouth.net
321-726-0800

LAND MANAGEMENT OF OUR CRITICAL AREA CONCERN

enagyott@comcast.net <enagyott@comcast.net>

Thu 9/5/2024 11:56 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; Jeffrey.Ball@BrevardFL.gov <Jeffrey.Ball@BrevardFL.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; wright.tom@flsenate.gov <wright.tom@flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

I, Eva Nagymihaly have owned 6501 S. Highway A1A since 1996. I drove up from Miami, and realized what a paradise the Barrier Islands were, especially in Floridana Beach. Please, keep in mind this "Eden" of low density should not be challenged for any new zoning changes that would threaten the little natural strip for wildlife and natural vegetation. Just drive either NORTH off of #192 for 10 miles, then do the same heading SOUTH. The extreme difference is self-evident. Our future is in your hands. An oversight committee may assist in making sure the goals will be met. THANKING YOU IN ADVANCE
EVA

AREA OF CRITICAL CONCERN

christephanie pappas <csppappas@hotmail.com>

Thu 9/5/2024 12:55 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>

Hello

Please use your vote and influence to help protect and conserve our AREA OF CRITICAL CONCERN and environment for future generations...

Thank You...


Chris and Stephanie Pappas
150 Duval Street
Melbourne Beach, FL 32951

Appendix A

parse@aol.com <parse@aol.com>

Fri 9/6/2024 1:22 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>;Shantzis Mark <seabomds@aol.com>

 1 attachments (71 KB)

Draft of BREVARD BARRIER ISLAND AREA APPENDIX A with Comments and Edits from BIPPA_09062024.docx;

Hello Bonnie and Mike-My name is Jeff Parsons and I live in Melbourne Beach, FL unincorporated Brevard County on the barrier island in the BBIA area. I was fortunate enough to be at the meeting held at the Community Center and wanted to thank you for conducting this informative session. I am also a member of the Executive Committee of BIPPA the Barrier Island Preservation and Protection Association, and I have received thoughts and comments from several other BIPPA members regarding Appendix A. As a courtesy I have consolidated these comments in Appendix A for your consideration and review. Thank you for your time and efforts and would like to schedule a zoom meeting to discuss at your convenience. Respectfully-Jeff Parsons (321) 917-8960.

FW: Land Management of our Critical Area of Concern Melbourne Beach

Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Mon 9/9/2024 7:21 AM

To: Heather Shaw <Heather@bclandry.com>

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Stephen M. Swanke
Senior Planner
Brevard County Planning & Development Department
(321) 633-2070 ext 58298
(321) 350-8298 direct line

-----Original Message-----

From: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Sent: Monday, September 9, 2024 6:55 AM
To: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>
Subject: FW: Land Management of our Critical Area of Concern Melbourne Beach

-----Original Message-----

From: Marlene <smrtblonde12@gmail.com>
Sent: Thursday, September 5, 2024 10:07 PM
Subject: Land Management of our Critical Area of Concern Melbourne Beach

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As a homeowner within the Melbourne Beach/Indian River Critical Area of Concern I request an oversight committee for the management and protection of our wildlife and natural, environmentally endangered land.

Thank you,

Marlene Pagel
homeowner at 6309 S. Hwy A1A unit 332 Melbourne Beach, FL 32951

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released

in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

FW: Brevard Barrier Island Area

Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Mon 9/9/2024 8:37 AM

To: Heather Shaw <Heather@blandry.com>; Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Cc: McGee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Elmore, Amanda T <Amanda.Elmore@brevardfl.gov>

 1 attachments (14 KB)

September 07.docx;

From: carol killingsworth <cckillings@yahoo.com>

Sent: Sunday, September 08, 2024 7:03 PM

To: Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Subject: Brevard Barrier Island Area

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Sea Turtle Conservancy suggestions to strengthen Brevard ACSC Appendix

Stacey Gallagher <stacey@conserveturtles.org>

Wed 8/28/2024 6:21 PM

To: Bonnie Landry <bonnie@blandry.com>; Michael Meier <Mike@blandry.com>; Bonnie Landry and Associates - General Info <info@blandry.com>

📎 1 attachments (224 KB)

Letter to Brevard County from Sea Turtle Conservancy.pdf;

Hi there,

My name is Stacey Gallagher and I am the Development and Policy Coordinator at the Sea Turtle Conservancy. We want to thank you for your efforts to assist the County with complying with Section 380.0553. I have attached the letter we sent to the County with our suggestions here. Please do not hesitate to contact me if you have questions.

Thank you,
Stacey Gallagher

Stacey Gallagher, M.A.M.C.

Development and Policy Coordinator

Sea Turtle Conservancy

4581 NW 6th Street, Suite A | Gainesville, FL 32609

352-373-6441 | www.conserveturtles.org

SEA TURTLE



CONSERVANCY

Re-send of BBIA comments that Bonnie Asked for that got cut off in limited portal length

sea <seabomds@aol.com>

Fri 9/6/2024 1:46 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

 1 attachments (81 KB)

Bippa BBIA Comment consol by Jeff and others to Landry 9-6-24.docx;

Hi Bonnie,

When we met last Wednesday night, you said I should send the portion of comments that got cut off using the portal.

As such, here they are (with slight updates) as gathered by me from members. Mine are still the same as before from the portal but these are the ones that got cut off.

Looking forward to seeing the 2nd/ revised draft. Do you have an idea of when it will be ready?

Thanks,

Mark Shantzis, Executive Director

Barrier Islands Preservation and Protection Association (BIPPA)

“Leading Efforts To Preserve The Balance of Population Growth, Natural Habitat and Wildlife on the Barrier Islands for over 30 years”

c-321-431-7842 seabomds@aol.com

FW: Another Public Comment regarding the BBIA

Bonnie Landry <bonnie@bclandry.com>

Thu 8/29/2024 3:32 PM

To: Michael Meier <Mike@bclandry.com>; Heather Shaw <Heather@bclandry.com>

📎 1 attachments (18 KB)

Bicycle Lanes in the BBIA.docx;

More for the matrix...

Bonnie C. Landry, AICP

President

Office (772) 266-9427

Cell (772) 201-5052

bonnie@bclandry.com

BONNIE LANDRY
& ASSOCIATES Professional Planning Services



From: Prasad, Billy <Billy.Prasad@brevardfl.gov>
Date: Thursday, August 29, 2024 at 3:03 PM
To: Bonnie Landry <bonnie@bclandry.com>
Cc: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>
Subject: FW: Another Public Comment regarding the BBIA

Bonnie,

Additional comments regarding the BBIA are attached, sent directly to me. Another email will follow this one with additional comments.

All the best,

Billy Prasad
Deputy Director
Brevard County Planning and Development
PH: (321) 633-2086, Ext. 58283 * Fax: (321) 633-2167
Direct Line: (321) 350-8283
2725 Judge Fran Jamieson Way #A114
Viera, Florida 32940

-----Original Message-----

From: vince.lamb@icloud.com <vince.lamb@icloud.com>
Sent: Thursday, August 29, 2024 2:05 PM
To: Prasad, Billy <Billy.Prasad@brevardfl.gov>
Subject: Another Public Comment regarding the BBIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know

the content is safe.

Billy,

Please send this to the collection of comments.

Vince

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

The bike lanes along Highway A1A in the Brevard County Beaches Area of Critical Concern are included on a map of the East Coast Greenway, a non-profit organization that is assisting in the development of bike lanes and trails that range from Key West to Maine. The Florida DOT SUN Trail Network Map (<https://fdot.maps.arcgis.com/apps/Viewer/index.html?appid=0acc2915532d4cd48aec5ad16265f68f>) shows bike lanes in the BBIA. The current bicycle lanes fall far short of the U. S. Department of Transportation standards. These standards recommend a minimum of four feet in width; portions of the current lanes are 18 inches or less. No portion of these bike lanes comes close to four feet wide.

Safe and effective bicycle lanes on Highway A1A would provide many benefits in the BBIA, such as reducing motor vehicle traffic. Sustainable community plans across our country and the world address ways to make bicycling an effective means of transportation. Brevard County ranks 14th worst in the nation regarding bicycle fatalities in a recent five year period. Upgrading these bike lanes to the current standards could help reduce future fatalities.

South Patrick Drive through Satellite Beach and Indian Harbour Beach has completed the Florida Department of Transportation planning stage for a repaving effort scheduled for 2025 that includes widening the bicycle lanes to provide a buffer zone between the bikes and the cars. A similar plan could be developed to the next repaving of A1A in the BBIA.

The Transportation Element of the Brevard County Comprehensive Plan has numerous references to bicycles and requires that the county should emphasize safety and convenience in the location, design and construction of bicycle and pedestrian facilities (Policy 4.1). Bicycle lanes less than 18 inches wide along a highway with speed limits up to 55 mph clearly violates that policy.

While bicycle lanes may not seem important to implementing the Area of Special Concern designation for the BBIA, reducing motor vehicle traffic is clearly important. If the bike lanes were widened and considered truly safe, the usage is certain to increase.

Vince Lamb
321-258-5168

FW: BREVARD COUNTY BARRIER ISLAND AREA PLAN (1730 8/282024 Meeting)

rjabend@gmail.com <rjabend@gmail.com>

Sun 9/1/2024 1:11 PM

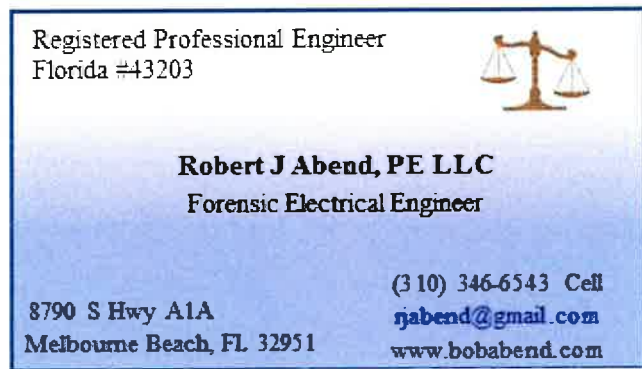
To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

📎 1 attachments (571 KB)

Brevard-BBIA-Draft-Comp-Plan-Appendix-508-Compliant-Public-Input-v2.pdf;

I just received your additional email addresses and thought I would forward my previous email to you. The community meeting process needs improvement, and I hope my suggestions are helpful in that regard. Please let me know of any planned corrective action.

Sincerely,



From: rjabend@gmail.com <rjabend@gmail.com>

Sent: Friday, August 30, 2024 9:46 AM

To: Don.Walker@BrevardFL.gov; Logan.Hemenway@BrevardFL.gov; Rachel.Horst@BrevardFL.gov; Anda.Skambraks@BrevardFL.gov

Subject: BREVARD COUNTY BARRIER ISLAND AREA PLAN (1730 8/282024 Meeting)


I attended the subject meeting and had resultant comments and suggestions for your consideration. I may be excluding key points of contact and, if so, would appreciate your forwarding this email to appropriate personnel at the County. **Many** in the audience reported the following meeting characteristics:

1. The meeting start was significantly delayed
2. The audience vast majority could not hear the presentation due to a grossly inadequate audio setup (Note the discussion in the presentation audio recording beginning)
3. Some reported not being able to see the presentation screen
4. The presentation excluded many key areas of importance to South Beach residents that are included in the Plan PDF (attached)
5. The presentation was poorly prepared, incomplete, and very repetitive
6. There was no question-and-answer session

I concur with most of the above complaints although I was directly in front of the presenter and could hear almost everything. The primary areas of concern were not mentioned in the presentation and are in the last 10 or so pages of the attached PDF document. An example of wide concern in the attached document is **“The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre”**. The latter may have a benign explanation. My optimal suggestion is that the meeting be rescheduled and conducted **properly** for South Beach Residents. A lesser alternative might be to redo the presentation and email it to the attendees that signed in with their email addresses. We have an online community discussion group that would likely help disseminate the information.

Thank you for your consideration of the above and please let me know if you have any questions or need more information. I would also appreciate your response to this email in terms of corrective action, if any.

Sincerely,

Registered Professional Engineer Florida #43203	
Robert J Abend, PE LLC Forensic Electrical Engineer	
8790 S Hwy A1A Melbourne Beach, FL 32951	(310) 346-6543 Cell rjabend@gmail.com www.bobabend.com

**BREVARD BARRIER ISLAND AREA
APPENDIX A**

DRAFT

GOAL, OBJECTIVES, AND POLICIES

INTRODUCTION

The southern portion of Brevard County's barrier island was designated as an Area of Critical State Concern by the Florida Legislature in 2023, as codified in section 380.0553, Florida Statutes. The Brevard Barrier Island Area of Critical State Concern (BBIA) represents one of the most fragile and endangered coastal ecosystems and vulnerable communities in North America, due to its natural upland and marine habitats, critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, direct connection to and impacts on the nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. Through the implementation of this comprehensive plan, the critical functions of these natural resources are protected. Orderly and balanced growth are promoted in accordance with the existing facilities and services and the population can be safely evacuated in the event of a hurricane.

GOAL

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

Designation of the BBIA Objective BBIA 1

Brevard County locally establishes and delineates the southern portion of the County's barrier island as the BBIA in compliance with section 380.0553, F.S.

BBIA Boundary Policy

BBIA 1.1

The BBIA shall be shown on the Future Land Use Map as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County.

Legislative Findings for the BBIA

Policy BBIA 1.2

Brevard County recognizes and affirms the below findings of the Legislature in determining the necessity of designating the BBIA:

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural

- upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
 - C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
 - D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
 - E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
 - F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.
 - G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
 - H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

Legislative Intent for the BBIA

Policy BBIA 1.3

Brevard County acknowledges the intent of the legislature, in its establishment of the BBIA, to:

- A. Establish a land use management system that protects the natural environment of the BBIA;

- B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and
- D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

Guiding Principles for Development within the BBIA

Policy BBIA 1.4

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

Existing Use Exception

Policy BBIA 1.5

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

Conflicting Policies

Policy BBIA 1.6

Where there is any conflicting policy or regulation applicable to the BBIA, the more restrictive shall apply.

Sea Turtle Habitat

Objective BBIA 2

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures.

Policy BBIA 2.2

Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria:

Criteria:

- A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.
- 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, the Florida Building Code, as amended, and other applicable regulations.

Policy BBIA 2.3

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

Policy BBIA 2.4

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

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the CSL shall be governed by the following conditions, at a minimum:

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. 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.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that 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.
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the 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 CCCL, if deemed appropriate.

Policy BBIA 2.7

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 OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

Water Quality Restoration**Objective BBIA 3**

Brevard County shall prioritize water quality restoration projects in the Indian River Lagoon.

Policy BBIA 3.1

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. John's River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDL's) and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

Policy BBIA 3.2

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.

Policy BBIA 3.3

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 structures, 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 BBIA 3.4

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.

Policy BBIA 3.5

Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state 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 BBIA 3.6

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.

Policy BBIA 3.7

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

Policy BBIA 3.8

Brevard County shall coordinate surface water management and protection efforts with the Indian River National Estuary Program (IRLNEP), FDEP, SJRWMD and other appropriate agencies.

Policy BBIA 3.9

Brevard County shall support the SJRWMD's 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. Management strategies shall be coordinated with the municipalities and other agencies.

Policy BBIA 3.10

Brevard County shall continue to participate in the IRLNEP and other advisory committees and groups related to improving water quality in the Indian River Lagoon.

Policy BBIA 3.11

Brevard County supports the goals of the IRLNEP 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 for the CCMP.

Reducing Nutrient Contributions

Objective BBIA 4

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

Policy BBIA 4.1

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

Policy BBIA 4.2

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

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

Policy BBIA 4.4

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

Criteria:

- A. Private treatment plants shall be permitted under any of the following circumstances:
 1. When environmental conditions exist that 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 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;
 3. 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.
 4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.
- C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.

Policy BBIA 4.5

Interim and/or “package-type” wastewater 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 BBIA 4.6

Brevard County shall maintain land development regulations that 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.

Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans.

Policy BBIA 4.8

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

Policy BBIA 4.9

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

Policy BBIA 4.10

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

Policy BBIA 4.11

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

Policy BBIA 4.12

Brevard County should address modification of existing development that does not meet stormwater management standards.

Policy BBIA 4.13

Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas.

Policy BBIA 4.14

Brevard County shall continue to develop and implement regulations governing live-aboards. Such regulations shall include the following criteria at a minimum:

Criteria:

- A. 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.
- B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

Policy BBIA 4.15

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

Criteria:

- A. Stormwater retention/detention requirements established 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 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, 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.

Policy BBIA 4.16

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to provide fertilizer management BMP information to agricultural operators within the BBIA.

Nature-Based Solutions**Objective BBIA 5**

Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

Policy BBIA 5.1

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

Policy BBIA 5.2

Brevard County shall address modification of existing development that 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 management facilities within existing developments should be 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 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 with bulkheads or seawalls shall be modified 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 with altered vegetated shorelines shall be modified 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 non-native vegetation is predominant. Runoff quality and rates should be equivalent to the pre-development state.

Policy BBIA 5.3

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

Policy BBIA 5.4

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 BBIA 5.5

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 BBIA 5.6

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development 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 BBIA 5.7

Brevard County 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.

Policy BBIA 5.8

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Critical Assets

Objective BBIA 6

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093, F.S.

Policy BBIA 6.1

Public facilities should not be located within the 100-year 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.

Policy BBIA 6.2

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 BBIA 6.3

Brevard County shall not support or finance new local transportation corridors that 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 the protection of the transportation facilities from flooding and storm surge.

Policy BBIA 6.4

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 BBIA 6.5

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, and designed to withstand flooding and storm surge.

Policy BBIA 6.6

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) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.

Policy BBIA 6.8

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:

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 BBIA 6.9

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.

Criteria:

- A. Priority shall be given to improvements serving the zone with the highest 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.
- C. Brevard County, in cooperation with the Florida Department of Transportation, 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 BBIA 6.10

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

Policy BBIA 6.11

Brevard County shall consider hurricane evacuation times, as well as other factors including vulnerability to flooding and storm surge, in determining the timing and priority of roadway improvements that are programmed by the Board of County Commissioners.

Policy BBIA 6.12

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

Policy BBIA 6.13

Brevard County should analyze those public structures within the high risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

Criteria:

- 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.
 - 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. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed.

Policy BBIA 6.14

In the event of a disaster, all infrastructure and other County owned improvements that were not included within the above outlined study shall be analyzed to determine the cost effectiveness of relocation versus repair.

Policy BBIA 6.16

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 BBIA 6.17

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 BBIA 6.18

The County should consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.19

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 BBIA 6.20

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 BBIA 6.21

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 BBIA 6.22

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection,

accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

Policy BBIA 6.23

Brevard County should continue to analyze the 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 BBIA 6.24

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

Policy BBIA 6.25

Brevard County, in conjunction with the School District and the municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as the design and use of public schools as emergency shelters.

Marine Resources

Objective BBIA 7

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

Policy BBIA 7.1

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.

Policy BBIA 7.2

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. 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. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

Criteria:

- A. The basis for no net loss shall be established by 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 that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland in addition to applicable penalties. 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. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.
- F. 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 waivers that would result in reduced wetland impacts.
- G. Dumping of solid or liquid wastes shall be prohibited.
- H. 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.
- I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.
- J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. 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. The property shall meet all other State regulatory criteria.

Policy BBIA 7.3

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 avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

Policy BBIA 7.4

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.
- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

Policy BBIA 7.5

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 7.6

All development and activities shall comply with the Brevard County Manatee Protection Plan, as amended. Brevard County, in coordination with applicable partners such as FWC, shall continue to monitor manatee protection measures to determine their effectiveness.

Policy BBIA 7.7

All existing and new marinas shall erect manatee education and awareness signs that 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.

Policy BBIA 7.8

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.

Policy BBIA 7.9

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.

Policy BBIA 7.10

Brevard County, or other appropriate agencies, shall develop a 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 that may be deemed necessary within areas frequented by manatees.

Policy BBIA 7.11

Brevard County shall identify areas containing significant manatee habitat features. Marinas with powerboat slips shall not be sited within these areas.

Policy BBIA 7.12

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

Policy BBIA 7.13

Brevard County’s mosquito impoundment management plans shall address the following criteria, at a minimum:

Criteria:

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. 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.

Policy BBIA 7.14

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

Policy BBIA 7.15

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. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. 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.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that 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 the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 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 process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

Policy BBIA 7.17

Marinas shall be inspected 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 tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

Criteria:

- A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.
- B. Compliance with power/sailboat mix, if required.
- C. Spill prevention, control, containment and cleanup plans.
- D. Waste collection and disposal methods.
- E. Firefighting equipment, if required.
- F. Monitoring of marina basin water quality for bacteriological levels to insure

compliance with state and federal standards. 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 BBIA 7.18

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.

Upland Resources

Objective BBIA 8

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain regulations to address revegetation and premature land clearing, including the following minimum criteria.

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. Require tree and canopy preservation, including root protection standards.

Policy BBIA 8.2

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. The Environmentally Endangered Lands Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

Policy BBIA 8.3

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:

Criteria:

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

Policy BBIA 8.4

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

Policy BBIA 8.5

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible.

Policy BBIA 8.6

Brevard County shall continue to make available 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 BBIA 8.7

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and upland natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 8.8

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.

Policy BBIA 8.9

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

Policy BBIA 8.10

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, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

Policy BBIA 8.11

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, or 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.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the 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 CSL except as required for handicap access.
- F. Publicly owned dunes, especially those identified for beach access sites, that 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 that 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 BBIA 8.12

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, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

Policy BBIA 8.13

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, 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 BBIA 8.14

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

Policy BBIA 8.15

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

Water Quality Protection

Objective BBIA 9

Brevard County shall limit the adverse impacts of development on the quality of water throughout the BBIA and the Indian River Lagoon.

Policy BBIA 9.1

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries 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. 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. 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 criteria C and D below, 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, where there is insufficient lot depth to construct a primary structure, 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 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, where there is insufficient lot depth to construct a primary structure, 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 Chapter 373, F.S., as amended.
- 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 alteration as allowed by this comprehensive plan.
- H. Prohibit discharges of any substances below ambient water quality standards.

Policy BBIA 9.2

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 BBIA 9.3

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

Policy BBIA 9.4

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, projects should minimize impervious surfaces by using pervious surfaces wherever feasible, such as for overflow parking.

Policy BBIA 9.5

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

Policy BBIA 9.6

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.

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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 BBIA 9.8

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, 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.

Policy BBIA 9.9

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 BBIA 9.10

All new boat ramps should have parking areas constructed utilizing permeable pavement where appropriate and have the proper stormwater management system in place.

Scenic Resources

Objective BBIA 10

Brevard County shall enhance natural scenic resources to promote the aesthetic benefits of the natural environment.

Policy BBIA 10.1

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

Policy BBIA 10.2

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.3

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.4

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 BBIA 10.5

SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features.

Policy BBIA 10.6

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 that would deny visual access beyond the immediate area.

Policy BBIA 10.7

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.

Compatibility

Objective BBIA 11

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

Brevard County shall not increase residential density designations for properties located within the BBIA.

Policy BBIA 11.2

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity.

Policy BBIA 11.3

Brevard County shall review shore-line 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 that 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.

Policy BBIA 11.4

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

Policy BBIA 11.5

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 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 that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Policy BBIA 11.6

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.

Future Land Use Categories within the BBIA

Objective BBIA 12

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

Residential 1 – BBIA Future Land Use

Policy BBIA 12.1

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

Residential 2 – BBIA Future Land Use

Policy BBIA 12.2

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Residential 4 – BBIA Future Land Use

Policy BBIA 12.3

The Residential 4 – BBIA 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. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

Residential 6 – BBIA Future Land Use

Policy BBIA 12.4

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

Residential 8 – BBIA Future Land Use

Policy BBIA 12.5

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive 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 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Residential 15 – BBIA Future Land Use

Policy BBIA 12.6

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. 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 that 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 that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use
Policy BBIA 12.7**

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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 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 three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

**Community Commercial – BBIA Future Land Use
Policy BBIA 12.8**

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and

professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria 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 pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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.
- 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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

Public Facilities – BBIA Future Land Use

Policy BBIA 12.9

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

- A. Public facilities are those uses that, 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 0.25
- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map 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.
- 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.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board 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 – BBIA Future Land Use Policy BBIA 12.10

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map 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, provided such uses are compatible with adjacent land uses.
- B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use
Policy BBIA 12.11**

The Private Conservation - BBIA 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 prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 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 Conservation – BBIA Future Land Use
Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, 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 and 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 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) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.
- D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by 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 may be amended pursuant to section 163.3187, Florida Statutes, 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.

- A. 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 that 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.

Policy BBIA 12.13

Brevard County shall designate lands without an assigned Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

Removal of Area of Critical State Concern Designation

Objective BBIA 13

The BBIA may be recommended for de-designation by the state land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.

Sufficiency of Local Plan and Land Development Regulations

Policy BBIA 13.1

Brevard County acknowledges that the state land planning agency may at any time recommend the removal of the designation of the BBIA as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the BBIA and carry out the legislative intent expressed in section 380.0553(3), F. S., and are in compliance with the principles for guiding development specified in section 380.0553(5).

Criteria for De-designation

Policy BBIA 13.2

Brevard County acknowledges that the state land planning agency must recommend removal of the designation to the administration commission if it determines that:

- A. Adequate restoration and renourishment programs are in place to preserve the beaches and dunes of the southern barrier island in Brevard County for nesting sea turtles;
- B. Seagrass replanting in the Indian River Lagoon extending the length of the BBIA is in a coverage volume that would establish recovery to scientifically defensible reference targets;
- C. Nonpoint pollution sources into the Indian River Lagoon that contribute to total phosphorus, total nitrogen, chlorophyll a, fecal coliform, and metals have been sufficiently reduced to meet water quality criteria standards resulting in the removal of the Indian River Lagoon from the impaired waters list;

- D. The green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and leatherback sea turtle (*Dermochelys coriacea*) have been delisted from the Florida Endangered and Threatened Species rule and the Florida Marine Turtle Protection Act under section 379.2431, F.S., as may be amended from time to time;
- E. The Brevard County local comprehensive plan, its land development regulations, and the administration of such plans and regulations are adequate to protect the BBIA, fulfill the legislative intent specified in section 380.0553(3), F.S., and are consistent with and further the principles guiding development; and
- F. The Brevard County Commission has adopted a resolution at a public hearing recommending the removal of the designation.

**Timeline for De-designation
Policy BBIA 13.3**

Brevard County acknowledges that the Administration Commission must initiate rulemaking to remove the BBIA area of critical state concern designation within 45 days after receipt of the recommendation from the state land planning agency, if the commission concurs with the recommendation for removal.

Stop Density increase

Scott <planitpools@aol.com>

Sun 9/1/2024 1:17 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Environmental Health Department cannot support an increase in population in South beaches. Look at the discharges that occur now in the other parts of South Brevard. Increasing the population and tax base is a point of diminishing returns. The revenue won't pay for the increased issues. As is the case of Vacation Rentals do not pay for the law enforcement cost.

Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by "creeping", as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states "Brevard County Shall not increase density for residential properties in the BBIA".

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

Critical Area of Concern Land Management Draft BBIA

glovprop@bellsouth.net <glovprop@bellsouth.net>

Sun 9/1/2024 5:36 PM

Cc:Glover Beth <glovprop@bellsouth.net>

Good Afternoon;

I am writing you today with my input to the Draft Plan that we received from Brevard County Bonnie Landry on Wednesday, August 28, 2024. I thought that we would be given time to let you know what the residents of South Beaches would like to see in their Land Management Plan for the Critical Area of Concern. I could not hear well because of the speaker system and did not hear Ms. Landry say who we were supposed to submit our comments to. So you all are getting my thoughts.

First and foremost, I would not like to see any increase density put in place, especially since it is in the Draft that there would be no density increases. Then why have Policy 12. It should be removed. BBIA Policy 11.1 already states; Brevard County shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 states The policies contained with this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023. All I heard Mike Meier talk about was development, we do not want to be a concrete jungle like many Beach side communities have become.

Protecting our Sea Turtles and natural habitat is very important for our future. There needs to be plans to add additional enforcement to our existing Dunes Ordinances and protection of our Sea Turtle during their nesting season. Most of our long term residents know and follow the guidelines. There should be an outreach program to educate the Short Term Rent along our beaches. They increase our density year round and most of them are not familiar with ordinances regarding the dunes, Sea Turtles and our wildlife. There also should active patrols along the beaches at night to monitor the artificial lighting and to make beach walkers aware of the flashlight rules and not to approach a nesting Sea Turtle. The County needs to address the illegal Short Term Rentals that are operating throughout BBIA. Brevard County already has some great literature from the Natural Resources Depart that could be used for this outreach program.

Because I live here I am very aware of the Coastal Construction Control line and know that it has changed over the years. You are not to put a structure East of CCL, yet I see new houses going up that clear cut the lot and sometimes the dune lines, and then build really close to the dunes. The CCL needs to be updated and the building codes need to enforce the rules.

Thank you for your time and I look forward to seeing the revised Draft of the Land Management Plan.

Beth Glover
glovprop@bellsouth.net
A lifelong Brevard County resident
321-726-0800

Barrier Island Habitat

Richard Eble <richardeble100@gmail.com>

Mon 9/2/2024 7:41 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential;** after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

BBIA

Fred Seleman <fseleman@gmail.com>

Mon 9/2/2024 9:18 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Good morning. As a resident of Brevard County, specifically, the Brevard Barrier Island Area (BBIA), I urge you to support any initiatives and/or legislation that would stop increases in residential and commercial density in the BBIA. Thank you.

Fred Seleman
7617 Kiawah Way
Melbourne Beach

(No subject)

jimfratt233 fratt <jimfratt@gmail.com>

Mon 9/2/2024 5:27 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>

No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

Density in the South Beaches

William Kirwin <bkswave@gmail.com>

Tue 9/3/2024 9:48 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Please know that you can make a difference in maintaining the beauty and correct environmental stance in the South Beaches.

Don't lose sight of what Florida can be if managed, not by developers but by people with an eye for the future..

I am for the below.

Thanks.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
-

Bill Kirwin

Melbourne Beach

BIAA Phase 1 Comments Density Language Problems

Jodie Irish <irish_jodie@yahoo.com>

Wed 9/4/2024 9:34 AM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

I live in this designated area. Please see my comments below regarding density.

Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

**Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach**

BBIA Phase 1 Policy 11.1 and 12 Additional Comments Density

Jodie Irish <irish_jodie@yahoo.com>

Wed 9/4/2024 9:39 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

Policy 11.1 – STOP Density of ANY kind after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential;** after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

Subject: Brevard Barrier Island Area (BBIA) Land Management Draft

Kathleen Conway <kcmslp@aol.com>

Wed 9/4/2024 4:53 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Ms. Landry,

My name is Kathleen Conway, a long-time resident of the South Beaches area of the Brevard Barrier Island. I am writing regarding the Brevard Barrier Island Area (BBIA) Land Management Draft and I appreciate the opportunity to share my thoughts with you.

The BBIA, ACSC designation was given to the South Beaches because it is one of the most fragile coastal ecosystems in North America, and needs to be protected. The island is home to critically endangered sea turtle nesting grounds, Archie Carr wildlife refuge areas, a stopover point for migrating birds, and many habitats established here.

The current character of development in the BBIA is R-1 Single Family Residences. RES-1 works well with the current level of infrastructure, hurricane evacuation times and the fragile ecosystem of the area. According to the Compatibility Objective BBIA 11, Brevard County ensures there shall not be an increase in density in the BBIA area.

Compatibility

Objective BBIA 11

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

Brevard County shall not increase residential density designations for properties located within the BBIA.

To stop density from increasing, I would like to see **Policy 12-1 through Policy 12-8** deleted from the Comp Plan Draft. And Replaced with the following:

Future Land Use Categories within the BBIA

Objective BBIA 12

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, one Residential Single Family Home per acre

Residential 1 – BBIA Future Land Use

Policy BBIA 12.1

The Residential 1 – BBIA land use designation permits low-density residential development with a maximum density of up to one (1) unit per acre.

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 that serve as a transition between existing land uses or land use designations with a density of one (1) unit per acre.
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for RES 1-BBIA

The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

Thank you for considering the Density language I have outlined. I believe it will provide clarity going forward, for people who want to develop in the BBIA, ACSC area.

Best Regards,

Kathleen Conway

Land Mgmt Plan for BBIA

Bethany Ferriell <bethanyferriell@gmail.com>

Wed 9/4/2024 7:46 PM

To:Thad.Altman@myfloridahouse.gov <Thad.Altman@myfloridahouse.gov>

*****No Increases in Density; Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5. Because of the high number of short term rentals, the environment groups can't educate these people fast enough on how to safely interact with the sea turtles and other wildlife that call our area home. The roads can't take any more traffic during "Snowbird Season" either. It's bad enough a lot of the snowbirds can't follow the speed limits up and down A1A.

***We have to protect our dunes for the sea turtles that come here every summer to nest. It took over 30 yrs to get to where we are today, thanks to Archie Carr, and we have too many different wildlife creatures that call the ACNWR home. While we know these creatures draw visitors in to see them, that doesn't mean we need more housing, whether single family beach homes OR high density condos.

Thank you for your time and consideration!

Beth Ferriell
6466 Floridana Ave

FW: land management of the south beach area.

Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Thu 9/5/2024 9:30 AM

To: Heather Shaw <Heather@bclandry.com>; Swanke, Stephen M <Steve.Swanke@brevardfl.gov>; Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>

-----Original Message-----

From: Richard Gibbs <tpcfl666@gmail.com>

Sent: Thursday, September 05, 2024 9:26 AM

To: Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Subject: Re: land management of the south beach area.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for your time, the south beach area of Melbourne Beach is a very unique area with ocean and river access with very special wildlife and protection needs. Please put your efforts into preserving this area so it does not get overgrown with condos and development, if that happens, it could be devastating for the wildlife and unique area we live in. Thank you, Richard and Suzanne Gibbs, Florida bch.

Sent from my iPhone

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

LAND MANAGEMENT OF OUR CRITICAL AREA CONCERN

enagyott@comcast.net <enagyott@comcast.net>

Thu 9/5/2024 11:56 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; Jeffrey.Ball@BrevardFL.gov <Jeffrey.Ball@BrevardFL.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; wright.tom@flsenate.gov <wright.tom@flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

I, Eva Nagymihaly have owned 6501 S. Highway A1A since 1996. I drove up from Miami, and realized what a paradise the Barrier Islands were, especially in Floridana Beach. Please, keep in mind this "Eden" of low density should not be challenged for any new zoning changes that would threaten the little natural strip for wildlife and natural vegetation. Just drive either NORTH off of #192 for 10 miles, then do the same heading SOUTH. The extreme difference is self-evident. Our future is in your hands. An oversight committee may assist in making sure the goals will be met. THANKING YOU IN ADVANCE
EVA

Public Comment

Anthony Minerva <taminerva@gmail.com>

Thu 9/5/2024 4:38 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

- No Increases in Density; **Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Thank you
- Anthony and Mary Anne Minerva

BBIA comments and request

Greg Nicklas <greg.nicklas10@gmail.com>

Fri 9/6/2024 2:57 PM

To:tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>;frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>;
darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>;virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>;
Bonnie Landry and Associates - General Info <info@bclandry.com>;thad.altman@myfloridahouse.gov
<thad.altman@myfloridahouse.gov>;randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>;
Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>;mayfield.debbie@web.flsenate.gov
<mayfield.debbie@web.flsenate.gov>;wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>;
shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>
Cc:Beth Glover <glovprop@bellsouth.net>;Joni Herman <joniherman@gmail.com>

Thank you for the opportunity to comment on the Land Use Management plan for the Brevard Barrier Island Area (BBIA). It seems to me that the issue of Density is critical. Bluntly stated, any increase in the current residential and commercial density within the BBIA is starkly contrary to the goals of protecting the area. Policy 11.1 seems to take an important step for residential density, but a similar statement related to commercial density should be added.

There are other opportunities within the Appendix to restrict development, and I urge you to support new and/or revised language that restricts both residential and commercial development and does not increase density within the BBIA.

Thank you.

Sincerely,
Greg Nicklas

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This E-mail message and its attachments, if any, are intended solely for the use of the addressee hereof. In addition, this message and the attachments, if any may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender by reply E-mail and immediately delete this message from your system. Instructions transmitted over this system are not binding on me until they are confirmed by me. Message transmission is not guaranteed to be secure or free of software virus. While I take every reasonable precaution to minimize such risks, I cannot accept liability for any damage sustained by you or any third party as a result of software viruses

Brevard County Area Of Critical Concern

purplehousefb@brighthouse.com <purplehousefb@brighthouse.com>

Fri 9/6/2024 6:16 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; 'tad.calkins@brevardfl.gov' <tad.calkins@brevardfl.gov>; 'frank.abbate@brevardfl.gov' <frank.abbate@brevardfl.gov>; 'darcie.mcgee@brevardfl.gov' <darcie.mcgee@brevardfl.gov>; 'virginia.barker@brevardfl.gov' <virginia.barker@brevardfl.gov>; 'Jeffrey.Ball@BrevardFL.gov' <Jeffrey.Ball@BrevardFL.gov>; 'thad.altman@myfloridahouse.gov' <thad.altman@myfloridahouse.gov>; 'randy.fine@myfloridahouse.gov' <randy.fine@myfloridahouse.gov>; 'Robert.brackett@myfloridahouse.gov' <Robert.brackett@myfloridahouse.gov>; 'mayfield.debbie@flsenate.gov' <mayfield.debbie@flsenate.gov>; 'wright.tom@flsenate.gov' <wright.tom@flsenate.gov>; 'shawn.hamilton@floridadep.gov' <shawn.hamilton@floridadep.gov>

I am asking as a taxpayer and a resident of Brevard County that the "Standard Density Rules" for the County of Brevard DO NOT and CANNOT apply for the Area of Critical Concern. Special Rules should be passed and No variances should be allowed in the Area Of Critical Concern. CLEAR CUTTING HAS BEEN RAMPANT and the practice should be illegal in the Area of Concern. Fines should be imposed and re-vegetation implemented for those who choose to ignore this. There is no place for the wildlife to go or move on to - We are on a BARRIER ISLAND. If the area and the wildlife within it are to have any chance, we need to revise what has been standard practice. No changes should be made to the Land Use Plan unless it DECREASES the density of the building codes.

Thank you for your consideration.

Sincerely,

Pamela Boardman
6855 Angeles Road
Melbourne Beach FL 32951

September 07, 2024

Dear Ms. Barker,

As a Florida resident for 57 years and a Melbourne Beach resident for 18 years, I am asking for your support regarding the Brevard Barrier Island Area.

My requests for you to delete Policy 12 entirely to stop density from increasing. Exempt the 62-4334 exemption to eliminate clear cutting 100% of the trees.

Regarding Policy 11.1 Stop density of any kind: add after the word “residential” “commercial and all other”

I need your support on these very vital issues.

Sincerely,

Carol Killingsworth
901 Atlantic Street
Melbourne Beach, Florida 32951

Barrier island critical concern land

Pamela DiDonato <pameladidonato1@gmail.com>

Sun 9/1/2024 10:08 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

Pamela DiDonato
6875 S Highway a1a
Melbourne Beach

§ 62-4334, Code of Ordinances of Brevard County, and the South Beaches

Gerard Harbison <gerardharbison@icloud.com>

Mon 9/2/2024 11:05 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>
Cc: (BIPPA) Barrier Island Preservation & Protection Assn. <bippafl@yahoo.com>

Dear public servant of Brevard County or of the State of Florida.

This is in regard to the small lot exemptions in § 62-4334, Code of Ordinances of Brevard County — the South Beaches -- currently in the state-protected Brevard Barrier Island Area; the ordinance in question exempts lots of 1.25 Acres or less, and partially exempts lots of 2.5 acres or less, from rules against clear-cutting. But this is in effect the entire protected area!

The wooded nature of the South Beaches provides habitat for thousands of migratory warblers per year, as well as painted buntings, great crested flycatchers and several species of woodpeckers, and it is an integral part of the character of the South Beaches. Trees, especially specimens, need to be preserved from development. I request that you reduce the permitted clear-cut area to 50%, and include in the restrictions the areas east of the Coastal Commission line.

Development in the South Beaches must be in harmony with the natural environment.

Thank you for your attention to this matter

Gerard S Harbison
8333 S Highway A1A
Melbourne Beach, FL 32951

Bippa recommendations

mark merrellplumbing.com <mark@merrellplumbing.com>

Mon 9/2/2024 1:49 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

All,

BIPPA is working on land management plans for our area. I am not in favor of their recommendation of eliminating clear cutting. A better option is to have recommendations for replanting with native plants. Some of the lots have non-native trees and plants that need to be removed.

Thanks for your service to our area.

Mark Merrell
5955 S. A1A
Melbourne Beach 32951
Cell: 937-604-6125

BBIA Phase 1 Comments Clear Cutting

Jodie Irish <irish_jodie@yahoo.com>

Wed 9/4/2024 9:43 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are**

being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

Brevard County Area Of Critical Concern

purplehousefb@brighthouse.com <purplehousefb@brighthouse.com>

Fri 9/6/2024 6:16 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; 'tad.calkins@brevardfl.gov' <tad.calkins@brevardfl.gov>; 'frank.abbate@brevardfl.gov' <frank.abbate@brevardfl.gov>; 'darcie.mcgee@brevardfl.gov' <darcie.mcgee@brevardfl.gov>; 'virginia.barker@brevardfl.gov' <virginia.barker@brevardfl.gov>; 'Jeffrey.Ball@BrevardFL.gov' <Jeffrey.Ball@BrevardFL.gov>; 'thad.altman@myfloridahouse.gov' <thad.altman@myfloridahouse.gov>; 'randy.fine@myfloridahouse.gov' <randy.fine@myfloridahouse.gov>; 'Robert.brackett@myfloridahouse.gov' <Robert.brackett@myfloridahouse.gov>; 'mayfield.debbie@flsenate.gov' <mayfield.debbie@flsenate.gov>; 'wright.tom@flsenate.gov' <wright.tom@flsenate.gov>; 'shawn.hamilton@floridadep.gov' <shawn.hamilton@floridadep.gov>

I am asking as a taxpayer and a resident of Brevard County that the "Standard Density Rules" for the County of Brevard DO NOT and CANNOT apply for the Area of Critical Concern. Special Rules should be passed and No variances should be allowed in the Area Of Critical Concern. CLEAR CUTTING HAS BEEN RAMPANT and the practice should be illegal in the Area of Concern. Fines should be imposed and re-vegetation implemented for those who choose to ignore this. There is no place for the wildlife to go or move on to - We are on a BARRIER ISLAND. If the area and the wildlife within it are to have any chance, we need to revise what has been standard practice. No changes should be made to the Land Use Plan unless it DECREASES the density of the building codes.

Thank you for your consideration.

Sincerely,

Pamela Boardman
6855 Angeles Road
Melbourne Beach FL 32951

September 07, 2024

Dear Ms. Barker,

As a Florida resident for 57 years and a Melbourne Beach resident for 18 years, I am asking for your support regarding the Brevard Barrier Island Area.

My requests for you to delete Policy 12 entirely to stop density from increasing. Exempt the 62-4334 exemption to eliminate clear cutting 100% of the trees.

Regarding Policy 11.1 Stop density of any kind: add after the word “residential” “commercial and all other”

I need your support on these very vital issues.

Sincerely,

Carol Killingsworth
901 Atlantic Street
Melbourne Beach, Florida 32951

BBIA plan amendments

Blair Witherington <blairwitherington@gmail.com>

Mon 9/2/2024 11:25 AM

To: Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>

Cc: steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>; Bonnie Landry and Associates - General Info <info@bclandry.com>

Hello Darcie, please consider these additional changes to the BBIA Plan. I wish you good luck with this process.

Justification for changes to BBIA 2.4 are that the edits address multiple issues for which HB 1489 seeks remedies. The issues pertain to balancing protection of beach and dune ecosystems with private property protection. The suggestions below apply to five of the Act's Guiding Principles for Development —(a), (g), (h), (i), and (j). The changes would be to formalize strategic planning to guide the challenging task of managing southern Brevard's beaches and dunes for people, sea turtles, and other wildlife. A key aspect of the plan would be to minimize management decisions made in haste following storm emergencies.

Changes to Policy BBIA 2.4

Beach renourishment and dune restoration plans shall continue to be designed and implemented so that sea turtle nesting and the natural dune community are not disrupted. To achieve this, the county shall, within three years, develop and follow a strategic plan for beach and dune management that weighs economic, social, and ecological factors. This strategic beach-management plan shall receive input from objective experts on beach and dune erosion, structural effects from erosion and their remedies, socioeconomic aspects of coastal living and tourism, sea turtle nesting biology, and beach and dune ecosystems.

Justification for changes to BBIA 8.5 are that the edits add strength to an existing policy that is only weakly applied within the BBIA, as evidenced by locally widespread exotics, especially Brazilian pepper. Calls for strengthening control of invasive exotics address multiple issues for which HB 1489 seeks remedies. The suggestions below apply to three of the Act's Guiding Principles for Development—(f), (g), and (i).

Changes to Policy BBIA 8.5

Brevard County shall sponsor, encourage, and partner to remove ~~continue to ensure removal of~~ invasive exotics on public lands and plant habitat-appropriate native palms, shrubs, and trees that would prevent re-invasion of exotic species. The County shall educate and incentivize private property owners to on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

--

Blair Witherington, PhD
VP and Research Scientist
Inwater Research Group, Inc.
www.inwater.org

Critical Area of Concern Land Management Draft BBIA

glovprop@bellsouth.net <glovprop@bellsouth.net>

Sun 9/1/2024 5:36 PM

Cc:Glover Beth <glovprop@bellsouth.net>

Good Afternoon;

I am writing you today with my input to the Draft Plan that we received from Brevard County Bonnie Landry on Wednesday, August 28, 2024. I thought that we would be given time to let you know what the residents of South Beaches would like to see in their Land Management Plan for the Critical Area of Concern. I could not hear well because of the speaker system and did not hear Ms. Landry say who we were supposed to submit our comments to. So you all are getting my thoughts.

First and foremost, I would not like to see any increase density put in place, especially since it is in the Draft that there would be no density increases. Then why have Policy 12. It should be removed. BBIA Policy 11.1 already states; Brevard County shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 states The policies contained with this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023. All I heard Mike Meier talk about was development, we do not want to be a concrete jungle like many Beach side communities have become.

Protecting our Sea Turtles and natural habitat is very important for our future. There needs to be plans to add additional enforcement to our existing Dunes Ordinances and protection of our Sea Turtle during their nesting season. Most of our long term residents know and follow the guidelines. There should be an outreach program to educate the Short Term Rent along our beaches. They increase our density year round and most of them are not familiar with ordinances regarding the dunes, Sea Turtles and our wildlife. There also should active patrols along the beaches at night to monitor the artificial lighting and to make beach walkers aware of the flashlight rules and not to approach a nesting Sea Turtle. The County needs to address the illegal Short Term Rentals that are operating throughout BBIA. Brevard County already has some great literature from the Natural Resources Depart that could be used for this outreach program.

Because I live here I am very aware of the Coastal Construction Control line and know that it has changed over the years. You are not to put a structure East of CCL, yet I see new houses going up that clear cut the lot and sometimes the dune lines, and then build really close to the dunes. The CCL needs to be updated and the building codes need to enforce the rules.

Thank you for your time and I look forward to seeing the revised Draft of the Land Management Plan.

Beth Glover
glovprop@bellsouth.net
A lifelong Brevard County resident
321-726-0800

Lighting enforcement along our beaches during Sea Turtle Nesting Season

BobH <riptide@cfl.rr.com>

Mon 9/2/2024 12:26 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>
Cc: thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; wright.tom@flsenate.gov <wright.tom@flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Unfortunately, many nighttime visitors to the nesting beaches are disturbing the habitat of the Sea Turtles.

Typical problems:

1. Cell phones - too bright, playing "Tag" with them on the nesting beaches or getting too close to the hatchlings or mothers.
2. Fires - some visitors like to make a fire on the beach. They sometimes use a nesting pit for a fire pit.
3. Bright outdoor house lights, shining over hundreds of nests, causing hatchlings to be distracted from their path to the sea. Then they die a slow death.

Currently it may take two months or longer for law enforcement to force a recalcitrant property owner to actually bring their lights into compliance. During that time, untold harm (hatchling distractions) continues.

Ideas to speed up enforcement of lighting ordinances:

1. Increased funding to involved agencies (Code Enforcement, Sheriff, etc.) for the enhanced enforcement costs.
2. Immediate injunctive relief by county judges if requested by a trained lighting enforcement officer. This would stop the harming as adjudication proceeded.
3. Seizure of offending cell phones. Promptly returned to owners after payment of an appropriate fine or adjudication.

This and much more **can by done** and will be pay great dividends into our future!

Thank you for taking the time to consider.

Regards,

Robert Hinckley

Land Mgmt Plan for BBIA

Bethany Ferriell <bethanyferriell@gmail.com>

Wed 9/4/2024 7:46 PM

To:Thad.Altman@myfloridahouse.gov <Thad.Altman@myfloridahouse.gov>

*****No Increases in Density; Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5. Because of the high number of short term rentals, the environment groups can't educate these people fast enough on how to safely interact with the sea turtles and other wildlife that call our area home. The roads can't take any more traffic during "Snowbird Season" either. It's bad enough a lot of the snowbirds can't follow the speed limits up and down A1A.

*****We have to protect our dunes for the sea turtles that come here every summer to nest. It took over 30 yrs to get to where we are today, thanks to Archie Carr, and we have too many different wildlife creatures that call the ACNWR home. While we know these creatures draw visitors in to see them, that doesn't mean we need more housing, whether single family beach homes OR high density condos.**

Thank you for your time and consideration!

Beth Ferriell
6466 Floridana Ave



SEA TURTLE CONSERVANCY

S I N C E 1 9 5 9



Jeffrey Ball
Brevard County Planning and Development Department
2725 Judge Fran Jamieson Way
Viera, FL, 32940

August 28, 2024

Dear Mr. Ball,

We are writing on behalf of the Florida-based Sea Turtle Conservancy (STC), the oldest sea turtle conservation group in the world, to provide comments on the Brevard Comprehensive Plan Area of Critical State Concern (ACSC) appendix. We are grateful for the County’s work to meet the intention of 380.0553, F.S., which is to protect the Brevard Barrier Island Area (BBIA) from the adverse impacts of development. While the draft in its current form serves as an adequate baseline, there is more that can be added to the plan to protect our globally-important sea turtles and their essential habitats.

Objective BBIA 2, which focuses on protecting sea turtle habitat, should be further refined in order to strengthen its requirements. For example, **Policy BBIA 2.1** should define exactly the types of “new shoreline hardening structures” that are prohibited. This should include all of the examples of “Rigid Coastal Structures” as defined in Florida’s Marine Turtle Protection Act (Rule 62B-33, F.A.C.).¹ More than half of the State’s beaches have been designated as critically eroded by the Florida Department of Environmental Protection (FDEP).² Florida’s coastal areas are ground zero for the impacts of climate change and sea level rise in the U.S. In the wake of destructive hurricanes, such as Hurricanes Ian and Nicole in 2022, coastal governments and property representatives are increasingly turning toward hard armoring structures to manage coastal erosion. Although seawalls, rock revetments, geotubes, and other man-made erosion control methods provide the illusion of protection of upland property, these structures create a fixed barrier on the beach that prevents the natural sediment transfer process from occurring, leading to further erosion in front of the property and down the beach. For sea turtles in particular, hard shoreline armoring has wide-ranging effects at every stage of their life cycle. These effects include preventing access to ideal nesting locations on the beach and/or forcing turtles to deposit nests in areas vulnerable to inundation, causing turtles to abandon their nesting attempts, and eliminating sandy beach nesting habitat altogether through erosion exacerbated by hardened armoring.³ By specifically describing what constitutes a “new shoreline hardening structure,” the County will be providing further clarity on the type of coastal construction that is not compatible with sea turtle protection.

Poorly managed artificial lighting is a major threat to Brevard County’s sea turtles.⁴ **Policy BBIA 2.3** can be expanded upon to better address this threat. We recommend that this policy reference the Florida Department of Environmental Protection’s (FDEP) Model Lighting Ordinance for Sea Turtle Protection, which was updated in 2020, in this policy to provide a guideline upon which the County should be basing its lighting ordinance language.⁵ In 2022, representatives from the Florida Fish and Wildlife Conservation Commission (FWC), National Wildlife Federation, and STC analyzed the language and implementation of all local sea turtle protection ordinances in Florida and assigned each a score in comparison to the State’s Model and a set of ideal implementation standards.⁶ In our analysis, we found that Brevard County’s lighting ordinance language and implementation scored in the

¹ Florida Marine Turtle Protection Act. 62B-33.002(55)(a)

² [FDEP Critically Eroded Beaches Report, July 2023](#)

³ [Coastal Armoring Impacts on Sea Turtles, UF IFAS Extension](#)

⁴ [300 lb loggerhead sea turtle hit, killed by car in Brevard County – FOX 35 Orlando](#)

⁵ The State of Florida Model Sea Turtle Lighting Ordinance. Rule 62B-55.004, F.A.C

⁶ [Analysis of Florida’s Sea Turtle Protections](#)





**SEA TURTLE
CONSERVANCY**
S I N C E 1 9 5 9



“Somewhat Ideal” category, indicating that there is room for improvement in the language and enforcement policies to protect the area’s sea turtles from disorientation.⁷ By including the State’s Model as a guiding document for the County during its “periodic reviews” of the ordinance in Policy BBIA 2.3, the County will be providing government staff with the most ideal language upon which to carry out an update of the County’s existing language. In addition to improving the County’s existing ordinance language, a statement should be added in Policy BBIA 2.3 that requires proactive enforcement of the County’s ordinance. Proactive enforcement of the County’s ordinance includes conducting regular nighttime beach surveys within the ordinance’s jurisdiction to identify properties in violation of the ordinance; outreach to owners of properties in violation that provides solutions to address lighting problems; active engagement with the community on the best practices to comply with the ordinance language; and collaboration with the various stakeholders in the community that are working to reduce sea turtle disorientations. In addition to strengthening its language around coastal light management, the County should add a priority in Policy BBIA 2.3 to pursue a “Dark Sky” certification for interior lights within the BBIA that could contribute to sea turtle disorientations.⁸ The City of Groveland became the first Florida municipality to receive this designation in 2023.⁹ Adhering to “Dark Sky” principles for inland light fixtures will allow for the County to fulfill the Section 380.0553 Guiding Principle to “enhance natural scenic resources to promote the aesthetic benefits of the natural environment.” In addition to further screening coastal light pollution, maintaining native dune vegetation secures upland property, stabilizes the beach, and provides habitat for numerous coastal species.¹⁰ STC recommends that the County proactively enforce each policy within **BBIA Policy 8 (Upland Resources)** in order to prevent the destruction of critical upland vegetation and adhere to Section 380.0553’s Guiding Principles.

Each BBIA Objective in the plan is critical to protecting the area’s sea turtles and their habitats from development pressure. In addition to consulting with local, state, and federal agency representatives and STC, we encourage the County to meet with subject-matter experts for each category (water quality restoration and protection, reducing nutrient contributions, nature-based solutions, critical assets, marine and upland resources, and compatibility) to ensure that the requirements outlined in the plan will have the desired result. These subject matter experts include but are not limited to: members of the Archie Carr Refuge Working Group, 1000 Friends of Florida, the Marine Resources Council, the Indian River Lagoon Coalition, the Florida Oceanographic Society, the Barrier Islands Preservation and Protection Association, and the Florida Department of Health in Brevard County.

We appreciate the County’s consideration of these comments. We respectfully encourage the County to strengthen the policies in the Brevard Comprehensive Plan ACSC appendix to create a distinct set of rules to further protect crucial natural resources for wildlife, residents, and visitors alike.

Sincerely,

David Godfrey
Executive Director

Stacey Gallagher
Policy Coordinator

⁷ [Analysis of Florida’s Sea Turtle Lighting Protections – Project Results](#)

⁸ [International Dark Sky Places – DarkSky](#)

⁹ [City of Groveland named first International Dark Sky Community in Florida](#)

¹⁰ [The Value of Dune Vegetation. Brevard County Natural Resources Department.](#)



Dark Skies Declaration for the Brevard Barrier Island Area

Craig Blum <crblum@gmail.com>

Mon 9/2/2024 4:02 PM

To: steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>; Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>

Cc: Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Mr. Swanke, Ms. McGee, and Others,

In keeping with the State's critical Area designation for the Brevard Barrier Island Area, we support a community Dark Skies declaration and enhanced efforts to minimize light pollution in the area. I am a resident of this area and can attest to the importance of this due to my ardent amateur astronomy activities, amateur photography interests, and participation in outdoor activities. The turtle nesting in this area is unique and something to protect, as is the ability to maintain as much night sky beauty as possible. I thank you on my behalf, the residents of this area, and the region. We have a very special area worthy of improvement. Please do not hesitate to contact me for information on my prespective.

Sincerely,

Craig Blum

crblum@gmail.com

321-917-1113

BBIA SUPPORT

STPS Chair <stpschair@seaturtlespacecoast.org>

Mon 9/2/2024 5:13 PM

To:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>

Cc:blairwitherington@gmail.com <blairwitherington@gmail.com>;Bonnie Landry and Associates - General Info

<info@bclandry.com>

 1 attachments (499 KB)

dark skies final.docx;

ATTENTION: Steve Swanke, Darcie.McGee,

Subject: BBIA Dark Skies

The Sea Turtle Preservation Society has been working(for more than 36yrs) with local groups to save sea turtles through habitat conservation and rescue. Lighting on the Space Coast shore has been a consistent educational outreach program of STPS, but the increase in residential and commercial building is taking a toll on our once dark beaches.

Our organization supports programs that reduce lighting glare (parking lots, commercial signage, street lighting) : In keeping with the State's critical Area designation for the Brevard Barrier Island Area, with the State's critical Area designation for the Brevard Barrier Island Area, we support a community Dark Skies declaration and enhanced efforts to minimize light pollution in the area.

Dark skies matter to all living creatures, even the sea turtles that call our beaches home.

Please support the Dark Skies Declaration.

Roger Pszonowsky

Co Chair 321-412-5989 mobile
The Sea Turtle Preservation Society

BIAA Comments

Will Gardenswartz <willgardenswartz@gmail.com>

Mon 9/2/2024 6:43 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>
Cc: Jenny Gardenswartz <jenny.gardenswartz@gmail.com>

Esteemed Public Officials-

My wife and I recently moved to south Melbourne Beach (in the BIAA zone) from the wilds of Hailey, Idaho.

I say wilds, but that's not entirely true... post-COVID, we saw our once peaceful, low density, wildlife-laden slice of alpine heaven transformed into a hellish suburb blotted with McMansions and ADUs (additional dwelling units). Sage replaced with grass and asphalt. Aspen groves uprooted. Light pollution swallowing the Milky Way.

We relocated here precisely because it is a relatively un-developed part of Florida. As some of you say, "It still feels like Old Florida."

Let's keep it that way! The area designated BIAA has a good thing going. Specifically, please consider the following:

- 1) Do not give into calls for increased density. Yes, there is an undeniable need for more housing, but a sensitive barrier island eco-system is not the place to accomplish that. Nor is it a place for large-scale commercial development;
- 2) Spend to improve Indian River water quality. A healthy river will pay huge dividends in recreation and tourism. We should think of ourselves as the Costa Rica of Florida;
- 3) Expanding on point 2, do not support clear cutting land for development. The native trees not only help control erosion and flooding, but also are incomparably beautiful. We are a unique costal jungle; and,
- 4) Tying 1, 2, and 3 together, let's maintain the character of this community. Here surfers, tarpon-chasers, regular folks and millionaires mingle in a relaxed, laid-back, unpretentious atmosphere. When I was young I got to travel to Maui and Kauai before they became bastions of Ritz Carlton and 4 Seasons douche-baggery. We feel like old Hawaii, old Florida and Costa Rica. That's a good thing!

I understand the need for growth and development. I am a committed conservative. But I also appreciate that the other great impulse of conservative philosophy is to conserve. Teddy Roosevelt grew the U.S. economy and set aside Yellowstone and the Badlands. Growth and conservation are not opposing forces. Again, look at how Costa Rica delivers on its Pura Vida brand of being safe, happy, prosperous and ecologically pristine. We can do this. But, the proposed BBIA polices do not put us on that path.

Thank you for hearing our comments,

Will & Jenny Gardenswartz
268 Camino Place
Melbourne Beach, FL 32951

Dark Skies Declaration for the Brevard Barrier Island Area

Steve Izzo <steve.izzo@brevardastro.net>

Mon 9/2/2024 7:22 PM

To:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>
Cc:Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Mr. Swanke, Ms. McGee, and Others,

On behalf of my fellow officers of the Brevard Astronomical Society, our 85 dues paying members and the 750+ Facebook group members, we support the Critical Area designation for the Brevard Barrier Island Area and enhanced efforts to minimize light pollution and light-trespass in our area.

We believe that a Dark Skies designation benefits far more than the wildlife, but enhances safety, reduces lighting costs and improves the attractiveness of this area for both residents and visitors.

There are numerous examples of successful policies of this type nationwide that provide both proof of success and frameworks for good policies.

Please feel free to contact me for information on our perspective and expertise in this area.

Sincerely,
Steve Izzo
President,
Brevard Astronomical Society
[Brevard Astronomical Society](#)

cell: 862-222-4820

Comments Regarding the Brevard Barrier Island Area (BBIA) Appendix A

Mitchell Roffer <tunadoctor@me.com>

Tue 9/3/2024 12:07 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; Virginia H Barker <virginia.barker@brevardfl.gov>
Cc: Mitchell Roffer <tunadoctor@me.com>

📎 1 attachments (134 KB)

Roffer Letter to Landry Assoc.pdf;

Michael Meier and Associates

Bonnie Landry & Associates

615 St. Lucie Crescent, Suite 201

Stuart, FL 34994

September 03, 2024

Dear Michael and Associates:

This letter contains a pdf attachment for my comments related to the Brevard Barrier Island Area (BBIA) Appendix A document as it relates to the draft goals, objectives and policies for the south Brevard barrier island that was designated as an Area of Critical State Concert in 2023. I have been living in the Melbourne Shores neighborhood for 17+ years and have been a property owner for 25 years. Not incidentally, I have nearly 50 years of experience in marine and estuarine ecology, conservation management, water and wastewater treatment, and biodiversity monitoring. I will be happy to elucidate my comments if need be.

Sincerely,

Mitchell A. Roffer, Ph.D.
6025 Highway A1A
Melbourne Beach, FL 32951
321-806-8940

Another Great Day at the Beach

Focusing on Fisheries Oceanography, Biological Diversity, Remote Sensing and Environmental Science & Advocacy.

NASA Biodiversity and Ecological Forecasting Science Team
<https://earthdata.nasa.gov/learn/toolkits/biological-diversity>

South Florida MBON Team

-Goal: Integrate ground and satellite observations related to marine & estuarine biodiversity to inform ecosystem-based management in and around the Florida Keys National Marine Sanctuary (FKNMS).

<https://marinebon.org>

Indian River Lagoon Council: Science, Technology, Engineering, Mathematics Committee.

<https://onelagoon.org>

MITCHELL A. ROFFER, PH.D.

Michael Meier
Bonnie Landry & Associates
615 St. Lucie Crescent, Suite 201
Stuart, FL 34994

September 03, 2024

Dear Michael:

This letter contains my comments related to the Brevard Barrier Island Area (BBIA) Appendix A document that relates to the draft goals, objectives and policies for the south Brevard barrier island that was designated as an Area of Critical State Concern in 2023. I have been living in the Melbourne Shores neighborhood for 17+ years and have been a property owner for 25 years. Not incidentally, I have nearly 50 years of experience in marine and estuarine ecology, conservation management, water and wastewater treatment, and biodiversity monitoring.

Thank you for the education and outreach meeting on August 28, 2024. But before I comment on the Appendix A I wanted to comment on your education and outreach program for this project. I have several decades of experience in education and outreach and if you wanted true, two-way outreach, you would have had this meeting a few months before the "Brevard Barrier Island Area, Appendix A" document was drafted. There should have been a mechanism to get public input prior to this draft was written and thus, include the primary stakeholders an avenue for input. I think that the County should have a limited stakeholders committee of residents of the South Beaches who have a background in water quality, land management, estuarine ecology and environmental protection.

The remainder of my comments related to the BBIA Appendix A draft. While I agree with many of the apparent protections in this Draft, there are many aspects that that need further clarification or change. The guiding principles sound very nice, but until we have concrete details, where no specifics are included, it seems that we are in the "trust me" stage that an actual and real conservation and management plan will be in place. This would also include a call for enhanced presence of Brevard's Code Enforcement staff along with Codes that include significant fines that actually act to protect the land, the water and entire ecosystem of the barrier island.

Regarding Appendix A draft I am limiting my comments regarding water quality. Many people living here and around the State are concerned about the water quality of the waters being returned to the surficial aquifer and to the Indian River Lagoon (IRL). Of note is unfiltered surface runoff, without nutrient and chemical remediation, surface runoff is a significant source of water quality degradation, only to worsen as we see our population increase. Some of the issues that I include here mostly be considered in the "Nature Based Solutions, under Policy BBIA item 5.0 – 5.8. But I have some comments related to nutrient contributions and marina development under Policy BBIA 4.

I am concerned about the effluent from existing septic systems, including the newer mandated ones. These systems are too inefficient. In my opinion all septic systems should be removed by 3030 or 3035 the latest. These septic waters enter both the IRL and the aquifer. Older septic systems at best have an efficiency of 30% for nitrogen and 60% for phosphorus. The newly mandate systems still only reduce 50% nitrogen. While I do not want County drinking water, I would like to see everyone connected to the County's sewer and wastewater system. Additionally, population density on any part of the barrier should not be increased as this will stress existing-outdated septic systems and surface runoff.

I would like to see a year-round band on spreader type fertilizers. There is enough atmospheric nitrogen and other natural marine and legacy nutrients to support lawn and other plant growth. Spot fertilizing for plants and gardens should be allowed.

In the following sections I have included the draft policy in black and my comments in blue.

Policy BBIA 2.5

2. 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. {How is this measured, verified and what penalties will be for this}?

3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean. {I disagree with this as we are trying to maintain groundwater recharge rate and reduce the volume of water running into the IRL. Thus, reducing setbacks should not be an option.}

4. Reconstruction of shoreline hardening structures that 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. {There should not be new permits for reconstruction of shoreline hardening. Protection should be done with a living shoreline using mangroves, sea grapes, native grasses and bivalves as these remediate the water.}

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the 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 CCCL, if deemed appropriate.

{This relates to water quality runoff and superficial aquifer. Development restrictions should be changed to percent area of developable land instead of total land ownership. Area from the mean high tide to the CCL and area setbacks from A1A or other streets should not be part of any calculations for development or clearing of vegetation.}

Policy BBIA 2.7

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.}

Policy BBIA 3.9

Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. { This should be at least quarterly and should be made available to the public within 30 days of survey.}

Policy BBIA 4.1

Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. {What about the construction of new water treatment plants in existing condos and home owners associations on the barrier and off the barrier island? How will the County keep up with

population growth? Impaired water from the western side of the IRL will impact the waters surrounding the south beaches}.

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants. {This should read that Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow, in pounds nitrogen and phosphorus, to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards}.

Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. {This should read that ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to prevent hiding subsurface polluted water for future generations to treat}.

Policy BBIA 4.5

Interim and/or "package-type" wastewater 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. {Interim and/or package-type wastewater treatment facilities shall be required to connect to the public centralized sewer system when access to the system is made available and within a two year period}.

Policy BBIA 4.6

Brevard County shall maintain land development regulations that 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. {This should be changed to "Brevard County shall maintain land development regulations that only permits development to locate in areas within a designated sewer service area with adequate capacity for the land use."}.

Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. {Add this: "If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted"}.

Policy BBIA 4.9

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. {Change to: When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If "accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed "illegal."}

Policy BBIA 4.12

Brevard County should address modification of existing development that does not meet stormwater management standards {Add: "by revoking development permits"}.

Policy BBIA 4.13

Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. {Add the following: Repeated failure to comply shall result in the suspension and/or revocation of license to conduct business.}

Policy BBIA 4.15 {No marina facilities shall be expanded beyond that which presently exists. No new marinas should be allowed to be constructed. No new fuel facilities shall be added to existing ones.}

Nature-Based Solutions**Objective BBIA 5**

Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration. {Add this: "This shall include the use of mangrove and sea grape trees, native plants and bivalves to filter the water".}

Policy BBIA 5.1

Brevard County shall identify structural controls within the floodplain that degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain where feasible. {Add this "these alternatives must be in operation within five years of identification."}

Thank you for considering my comments. I will be happy to elucidate these if you would like further clarification.

Sincerely,



Mitchell A. Roffer, Ph.D.
321-806-8940

FW: Comments regarding BBIA

Bonnie Landry <bonnie@bclandry.com>

Thu 8/29/2024 3:32 PM

To: Michael Meier <Mike@bclandry.com>; Heather Shaw <Heather@bclandry.com>

 2 attachments (36 KB)

20240828 VSL Comments regarding BBIA.docx; 20240820 FOCR Board Motion .docx;

More for the matrix.

Bonnie C. Landry, AICP

President

Office (772) 266-9427

Cell (772) 201-5052

bonnie@bclandry.com

BONNIE LANDRY
& ASSOCIATES Professional Planning Services



From: Prasad, Billy <Billy.Prasad@brevardfl.gov>

Date: Thursday, August 29, 2024 at 3:04 PM

To: Bonnie Landry <bonnie@bclandry.com>

Cc: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Subject: FW: Comments regarding BBIA

See attached additional comments regarding the BBIA.

Thanks,



Billy Prasad

Deputy Director

Brevard County Planning and Development

PH: (321) 633-2086, Ext. 58283 * Fax: (321) 633-2167

Direct Line: (321) 350-8283

2725 Judge Fran Jamieson Way #A114

Viera, Florida 32940

From: vince.lamb@icloud.com <vince.lamb@icloud.com>

Sent: Thursday, August 29, 2024 11:15 AM

To: Prasad, Billy <Billy.Prasad@brevardfl.gov>

Subject: Comments regarding BBIA

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Billy,

Please find my comments on this matter attached. I also attached a copy of a motion passed by the Friends of the Carr Refuge expressing support for the implementation of this important designation.

Please share these comments as needed to be included in the review. I have one more comment that I will submit separately.

Respectfully
Vince Lamb
321-258-5168

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

On August 20, 2024, the Friends of the Carr Refuge, a 501(c)(3) non-profit associated with the Archie Carr National Wildlife Refuge passed a motion to express support of the Brevard County efforts associated with the Area of Critical Concern designation for the South Beaches. This includes policies and actions to reduce lighting for the sea turtles, to prevent zoning density increases, and to restore dune and lagoon health.

Vince Lamb
Board Member, Friends of the Carr Refuge
321-258-5168

First, I want to commend Brevard County Natural Resources for the preparation of this draft document. I consider this an excellent start for the Area of Critical Concern Designation. My hopes are that we can improve this draft via public comments and provide the maximum protection of the BBIA. I have high expectations of this public workshop process.

I am a resident of Brevard County but not of this area. I have been a FWC permit listed sea turtle volunteer in the Archie Carr Refuge for 15 years, plus a board member for the Friends of the Carr Refuge for a dozen years, a board member of the Brevard Zoo with active involvement in living shorelines. I am a board member and past chair of the Brevard Indian River Lagoon Coalition and a member of the Management Board of the IRLNEP.

Sea Turtle Habitat Objective BBIA: The main threats to sea turtle nesting in the BBIA are people on the beach after dark in the nesting season (actually April to November) and violations of the lighting ordinance. Based upon recent turtle nesting numbers in the Archie Carr NWR portion of the BBIA, neither of these is a serious threat to turtle nesting currently, but they could get serious with increased development. Brevard County had the first sea turtle lighting ordinance in the state in the 1980s, but this ordinance has not been updated in decades. This ordinance should be reviewed using the Florida DEP Model Lighting Ordinance for Sea Turtle Nesting as a guideline for improvement..

The beach access parks and public lots should have posted signs that parking is not allowed between sunset and sunrise, with exceptions for persons attending permitted sea turtle walks. Law enforcement is needed to enforce compliance,

Policy BBIA 2.5: The Coastal Construction Setback Line has not been reviewed or revised in many years, perhaps more than two decades. Recent data suggests that the line should be moved back from the dunes to reduce the risk of new homes being destroyed by hurricanes and tropical storms. With the Area of Special Concern designation becoming effective, this is a good time for this review and revision.

Policy BBIA 2.5 (4): This number (50%) should be decreased to 30% or perhaps the matter be more fully described. These structures only exist because they were

constructed long before the current ordinances. These structures cause erosion on nearby properties that are prevented from constructing similar protection. If nature destroys them, they should not be replaced.

Policy BBIA 2.5 (6): Conventional septic systems and drain fields should not be allowed in the BBIA. Unless sewer is available, Advanced Septic Systems should be the minimum requirement. Brevard County already requires this in areas close to the Indian River Lagoon. This requirement should be extended to the entire BBIA. In 2023, the Florida Legislature passed a law that all conventional septic systems be replaced by sewer or advanced septic by 2030. No more should be allowed starting now.

Policy BBIA 2.6: The Coastal Construction Setback Line should be reviewed and revised as soon as possible. Clearly, new data exists for sea level rise what should be used for this revision.

Policy BBIA 4.15: As far as I know, the only marina in the BBIA is the facility in the Sebastian Inlet State Park that no longer provides fuel. I am unaware of any other locations in the BBIA that could become a marina. Perhaps this policy could list the requirements for any new marinas that would show that no new marinas are possible.

Policy BBIA 5.6: The Brevard County Environmentally Endangered Lands Program (EEL) was authorized in a 2022 referendum to issue bonds up to \$50 million to acquire additional conservation lands with an emphasis on lands that protect the Indian River Lagoon from nutrient pollution. Commission actions would be needed to increase the bond amounts and each property must be approved by the Commission individually. The program already protects multiple sanctuaries in the BBIA including the Coconut Point Sanctuary and the Maritime Hammock Sanctuary as well as the property around the Barrier Island Sanctuary. I have not time to examine the potential candidates but I understand that a 6 acre parcel near the South Beach Community Center is privately owned and perhaps a candidate. I am sure that there are others. This opportunity should be carefully examined.

Policy BBIA 8.13: Sea turtle research and nest monitoring should be included in the allowed use of motorized vehicles.

Policy BBIA 11-1: This is the most important statement in the document. It should be moved up in the document close to the beginning.

Thanks to the Brevard County Natural Resources Department for your efforts to effectively implement this Area of Critical Concern designation.

Vince Lamb
321-258-5168
11590 Dragon Point Drive, Merritt Island, FL 32952

BIPPA

djsmts <djsmts@protonmail.com>

Mon 9/2/2024 3:05 PM

To: virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; Bonnie Landry and Associates - General Info <info@blandry.com>

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Policy Changes Needed to Protect Brevard's Barrier Island Area of Critical State Concern

Donna Lee Crawford <donnalee.c@icloud.com>

Mon 9/2/2024 5:01 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

Dear Brevard County Board of County Commissioners,

I am writing to share my support for the following policy changes needed to protect our South Beaches Barrier Island, that now has the designation of an area of critical state concern:

- * Prevent density from increasing, both residential and commercial, and rather increase Environmentally Endangered Lands acquisition of the fragile natural resources of this area
- * Protect endangered sea turtles nesting habitats, by restoring dunes, enforcing lighting ordinances and partnering with conservation organizations and barrier island communities to promote awareness
- * Halt clear cutting of indigenous trees, and advocate for planting of native flora to enhance a harmonious balance of life for humans and locale fauna
- * Reduce runoff pollution into the currently imperiled Indian River Lagoon, a sensitive estuary of significant importance

Thank you for your dedication to preserve the precious ecosystems of Brevard County's southern barrier island, ocean to lagoon, one of the most biodiverse habitats in North America.

Sincerely,

Donna Lee Crawford
201 Osprey Villas Court
Melbourne Beach, Florida
32951

Sent from my iPad

Florida Statute 380.0553...Area of State Critical Concern...BBIA

Pamela Acevedo <pamelaje51@gmail.com>

Mon 9/2/2024 5:58 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

This letter is being written to implore you to reject the proposed BBIA Goal, Objectives, Policies in its current form without intelligent revision, omissions, and fine tuning of various policy points. The last 10 pages of this proposal are filled with loopholes and contradictions for this special designation.

Policy 12. should be deleted in its entirety. As currently worded it screams development. We need to STOP increase in density of any kind, residential, commercial and all other. This area doesn't have adequate infrastructure to support additional density. Such increase will only further compromise the fragility of the Indian River Lagoon, area maritime hammock, surrounding wildlife habitat and turtle nesting.

Clear cutting of lots is counterproductive to preservation of the area. Loss of vegetation lends itself to increased erosion, additional runoff, potential for flooding. Loss of Specimen, Heritage and various hardwoods totally change the complexion of our fragile barrier island. Percentage of allowed lot clearing must be tightened and carefully addressed as to location ei. Oceanfront lots, wetland bordering lots, conservation area lots.

Maintenance and care of the dunes along our beaches must be ongoing with serious consideration as to lighting, renourishment, natural planting for stabilization and pedestrian traffic needs to be addressed. Our beaches within the Arch Carr Wildlife Refuge should represent preservation at its best.

Please recognize the proposal in current form is in many aspects contrary to the intended purpose for this designation. Areas of great concern are contained in the following policies: 2.5, 7.1A, 8.1C, 11.1, and 12. which should be deleted.

Thank you for your attention to
John Acevedo, M.D.
Pamela Acevedo

Sent from my iPad

8/28/24 Public Outreach Meeting and the Draft Proposal of the Barrier Barrier Island Comp Plan

M Saffer and T Aborlleile <msaffer1@bellsouth.net>

Tue 9/3/2024 11:18 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>
Cc: msaffer1@bellsouth.net <msaffer1@bellsouth.net>

📎 1 attachments (571 KB)

Brevard-BBIA-Draft-Comp-Plan-Appendix-508-Compliant-Public-Input-v2.pdf;

Hello all,

First I want to thank you for bringing this meeting to the people who are going to be affected by all of this.

The Area of Critical State Concern is a good designation and will hopefully protect our area for many years to come, however there need to be more changes to this draft. I am concerned about the following:

Stop Clear Cutting Trees-Brevard County Ordinance Sec 62, Article XIII, Div 2, 62-4334

The solution is to remove the exemption of lots less than 1.25 acres or less

Policy 2.5 #1 after the words "vegetation on sight", add "excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly"

Policy BBIA 4.4 Is sludge going to be allowed onto our lands and waterways? Is it being allowed by private or public treatment plants now?

No private treatment plants. If we delete all of Section 12, 12.1 -12.13 we won't need them.

Policy 5.8 after the words "flooding impacts", add "and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections".

Policy 7.1

Letter A – after the words "reduce runoff." Add 2 new sentences "The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly." This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the

unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

Policy 8.1C after the word "vegetation" add ",specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation"; delete "unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above.**

Policy 11.1 add commercial and all other

Policy 12 - Delete all 12, 12.1-12.13 Stop Density from increasing, residential and commercial.

I lived in Miami and saw what happened to Miami Beach- it creeps and crawls and then the beauty is gone.

Thank you.

Teresita Aborlleile

**BREVARD BARRIER ISLAND AREA
APPENDIX A**

DRAFT

GOAL, OBJECTIVES, AND POLICIES

INTRODUCTION

The southern portion of Brevard County's barrier island was designated as an Area of Critical State Concern by the Florida Legislature in 2023, as codified in section 380.0553, Florida Statutes. The Brevard Barrier Island Area of Critical State Concern (BBIA) represents one of the most fragile and endangered coastal ecosystems and vulnerable communities in North America, due to its natural upland and marine habitats, critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, direct connection to and impacts on the nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. Through the implementation of this comprehensive plan, the critical functions of these natural resources are protected. Orderly and balanced growth are promoted in accordance with the existing facilities and services and the population can be safely evacuated in the event of a hurricane.

GOAL

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

Designation of the BBIA Objective BBIA 1

Brevard County locally establishes and delineates the southern portion of the County's barrier island as the BBIA in compliance with section 380.0553, F.S.

BBIA Boundary Policy

BBIA 1.1

The BBIA shall be shown on the Future Land Use Map as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County.

Legislative Findings for the BBIA

Policy BBIA 1.2

Brevard County recognizes and affirms the below findings of the Legislature in determining the necessity of designating the BBIA:

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural

- upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
 - C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
 - D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
 - E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
 - F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.
 - G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
 - H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

Legislative Intent for the BBIA

Policy BBIA 1.3

Brevard County acknowledges the intent of the legislature, in its establishment of the BBIA, to:

- A. Establish a land use management system that protects the natural environment of the BBIA;

- B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and
- D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

Guiding Principles for Development within the BBIA

Policy BBIA 1.4

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

Existing Use Exception

Policy BBIA 1.5

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

Conflicting Policies

Policy BBIA 1.6

Where there is any conflicting policy or regulation applicable to the BBIA, the more restrictive shall apply.

Sea Turtle Habitat

Objective BBIA 2

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures.

Policy BBIA 2.2

Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria:

Criteria:

- A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.
- 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, the Florida Building Code, as amended, and other applicable regulations.

Policy BBIA 2.3

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

Policy BBIA 2.4

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

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the CSL shall be governed by the following conditions, at a minimum:

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. 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.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that 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.
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the 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 CCCL, if deemed appropriate.

Policy BBIA 2.7

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 OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

Water Quality Restoration**Objective BBIA 3**

Brevard County shall prioritize water quality restoration projects in the Indian River Lagoon.

Policy BBIA 3.1

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. John's River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDL's) and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

Policy BBIA 3.2

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.

Policy BBIA 3.3

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 structures, 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 BBIA 3.4

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.

Policy BBIA 3.5

Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state 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 BBIA 3.6

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.

Policy BBIA 3.7

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

Policy BBIA 3.8

Brevard County shall coordinate surface water management and protection efforts with the Indian River National Estuary Program (IRLNEP), FDEP, SJRWMD and other appropriate agencies.

Policy BBIA 3.9

Brevard County shall support the SJRWMD's 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. Management strategies shall be coordinated with the municipalities and other agencies.

Policy BBIA 3.10

Brevard County shall continue to participate in the IRLNEP and other advisory committees and groups related to improving water quality in the Indian River Lagoon.

Policy BBIA 3.11

Brevard County supports the goals of the IRLNEP 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 for the CCMP.

Reducing Nutrient Contributions

Objective BBIA 4

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

Policy BBIA 4.1

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

Policy BBIA 4.2

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

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

Policy BBIA 4.4

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

Criteria:

- A. Private treatment plants shall be permitted under any of the following circumstances:
 1. When environmental conditions exist that 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 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;
 3. 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.
 4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.
- C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.

Policy BBIA 4.5

Interim and/or “package-type” wastewater 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 BBIA 4.6

Brevard County shall maintain land development regulations that 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.

Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans.

Policy BBIA 4.8

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

Policy BBIA 4.9

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

Policy BBIA 4.10

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

Policy BBIA 4.11

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

Policy BBIA 4.12

Brevard County should address modification of existing development that does not meet stormwater management standards.

Policy BBIA 4.13

Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas.

Policy BBIA 4.14

Brevard County shall continue to develop and implement regulations governing live-aboards. Such regulations shall include the following criteria at a minimum:

Criteria:

- A. 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.
- B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

Policy BBIA 4.15

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

Criteria:

- A. Stormwater retention/detention requirements established 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 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, 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.

Policy BBIA 4.16

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to provide fertilizer management BMP information to agricultural operators within the BBIA.

Nature-Based Solutions**Objective BBIA 5**

Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

Policy BBIA 5.1

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

Policy BBIA 5.2

Brevard County shall address modification of existing development that 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 management facilities within existing developments should be 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 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 with bulkheads or seawalls shall be modified 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 with altered vegetated shorelines shall be modified 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 non-native vegetation is predominant. Runoff quality and rates should be equivalent to the pre-development state.

Policy BBIA 5.3

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

Policy BBIA 5.4

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 BBIA 5.5

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 BBIA 5.6

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development 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 BBIA 5.7

Brevard County 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.

Policy BBIA 5.8

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Critical Assets

Objective BBIA 6

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093, F.S.

Policy BBIA 6.1

Public facilities should not be located within the 100-year 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.

Policy BBIA 6.2

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 BBIA 6.3

Brevard County shall not support or finance new local transportation corridors that 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 the protection of the transportation facilities from flooding and storm surge.

Policy BBIA 6.4

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 BBIA 6.5

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, and designed to withstand flooding and storm surge.

Policy BBIA 6.6

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) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.

Policy BBIA 6.8

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:

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 BBIA 6.9

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.

Criteria:

- A. Priority shall be given to improvements serving the zone with the highest 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.
- C. Brevard County, in cooperation with the Florida Department of Transportation, 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 BBIA 6.10

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

Policy BBIA 6.11

Brevard County shall consider hurricane evacuation times, as well as other factors including vulnerability to flooding and storm surge, in determining the timing and priority of roadway improvements that are programmed by the Board of County Commissioners.

Policy BBIA 6.12

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

Policy BBIA 6.13

Brevard County should analyze those public structures within the high risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

Criteria:

- 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.
 - 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. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed.

Policy BBIA 6.14

In the event of a disaster, all infrastructure and other County owned improvements that were not included within the above outlined study shall be analyzed to determine the cost effectiveness of relocation versus repair.

Policy BBIA 6.16

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 BBIA 6.17

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 BBIA 6.18

The County should consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.19

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 BBIA 6.20

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 BBIA 6.21

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 BBIA 6.22

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection,

accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

Policy BBIA 6.23

Brevard County should continue to analyze the 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 BBIA 6.24

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

Policy BBIA 6.25

Brevard County, in conjunction with the School District and the municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as the design and use of public schools as emergency shelters.

Marine Resources

Objective BBIA 7

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

Policy BBIA 7.1

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.

Policy BBIA 7.2

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. 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. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

Criteria:

- A. The basis for no net loss shall be established by 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 that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland in addition to applicable penalties. 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. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.
- F. 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 waivers that would result in reduced wetland impacts.
- G. Dumping of solid or liquid wastes shall be prohibited.
- H. 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.
- I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.
- J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. 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. The property shall meet all other State regulatory criteria.

Policy BBIA 7.3

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 avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

Policy BBIA 7.4

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.
- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

Policy BBIA 7.5

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 7.6

All development and activities shall comply with the Brevard County Manatee Protection Plan, as amended. Brevard County, in coordination with applicable partners such as FWC, shall continue to monitor manatee protection measures to determine their effectiveness.

Policy BBIA 7.7

All existing and new marinas shall erect manatee education and awareness signs that 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.

Policy BBIA 7.8

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.

Policy BBIA 7.9

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.

Policy BBIA 7.10

Brevard County, or other appropriate agencies, shall develop a 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 that may be deemed necessary within areas frequented by manatees.

Policy BBIA 7.11

Brevard County shall identify areas containing significant manatee habitat features. Marinas with powerboat slips shall not be sited within these areas.

Policy BBIA 7.12

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

Policy BBIA 7.13

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

Criteria:

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. 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.

Policy BBIA 7.14

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

Policy BBIA 7.15

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. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. 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.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that 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 the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 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 process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

Policy BBIA 7.17

Marinas shall be inspected 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 tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

Criteria:

- A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.
- B. Compliance with power/sailboat mix, if required.
- C. Spill prevention, control, containment and cleanup plans.
- D. Waste collection and disposal methods.
- E. Firefighting equipment, if required.
- F. Monitoring of marina basin water quality for bacteriological levels to insure

compliance with state and federal standards. 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 BBIA 7.18

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.

Upland Resources

Objective BBIA 8

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain regulations to address revegetation and premature land clearing, including the following minimum criteria.

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. Require tree and canopy preservation, including root protection standards.

Policy BBIA 8.2

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. The Environmentally Endangered Lands Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

Policy BBIA 8.3

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:

Criteria:

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

Policy BBIA 8.4

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

Policy BBIA 8.5

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible.

Policy BBIA 8.6

Brevard County shall continue to make available 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 BBIA 8.7

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and upland natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Policy BBIA 8.8

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.

Policy BBIA 8.9

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

Policy BBIA 8.10

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, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

Policy BBIA 8.11

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, or 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.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the 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 CSL except as required for handicap access.
- F. Publicly owned dunes, especially those identified for beach access sites, that 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 that 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 BBIA 8.12

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, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

Policy BBIA 8.13

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, 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 BBIA 8.14

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

Policy BBIA 8.15

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

Water Quality Protection

Objective BBIA 9

Brevard County shall limit the adverse impacts of development on the quality of water throughout the BBIA and the Indian River Lagoon.

Policy BBIA 9.1

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries 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. 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. 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 criteria C and D below, 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, where there is insufficient lot depth to construct a primary structure, 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 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, where there is insufficient lot depth to construct a primary structure, 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 Chapter 373, F.S., as amended.
- 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 alteration as allowed by this comprehensive plan.
- H. Prohibit discharges of any substances below ambient water quality standards.

Policy BBIA 9.2

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 BBIA 9.3

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

Policy BBIA 9.4

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, projects should minimize impervious surfaces by using pervious surfaces wherever feasible, such as for overflow parking.

Policy BBIA 9.5

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

Policy BBIA 9.6

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.

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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 BBIA 9.8

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, 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.

Policy BBIA 9.9

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 BBIA 9.10

All new boat ramps should have parking areas constructed utilizing permeable pavement where appropriate and have the proper stormwater management system in place.

Scenic Resources

Objective BBIA 10

Brevard County shall enhance natural scenic resources to promote the aesthetic benefits of the natural environment.

Policy BBIA 10.1

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

Policy BBIA 10.2

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.3

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.4

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 BBIA 10.5

SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features.

Policy BBIA 10.6

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 that would deny visual access beyond the immediate area.

Policy BBIA 10.7

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.

Compatibility

Objective BBIA 11

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

Brevard County shall not increase residential density designations for properties located within the BBIA.

Policy BBIA 11.2

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity.

Policy BBIA 11.3

Brevard County shall review shore-line 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 that 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.

Policy BBIA 11.4

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

Policy BBIA 11.5

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 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 that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Policy BBIA 11.6

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.

Future Land Use Categories within the BBIA

Objective BBIA 12

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

Residential 1 – BBIA Future Land Use

Policy BBIA 12.1

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

Residential 2 – BBIA Future Land Use

Policy BBIA 12.2

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Residential 4 – BBIA Future Land Use

Policy BBIA 12.3

The Residential 4 – BBIA 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. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

Residential 6 – BBIA Future Land Use

Policy BBIA 12.4

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

Residential 8 – BBIA Future Land Use

Policy BBIA 12.5

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive 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 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Residential 15 – BBIA Future Land Use

Policy BBIA 12.6

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. 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 that 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 that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use
Policy BBIA 12.7**

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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 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 three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

**Community Commercial – BBIA Future Land Use
Policy BBIA 12.8**

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and

professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria 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 pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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.
- 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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

**Public Facilities – BBIA Future Land Use
Policy BBIA 12.9**

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

- A. Public facilities are those uses that, 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 0.25
- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map 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.
- 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.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board 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 – BBIA Future Land Use
Policy BBIA 12.10**

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map 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, provided such uses are compatible with adjacent land uses.
- B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use
Policy BBIA 12.11**

The Private Conservation - BBIA 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 prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 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 Conservation – BBIA Future Land Use
Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, 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 and 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 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) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.
- D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by 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 may be amended pursuant to section 163.3187, Florida Statutes, 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.

- A. 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 that 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.

Policy BBIA 12.13

Brevard County shall designate lands without an assigned Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

Removal of Area of Critical State Concern Designation

Objective BBIA 13

The BBIA may be recommended for de-designation by the state land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.

Sufficiency of Local Plan and Land Development Regulations

Policy BBIA 13.1

Brevard County acknowledges that the state land planning agency may at any time recommend the removal of the designation of the BBIA as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the BBIA and carry out the legislative intent expressed in section 380.0553(3), F. S., and are in compliance with the principles for guiding development specified in section 380.0553(5).

Criteria for De-designation

Policy BBIA 13.2

Brevard County acknowledges that the state land planning agency must recommend removal of the designation to the administration commission if it determines that:

- A. Adequate restoration and renourishment programs are in place to preserve the beaches and dunes of the southern barrier island in Brevard County for nesting sea turtles;
- B. Seagrass replanting in the Indian River Lagoon extending the length of the BBIA is in a coverage volume that would establish recovery to scientifically defensible reference targets;
- C. Nonpoint pollution sources into the Indian River Lagoon that contribute to total phosphorus, total nitrogen, chlorophyll a, fecal coliform, and metals have been sufficiently reduced to meet water quality criteria standards resulting in the removal of the Indian River Lagoon from the impaired waters list;

- D. The green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and leatherback sea turtle (*Dermochelys coriacea*) have been delisted from the Florida Endangered and Threatened Species rule and the Florida Marine Turtle Protection Act under section 379.2431, F.S., as may be amended from time to time;
- E. The Brevard County local comprehensive plan, its land development regulations, and the administration of such plans and regulations are adequate to protect the BBIA, fulfill the legislative intent specified in section 380.0553(3), F.S., and are consistent with and further the principles guiding development; and
- F. The Brevard County Commission has adopted a resolution at a public hearing recommending the removal of the designation.

Timeline for De-designation
Policy BBIA 13.3

Brevard County acknowledges that the Administration Commission must initiate rulemaking to remove the BBIA area of critical state concern designation within 45 days after receipt of the recommendation from the state land planning agency, if the commission concurs with the recommendation for removal.

BARRIER ISLAND PRESERVATION AND PROTECTION CONCERNS

Gary <garnat@aol.com>

Tue 9/3/2024 12:14 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>

Changes need to be made to help preserve our delicate barrier island.

- No Increases in Density; **Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Thank you for your attention to the above.

Natashia Tabler
5331 Tay Court
Melbourne Beach FL 32951

BBIA policy suggestions

rel2421@aol.com <rel2421@aol.com>

Tue 9/3/2024 1:04 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Good day,

I respectfully would like to provide my suggestions for consideration to Brevard County Planning and Zoning BBIA draft policy.

I am a Brevard County resident and live within the area of critical concern.

Reducing Nutrient Contributions Objective

BBIA 4

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

Is this based on: HB1379

(applicants for any new septic systems serving lots of any size to install nitrogen-reducing system (ER-OSTDS). By July 1, 2030 any commercial or residential property with an existing OSTDS located with this area must connect to central sewer if available or upgrade to nitrogen reducing system or other waste water treatment that achieves at least 65% nitrogen reduction)

Policy BBIA 4.1

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

Provide penalties

Policy BBIA 4.2

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

Change to treated and untreated

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

Eliminate completely if no existing commercial or residential uses in urban fringe, urbanizing or urban density area warrant this policy.

Policy BBIA 4.4

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

Criteria:

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

1. When environmental conditions exist that 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 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;
3. 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.
4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

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

Provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

Policy BBIA 4.5

Interim and/or "package-type" wastewater 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.

Delete option and add time period. (helps discourage development using package systems) per Mitch

Policy BBIA 4.6

Brevard County shall maintain land development regulations that 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.

Brevard county shall maintain land development regulations that only permits development to locate in areas with designated sewer system with adequate capacity for proposed development.

BBIA 6.18

The county should consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

What is a vulnerability analysis? Who is responsible? County or developer?

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that 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 the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 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 process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

No new marinas

BBIA 7.5 same as BBIA 8.7?

Policy BBIA 7.5

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.
motors.

Who performs the environmental assessment. What is the criteria?

Policy BBIA 10.6

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 that would deny visual access beyond the immediate area.

Needs more Teeth, Encourage to preserve is not enough. At least some tradeoffs or mediation
What does Amortized mean. Set a time table for removal including grandfathered signage that does not meet current code.

Policy BBIA 11.2

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity

Change to:

The existence of sewer, water, roadways or other public infrastructure shall not and will not be considered justification for an increase in density.

Policy BBIA 11.5

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 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 that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Change to marinas to last in descending order of priority

Robert Logsdon
9020 S. Hwy. A1A
Melbourne Beach, FL 32951

Brevard Barrier Island Area Comprehensive Plan comments

Aaron Adams <aaronjadams.64@gmail.com>

Tue 9/3/2024 3:03 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Cc: d1.Commissioner@brevardfl.gov <d1.Commissioner@brevardfl.gov>; d2.Commissioner@brevardfl.gov <d2.Commissioner@brevardfl.gov>; d3.Commissioner@brevardfl.gov <d3.Commissioner@brevardfl.gov>; d4.Commissioner@brevardfl.gov <d4.Commissioner@brevardfl.gov>; d5.Commissioner@brevardfl.gov <d5.Commissioner@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

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My first concern is that the Plan needs to explicitly incorporate the best and most recent available data. For example, may policies rely upon outdated data on sea level rise, meteorological events, and aquifer status. For sea level rise and meteorological events (both of which influence aquifer status) please see the ongoing work by the Florida Flood Hub at University of South Florida (<https://www.usf.edu/marine-science/research/florida-flood-hub-for-applied-research-and-innovation/>), and the Florida Office of Resilience and Coastal Protection (<https://floridadep.gov/orcp>).

The draft Plan also violates the intent of the ACSC designation in that it proposes expanded application of high density development and encourages commercial development of Indian River Lagoon waterfront property.

The draft plan also assumes that the environmental health of the Indian River Lagoon and of the beaches for sea turtle nesting are issues that don't need long term planning and management, suggesting in Objective 13, for example, that improvements in the IRL environmental status would terminate the ACSC designation.

I address these and my other main concerns specific to draft policies below.

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- Live-aboards should be restricted to designated zones. This will simplify monitoring and enforcement

- Brevard County should implement a policy to facilitate the removal of derelict vessels in a timely manner

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- This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL

Policy 12

- This policy should be deleted. There should be no density increases allowed. Existing land use and zoning are already in effect from July 2023.

Objective 13

- This objective assumes that environmental management is not a long term activity. For example,

there is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches due to increased development. Overall, this Objective leaves the door way too wide open to reversing this designation.

Aaron J. Adams, Ph.D.
Marine Conservation Biologist
190 Ibis Drive
Melbourne Beach, FL

Barrier Island development

PATRICIA BIAGI <biagi@bellsouth.net>

Tue 9/3/2024 6:43 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Please be aware that the majority of the people who live in Melbourne Beach are extremely concerned as to the future of this small and sensitive area.

The meeting at the community center last week was vague as to what the plans for the future are. Most everyone I have spoken to is asking the same question "what was the meeting really about?"

Please be aware.

Policy 12 needs to be deleted. Density is at its peak the houses that are being built on the beach are HUGE might as well be condos. I wonder how they are getting building permits. Why are these lots allowed to be clear cut? Truly doesn't make any sense to take out such sensitive echo habitats. No matter what size your lot is clear cutting should not be allowed. You have street lights on A1A that are very very bright I know it can confuse the turtles and they can end up going on the main road. This recently happened.

There should be no more private water treatment plants, What is the coastal setback going to be for new homes being built?

Short term rentals should be enforced.

Have any of you ever driven on A1A in the early morning the amount of dead animals is alarming. You say you want to preserve Then please please pay attention as to what is really going on here before its to late.

The lagoon preservation is questionable is anything really being done?

Are we as citizens paying for a service that is to be done by the people "running" the county? I implore you all to look at the picture and look hard look at the small things as well as the big picture.

Patricia Biagi

155 Sea Dunes Dr

Melbourne Beach

!

South Melbourne Beach unincorporated barrier island

cad5016@aol.com <cad5016@aol.com>

Tue 9/3/2024 7:38 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>

Hello,

In helping to preserve the balance of population growth with wildlife and our natural habitat on the South Melbourne Beach unincorporated barrier island, please consider the following changes:

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Sincerely,

Carol Delahanty

* a resident here since 1978!

Brevard Barrier Island Area

Matt Sears <ducked.up@hotmail.com>

Wed 9/4/2024 11:50 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Respectfully asking all for your attention and help with The Brevard Barrier Island Area.

1st - No Increases in Density; Delete Policy 12. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

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3rd - Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon.

I look forward to your responses.

Thank you,

Matt Sears
285 Ross Ave.
Melbourne Beach, FL 32951

Brevard Barrier Island Area

Barbara Arthur <barbaraarthur1@yahoo.com>

Wed 9/4/2024 12:57 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Cc: d1.commissioner@BrevardFL.gov <d1.commissioner@BrevardFL.gov>; d2.commissioner@BrevardFL.gov <d2.commissioner@BrevardFL.gov>; D3 Commissioner <d3.commissioner@brevardfl.gov>; d4.commissioner@BrevardFL.gov <d4.commissioner@BrevardFL.gov>; d5.commissioner@BrevardFL.gov <d5.commissioner@BrevardFL.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; shawn.hamilton@myfloridadep.gov <shawn.hamilton@myfloridadep.gov>; tad.calkis@brevardfl.gov <tad.calkis@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

Ms. Landry,

I am providing comments on the Brevard Barrier Island Area Appendix A draft.

Policy 2.3 Brevard County shall maintain **and strengthen** lighting regulations.....

Add Policy 3.12 No new public or private golf courses shall be permitted within the BBIA due to large amounts of water necessary to maintain.

Policy 4.1 Add: Unpermitted discharges shall be fined and restitution required.

Policy 4.12 Brevard County **shall** address modification.....

Policy 4.14 Criteria: No liveaboards shall be moored outside of marinas. Marinas with liveaboards shall contain pump out facilities.

Policy 5.5 Mosquito impoundments should be reconnected **by culverts** to the Indian River Lagoon.....

Policy 6.2 Delete

Policy 6.9 Add: When FDOT widens SRA1A to four lanes within the BBIA, an increase in capacity (LOS) shall NOT allow for an increase in density.

Policy 6.16 The County **shall** utilize a range of sea level rise.....

Policy 7.4 Delete Replace with: Mining operations shall not be permitted within the BBIA.

Policy 7.11 Delete: Marinas with powerboat slips shall not be sited within these areas. (No new public or private marinas shall be sited within the BBIA.)

Policy 7.15 Criteria A should read: The County shall require motorized and non-motorized liveboard vessels to be docked within marinas.

Policy 7.16 Delete (Brevard County shall not permit new marinas within the BBIA.)

Policy 7.18 Delete

Policy 8.1 Add: F. Abide by the Brevard County Landscape/Land Clearing Ordinance pertaining to the barrier island.

Policy 8.8 Not necessary as there are no remaining scrub jays living in the BBIA.

Policy 9.3 Mining operations shall not be permitted within the BBIA.

Policy 11.1 Brevard County shall not increase residential **or commercial** density designations.....

Policy 11.3 B. Remove: Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated. C. Remove **and industrial**.

Policy 11.4 Remove: Such uses shall be permitted as Conditional Uses within the BU-I zoning category. (There are no BU-1 zonings in the BBIA; only BU-1-A.)

Policy 11.5 A Remove **marinas**.

Future Land Use Categories within the BBIA

Objective 12 Remove RES 4, RES 6, RES 8, RES 15. Zoning allows two units per acre north of Crystal Lakes to the Melbourne Beach Town City Limits and one unit per acre south of Crystal Lakes on unplatted land.

Policy 12.3 Remove

Policy 12.4 Remove

Policy 12.5 Remove

Policy 12.6 Remove

Policy 12.7 Remove h Add: h. Maintain the existing commercial node locations. Do not designate new neighborhood commercial clusters.

Policy 12.8 Delete

Question: Under Policy 13.2, do all criteria have to be met or only one? I believe all criteria under this de-signation shall be met.

Thank you for your consideration of these comments.

Barbara Arthur

Brevard Barrier Island Area Comprehensive Plan

Jim Chell <jimchell@gmail.com>

Wed 9/4/2024 3:35 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; d1.Commissioner@brevardfl.gov <d1.Commissioner@brevardfl.gov>; d4.commissioner@brevardfl.gov <d4.commissioner@brevardfl.gov>; d5.commissioner@brevardfl.gov <d5.commissioner@brevardfl.gov>
Cc: mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; frank.abate@brevard.gov <frank.abate@brevard.gov>; darce.mcgee@brevard.gov <darce.mcgee@brevard.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virgina.barker@brevardfl.gov <virgina.barker@brevardfl.gov>

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Thank you for your consideration.

Jim Chell

...

[Message clipped] [View entire message](#)



Reply

Forward

Brevard South Beaches Area of Critical Concern

Paul Moran <6340pem@gmail.com>

Wed 9/4/2024 4:26 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

Thank You State and County officials for your support in protecting the natural environment of Brevard's South Beaches with unanimous passing of legislation designating Brevard South Beach Area as a "Area of Critical State Concern".

Currently Brevard County is in Phase 1 of developing a Land management Plan for South Beaches along with an informational meeting with the South Beaches Community on August 28th. I am writing to further ask of your support of comments from the local community with respect to the "Draft of Brevard Barrier Island Area Comprehensive Plan" The key points requesting support are:

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
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- Enforcing Breezeway requirements of the east side of A1a
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Utilizing Currently published Coastal Setbacks for new single family residential homes.

Respectfully Thanking you for your support.

Paul Moran
6340 S Highway A1a
Melbourne Beach, Fl

email: 6340pem@gmail.com

BBIA Area of Critical Concern Feedback / Brevard Barrier Island Proposal

Joel Ledlow <joelledlow@gmail.com>

Thu 9/5/2024 4:53 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; Frank B Abbate <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>
Cc: thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie.web@flsenate.gov <mayfield.debbie.web@flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Thank you to Brevard and associated teams for including us in this development plan.
Please review and advise.

Clarifying Questions:

1. Please share the adoption of feedback process and its incorporation into the BBIA plan. Also where feedback will be made public.
2. Is adoption of feedback based on the volume of residents response or restricted to a County official and or Commissioner choice?
3. What is the Enforceability of the Plan?

*** Please incorporate the following requests into the Draft Document in accordance with our increased protective status.

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.

No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)

2. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

3. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

4. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. (Remove 10.4 and 10.7)

Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.

Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to under utilized Parks while access to their own neighborhood beaches is reduced.

As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.

5. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

6. Ban shoreline shark angling within BBIA. (Add to 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety issues for swimmers / surfers by knowingly chumming, baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

7. Eliminate overnight camping and or fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance

Joel Ledlow
561.445.9360

Brevard Barrier Island Area (BBIA) Land Management Draft

dccapemay@aol.com <dccapemay@aol.com>

Thu 9/5/2024 7:42 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Bonnie Landry,

Thank you for taking the time, to read my email regarding the Brevard Barrier Island Area (BBIA) Land Management Draft. I have lived on the barrier island for over 20 years, I could not be happier that the area is going to be protected. To strengthen the Draft, please consider adding the following items underlined, in blue. The greatest danger to the island is development above RES 1-BBIA and the practice of clear-cutting building lots to bare dirt or sand.

In 2023, The Florida Legislature unanimously voted to designate the Brevard Barrier Island Area as an Area of Critical State Concern. That was a big deal and a special moment for us. Our journey to this point has involved many hours of trying to hold back uncontrollable development that wanted to increase density through variance requests. We have been trying very hard to protect the sea turtles, the dunes, the tree canopy, and numerous habitats. We feel the BBIA, ACSC designation, with your help and expertise, will provide the level of protection needed to preserve the island into the future.

1. Density and Development must be addressed if the island is to be protected. To stop density from increasing above **RES 1- BBIA, Policy 12-1 to Policy 12-8** must be deleted from the Comp Plan Draft and should be replaced with the following:

Future Land Use Categories within the BBIA

Objective BBIA 12

Add - Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, Residential Single Family Home.

Remove - RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA

Residential 1 – BBIA Future Land Use

Policy BBIA 12.1

Add - The Residential 1 – BBIA land use designation permits low-density residential development with a maximum density of up to one (1) unit per acre. There shall be no Variance Request approved that would change the maximum density above one (1) unit per acre.

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 that serve as a transition between existing land uses or land use designations with a density of one (1) unit per acre and areas with

lesser density; or

C. Unincorporated areas that are adjacent to incorporated areas, may only be considered a logical transition for Residential 1-BBIA.

Add - D. Unincorporated areas adjacent to existing multi-family, shall not serve as a transition to new multi-family development and any Variance Request for density changes above RES 1-BBIA shall not be approved in the BBIA, ACSC area.

2. Clear-cutting lots: Some Developers in the South Beaches are using clear-cutting methods to prepare lots for building. There are other options. The practice of clear-cutting a lot removes almost every tree, bush, and plant. Removing trees not only interrupts the continuity of the island's canopy but it leaves the lot bare so runoff of dirt and sediment finds its way to the IR Lagoon. Evidence from cleared lots and bare dunes along A1A shows that the current regulations are not working. Land clearing regulations must be strengthened and the Comp Plan Draft must include language that prohibits clear-cutting in the BBIA, ACSC. The practice of clear-cutting lots is the exact opposite of what we are trying to accomplish with the BBIA, ACSC designation.

Currently any property in the BBIA, by the exemption in Brevard County Section 62-4334, can clear-cut 100% of the trees on a residential lot, many trees are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on the fragile barrier island from being completely overrun by a storm surge. Clear-cutting a lot removes all tree canopy, destroys habitats, and interrupts migrating bird patterns. *Currently, Section 62-4334 "Landscaping, Land Clearing, and Tree Protection" of the County Code, exempts 100% of the lots on the island from the 28 pages of protection. Brevard County has 28 pages of regulations about Specimen, Heritage, and other trees, and then EXEMPTED them ALL from the 28 pages of code in a single sentence.*

Policy BBIA 1.4 in the Comp Plan Draft * **Add this to Policy BBIA 1.4 To prohibit clear-cutting lots in the BBIA, ACSC**

Brevard County shall establish land development regulations specific to the BBIA, ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island. * **To protect the tree canopy, no lots shall be exempted from protection on the barrier island in the BBIA, ACSC referenced in Section 62-4334. Single-family lots that are 1.25 acres or less are not exempted and shall not be clear-cut. The practice of clear-cutting shall be prohibited in lands that are in the area with the designation of BBIA, ACSC.**

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

3. **Policy 5.8** – after the words “flooding impacts”, **Add “and shall exclude all properties from the exemption** (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County

ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing, and Tree protections”.

Policy BBIA 5.8

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts **“and shall exclude all properties from the exemption ”**. Such adaptation strategies * **Remove "may" and Add "shall" include a,b,c,d, and shall include e and f:**

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

4.) **Policy 8.1.C – after the word “vegetation” Add “, specifically Specimen, Heritage, and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

Policy BBIA 8.1

Brevard County shall maintain regulations to address revegetation and premature land clearing, including the following minimum criteria.

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, Add -**“specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. This is the same reasoning as in Policy 5.8 above. in conjunction with land.** (Add) 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 shall be utilized to the maximum extent possible.
- E. Require tree and canopy preservation, including root protection standards. Add - **“Native and wind-tolerant trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms shall require extra protection and tree canopy preservation when land is being cleared.”**

Thank you in advance for allowing input and additions to the Comp Plan Land Management Draft.

Sincerely,

Dolores Conway
123 Cardinal Dr
Melbourne Beach, FL 32951
email: dccapemay@aol.com

Area of Critical Concern

charlesrhardin@aol.com <charlesrhardin@aol.com>

Thu 9/5/2024 9:59 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

Cc: d1.Commissioner@BrevardFL.gov <d1.commissioner@brevardfl.gov>; d2.Commissioner@BrevardFL.gov

<d2.commissioner@brevardfl.gov>; d3.Commissioner@BrevardFL.gov <d3.commissioner@brevardfl.gov>;

d4.Commissioner@BrevardFL.gov <d4.commissioner@brevardfl.gov>; d5.Commissioner@BrevardFL.gov

<d5.commissioner@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov

<frank.abbate@brevardfl.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; randy.fine@myfloridahouse.gov

<randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>;

shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>;

thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

Dear Ms. Landry and all Brevard and Florida State officials as noted:

As a resident of the South Beaches for over 22 years I am pleased that this area has been designated one of Critical Concern. Your "town hall" meeting was very informative however I believe that some points of your study need to be revised in order to provide the best protection of this area. I have noted many of my concerns below and believe that these should be considered.

It seems that, when it comes down to land development, many elected officials choose to side with developers as opposed to the residents (voters) that they represent. Hopefully I will be proven wrong in this particular instance but I assure you that the residents of the South Beaches are vehemently opposed to any development that will change, and essentially destroy, the fragile environment and lifestyle that they moved here to enjoy.

Any increased density in the South beaches must be avoided at all costs, and funds need to be sought to provide "city" water and sewer systems at the earliest possible time since many homes are on septic/well systems...and NO private sewage systems (such as already exist in the Aquarina, Indian Landing, and South Shores developments) should be approved. These and other concerns I have regarding the area are noted below:

Policy 2.2 on protecting the dune system

- A. The Brevard County Coastal Setback Line should be recalculated to incorporate recent and projected sea level rise. The current CSL is out of date. The new line should be at the very least applicable to current data, and would be most effective using data for projected sea level rise.
- B. The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. The Flood Hub at USF will be a good source of new data. FEMA recently issued revised and updated flood plan maps.

Policy 2.3 on lighting regulations for sea turtle nesting

- This should be expanded to consider a dark skies provision to better manage overall light pollution, which can disrupt nesting.

Policy 2.4 on beach renourishment

- Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine grained sediment was deposited in the past couple of years.

Policy 2.5 and 2.6 on land development regulations

- 1. The 1981 Coastal Construction Control Line and Coastal Setback Line need to be updated to reflect recent and projected data on Sea Level Rise. Since the CCCL is a FLDEP regulation, Brevard County should create a new CCCL for the BBIA using updated data. Revising the CCCL and CSL based on current and recent coastline changes in reactive. A development plan for the BBIA should be proactive.
- 2. Aquifer use calculations need to incorporate data from the Florida Flood Hub (USF), which accounts for SLR, aquifer draw down, climate (rainfall) changes. The occurrence of meteorological extremes (drought, heavy rain events) is increasing, and needs to be factored in to development regulations.
- Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data should be applied here.

Policy 3.2 on water resources

- Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties. Past development has already impacted the aquifer, the amount of impervious surface (and thus aquifer recharge), and contaminants entering the IRL.

Policy 4.4 on private sewage treatment plants

- No private treatment plans should be allowed at all. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, enforcement of current private plants is insufficient, and the region is already over capacity on septic systems.

Policy 4.14 ad 7.15 on live-aboard vessels

- Live-aboards should be restricted to designated zones. This will simplify monitoring and enforcement
- Brevard County should implement a policy to facilitate the removal of derelict vessels in a timely manner

Policy 6.9, 6.10, 6.11 on the evacuation network

- The language used in these draft policies leaves the door open to building an additional bridge to the mainland to provide closer evacuation access. A new bridge should be specifically prohibited.

Policy 7.2 on wetlands

- This text should be revised to state that there is no allowable loss of wetlands. Mitigation is not effective natural resource management. The mitigation approach facilitates wetland destruction for development. Under mitigation, a wetland o the barrier island can be destroyed for development, and 'mitigated' by the developer purchasing habitat restoration credits in a different part of the state (such as Jacksonville). This impacts the barrier island with no local environmental benefits.

Policy 7.4 on mining

- Mining on or near the barrier island is impossible without adversely affecting groundwater resources and groundwater quality. Therefore, it should be prohibited.

Policy 7.13 on mosquito impoundments

- Mosquito impoundments should be managed to increase their value as fish nursery habitats for economically important species in a manner that also manages for mosquitos.

Policy 7.16 on marinas

- One acre of upland is insufficient for a functioning marina. More land should be required. The better question is whether additional marinas are needed given that boat owners have access to many boat ramps.

Policy 8.1 on land clearing

- Failure to follow these criteria should result in accountability that is not specified here

Policy 8.3 on vegetative communities

- Aquifer recharge and flood mitigation should be added as priority criteria
- Evaluation of development of vegetated areas should not be done as a stand-alone evaluation, but in the context of current development locations and impacts on flooding and aquifer recharge, and the amount of impervious surface.

Policy 8.7 on development environmental assessment

- The assessment should include freshwater flows (runoff) that will impact the IRL

Policy 9.7 on stormwater management

- C. The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes (more frequent and intense rain events) resulting from climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

Policy 10.7 on land acquisition

- Brevard County should make a strong effort to acquire more lands in the BBIA for conservation purposes to offset future development.

Policy 11.3, 11.4, 11.5 on commercialization of the IRL waterfront

- This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL

Policy 12

- This policy should be deleted. There should be no density increases allowed. Existing land use and zoning are already in effect from July 2023.

Objective 13

- This objective assumes that environmental management is not a long term activity. For example, there is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches due to increased development. Overall, this Objective leaves the door way too wide open to reversing this designation.

Thank you for this opportunity to comment and I (once again) hope that these concerns do not fall on "deaf" ears.

Sincerely,

Charles R Hardin
290 Heron Dr.
Melbourne Beach, FL 32951

Brevard Barrier Island Area of Concern

Lisa Lisa <summergirlfla@gmail.com>

Thu 9/5/2024 11:28 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

As a local resident and as a result of the meeting held August 28, 2024 at the South Beach Community Center in Melbourne Beach I'd like to list my concerns with regard to protecting our barrier island.

No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334;
Solution is to remove the exemption of lots less than 1.25 acres or less

Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon

Dune protection and restorations, Sea Turtle and Wildlife habitats

Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals

Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.

Clean Water, no private treatment plants

Coastal Setback updating for new single family residential homes

Mosquito impoundments management

You are our voice please help protect our coastal community.

Sincerely,
Lisa Kishegyi

South beaches

William Seplow <bongofury@icloud.com>

Thu 9/5/2024 11:42 AM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>

I will make this short because I know you are busy and you've probably gotten a lot of mail regarding the subject.

I am writing this so as to be counted amongst the hundreds of residence of the South beaches that are firmly against increasing population density in the south beaches.

I have personally seen having lived in Miami for 50 years. What happens when the camel gets its nose under the tent.

We don't need commercial development here. We don't need another bridge and at this point, the Indian River Lagoon is struggling to keep any type of viable ecology. Building single-family track, homes, condominiums, townhouses, and like along the Indian river Lagoon and the South peaches in general would be disastrous.

Many of these types of developments would have to have their own sewage treatment plants, which, even the few that we have now are not very closely monitored and many times run beyond their capabilities, causing pollution into the Indian river lagoon.

We have a very small two lane highway ;during the busy times of the year we are quite challenged by traffic. Those times of the year do not coincide with hurricane season so evacuation is not an issue. What is an issue is the increased traffic that would be diverted over to the beaches if another bridge were to be built. Not to mention the potential for people to come over the bridge Execute crimes and then run back over the bridge. Currently the distance between bridges provides a nice level of security in the south beaches.

I realize that there is a glut of greedy developers that would love to come in and create a mini Miami Beach here in South Beaches. This is one of the the last areas of a somewhat natural coastline and environment on the East Coast of Florida. It needs to remain so.

Dr. Bill seplow

Fwd: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

Sandra Sullivan <s2sully@gmail.com>

Thu 9/5/2024 11:57 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

📎 4 attachments (4 MB)

Satellite Beach 06-1 (2).pdf; Satellite Beach 17-02ESR (2).pdf; image001.jpg; image001.jpg;

While I appreciate that Area of Critical Concern legislation exempts SB102; in case that changes, there should be comp plan addressing FS limiting growth on the barrier island of Brevard.

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>

Date: Thu, Sep 5, 2024 at 10:27 AM

Subject: Fwd: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

To: Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Feltner, Rob <rob.feltner@brevardfl.gov>, Richardson, Morris <Morris.Richardson@brevardfl.gov>, <robert.brackett@myfloridahouse.gov>, Fine, Randy <randy.fine@myfloridahouse.gov>, <Chase.Tramont@myfloridahouse.gov>, Wright.Megan@School Board <wright.megan@brevardschools.org>, <tom.goodson@brevardfl.gov>, Erica Ehly <eehly@satellitebeach.gov>, Brittany Retherford <bretherford@satellitebeach.org>

REF 98 feet SB102 / SB328 Satellite Beach 1230 Highway A1A. Satellite Beach, FL 3293 (former bowling alley)

Dear Representative Sirois,

Given the LOS of 16 hours for evacuation, **putting SB102 is not allowed in Satellite Beach Barrier Island according to this email response FROM DEPT OF COMMERCE.** "Level of Service standards for public facilities (which would include hurricane evacuation LOS standards, if those have been identified within the Comprehensive Plan in question). I hope this information clarifies the issue for you."

According to ECRPC there are 164K people to evacuate with 77,558 vehicles and 122 shelters that can accommodate 8077 people. Evacuation time is 61 hours for CAT5 and 16 hours to shelter.

<https://portal.floridadisaster.org/preparedness/RES/Studies/SitePages/RES.aspx#ECFRPC>

According to 163.3178 (8)(a) Coastal management.—State Level of Service Requirements - Brevard, like many coastal barrier island areas are deficient thus limiting development on the barrier island, including Live Local as it turns out. .

A 12-hour evacuation time to shelter is maintained for a category 5 storm event - **Satellite Beach is 16 hours so exceeds LOS of 12 hours.**

A developer would need to contribute to hurricane shelters. **Not addressed.**

The level of service shall be no greater than 16 hours for a category 5 storm event out of county - **Satellite Beach is 61 hours to evacuate Barrier Island in excess of LOS of 16 hours.**

<https://www.flsenate.gov/Laws/Statutes/2022/Chapter163/All> Evacuation Clearance

Times: https://portal.floridadisaster.org/preparedness/RES/Studies/Shared%20Documents/Supporting%20Documents/Region-Specific%20Folders/East%20Central%20FL/Evacuation%20Scenario%20Reports/ECFRPC_Operational_Scenario_10_Level_E_2025.pdf

Sincerely,
Sandra Sullivan

----- Forwarded message -----

From: **Williams, Jana** <Jana.Williams@commerce.fl.gov>

Date: Fri, Aug 30, 2024 at 10:36 AM

Subject: RE: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

To: s2sully@gmail.com <s2sully@gmail.com>

Dear Sandra,

Thank you for reaching out. The only land planning issue that can be considered 'waived' within a Comprehensive Plan in relation to the Live Local Act is the allowance of affordable housing on sites that are designated Commercial or Industrial on the local government's Future Land Use Map. HOWEVER, this allowance does not waive the other regulations and requirements found within the Comprehensive Plan. That is, all other regulations and requirements **must** be met, including Level of Service standards for public facilities (which would include hurricane evacuation LOS standards, if those have been identified within the Comprehensive Plan in question). I hope this information clarifies the issue for you.

Sincerely,

Jana

Jana Williams, AICP

Regional Planning Administrator, East Florida Region

Bureau of Community Planning and Growth / Division of Community Development

FloridaCommerce

Office: 850.717.8483

FLORIDACOMMERCE www.FloridaJobs.org



From: Stansbury, James <James.Stansbury@commerce.fl.gov>

Sent: Thursday, August 15, 2024 4:20 PM

To: Williams, Jana <Jana.Williams@commerce.fl.gov>

Subject: FW: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

From: Sandra Sullivan <s2sully@gmail.com>

Sent: Thursday, August 15, 2024 12:15 PM

To: Stansbury, James <James.Stansbury@commerce.fl.gov>; melissa.corbett@commerce.fl.gov;
Kelly.corvin@commerce.fl.gov

Subject: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

This is a SB102 issue in Satellite Beach, on the barrier island and I would appreciate your assistance with conformance to SB102 to this development given the documentation on Comp Plans going back to 2006.

I look forward to a formal response from your office.

Sandra Sullivan

954.224.8624

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>

Date: Thu, Aug 15, 2024 at 10:21 AM

Subject: Fwd: Commissioner Goodson's answer to building height restrictions

To: Mark Boyd <mboyd@satellitebeach.org>, Steve Osmer <sosmer@satellitebeach.gov>, David Vigliotti <dVigliotti@satellitebeach.org>, Commissioner, D4 <D4.Commissioner@brevardfl.gov>, Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Erica Ehly <eehly@satellitebeach.gov>, dennisquolke.realtor@gmail.com <dennisquolke.realtor@gmail.com>, michaeldevivo@bluemarlinre.com <michaeldevivo@bluemarlinre.com>, Bob White <rwhite345@hotmail.com>, John and Barbara Weiler <JohnWeiler@aol.com>, <jrozycki@satellitebeach.gov>, Feltner, Rob <rob.feltner@brevardfl.gov>, Berman, David <dberman@floridatoday.com>, Richardson, Morris <Morris.Richardson@brevardfl.gov>, Commissioner, D2 <D2.Commissioner@brevardfl.gov>, Brittany Retherford <bretherford@satellitebeach.org>

Ref SB102 redevelopment Bowling Alley Property, 1230 HIGHWAY A1A SATELLITE BEACH FL 32937

Dear Officials et al,

With critical evacuation deficiency on the Barrier Island, the City of Satellite actions impacts unincorporated residents ability to evacuate and thus I am formally requesting the assistance of Brevard County to work with the City of Satellite Beach and our State Representative Tyler Sirois, to assist in the resolution of this matter given the City of Satellite Beach has ignored correction of the matter.

The issue is the use of Oceana 98 feet as basis of height for SB102 Live Local Development in Satellite Beach according to Legal Opinion below. Oceana is not a height that is a matter of right as a zoning - as was a variance reflecting 2 TDRs AND THIS IS REFLECTED IN EVERY COMPREHENSIVE PLAN SINCE 2006 THAT THIS ZONING WAS FOR THIS PROPERTY ONLY. The right height according to the changer and zoning is 65 feet as per the west side of A1A. **As it stands now, the owner of the Bowling Alley has not signed and notarized authorization so nothing is binding.** THUS, the legal issues with what has taken place can be corrected. My request is for the city and developer to correct the Determination Letter appropriately, and further respect the residents of city of Satellite Beach in respect that SB102 height of Oceana (or even 72 feet) will devalue their adjacent properties and they also have a right to enjoy their property.

In January, 2024, I brought the legal opinion from Brevard County below to your City Council meeting and gave you each a copy. Further, it was emailed to you. The essence of this legal opinion is that you CANNOT use Oceana as the baseline for SB102. Oceana was a variance where there was a TDR of density from Sunrise and Gemini properties that was moved to the Oceana property. The Comprehensive Plans are clear that this zoning is only for this property. The variance made for the hospital in MI is akin to the variance made for Oceana and it is clear in the Comprehensive Plan that this is not a maximum height allowed as a matter of right in the city zoning.

*"Our County Attorney interpretation is **"highest currently allowed height for a commercial or residential development"** to mean the **maximum height allowed as a matter of right** for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed project. "Highest currently allowed height" does not include any additional building height allowed upon compliance with certain conditions (see section 62-2101.5, Additional building height, Brevard County Code of Ordinances), unless the proposed project meets those conditions. Of most significance to your question, "highest currently allowed height" does not include height permitted to exceed the maximum allowed by virtue of an approval or waiver that must be obtained from the Board of County Commissioners."*

Given that the "Determination Letter" from the city was signed 3 June 2024, after Gov DeSantis signing SB328 on 16 May 2024, the city should have corrected the letter to remove the Oceana height as reference as right. Further, the letter should have stated that the city MAY restrict the height to 3 stories (or 150% of adjacent homes) WHICH was in the Draft copy submitted by Developer to city but the city removed that language!

Some of the SB City Council were involved in the Ordinance 1135 zoning with misrepresentation on diaz that it was a clerical change not giving the developer (Vue) additional rights but where the city took the PUD language and added "commercial"; and then bringing the changes back to the PUD (LDRs) with Ord 1177 2 years later so the Ordinance 1135 could not be rescinded for malfeasance, and

that Ord 1177 according to legal opinion had to go to referendum under the terms of your city Charter. The city also hid the environmental Phase 2 report on that property and a Phase 1 was done a year later by a different entity.

History has a way of repeating itself. I am urging our legislators, county and city government as well as the real estate developers, to proceed correctly and do what is right under State Law THAT OCEANA MAY NOT USE USED AS THE REFERENCE FOR OCEANA. Please also respect that 3 sides of the property is single family, and the city **MAY** restrict a maximum height of 3 stories (or 150% of the adjacent homes whichever is greater) should be respected in the interests of the community.

As it stands now, the owner has not signed and notarized authorization so nothing is binding. This legal issue can be fixed NOW before it is too late. This will be an election issue for the city.

To our legislators, I would suggest that we have an insurance crisis on putting increased density on the barrier island will only further that issue. We are supposed to be capped in density under FCT agreements 1998/9 and also under FS163 which limits development because of critical evacuation deficiency. We cannot shelter in place with a storm surge of 6-9+ feet and we cannot get everyone off the barrier island in a fast moving hurricane. We are 56.5 hours to evac in CAT5 and FS requires no more than 16 hours.

Sincerely,

Sandra Sullivan

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>

Date: Sun, Aug 11, 2024 at 10:49 AM

Subject: Fwd: Commissioner Goodson's answer to building height restrictions

To: Fine, Randy <randy.fine@myfloridahouse.gov>, Bernier, Nancy <Nancy.Bernier@myfloridahouse.gov>, Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Commissioner, D4 <D4.Commissioner@brevardfl.gov>, Richardson, Morris <Morris.Richardson@brevardfl.gov>

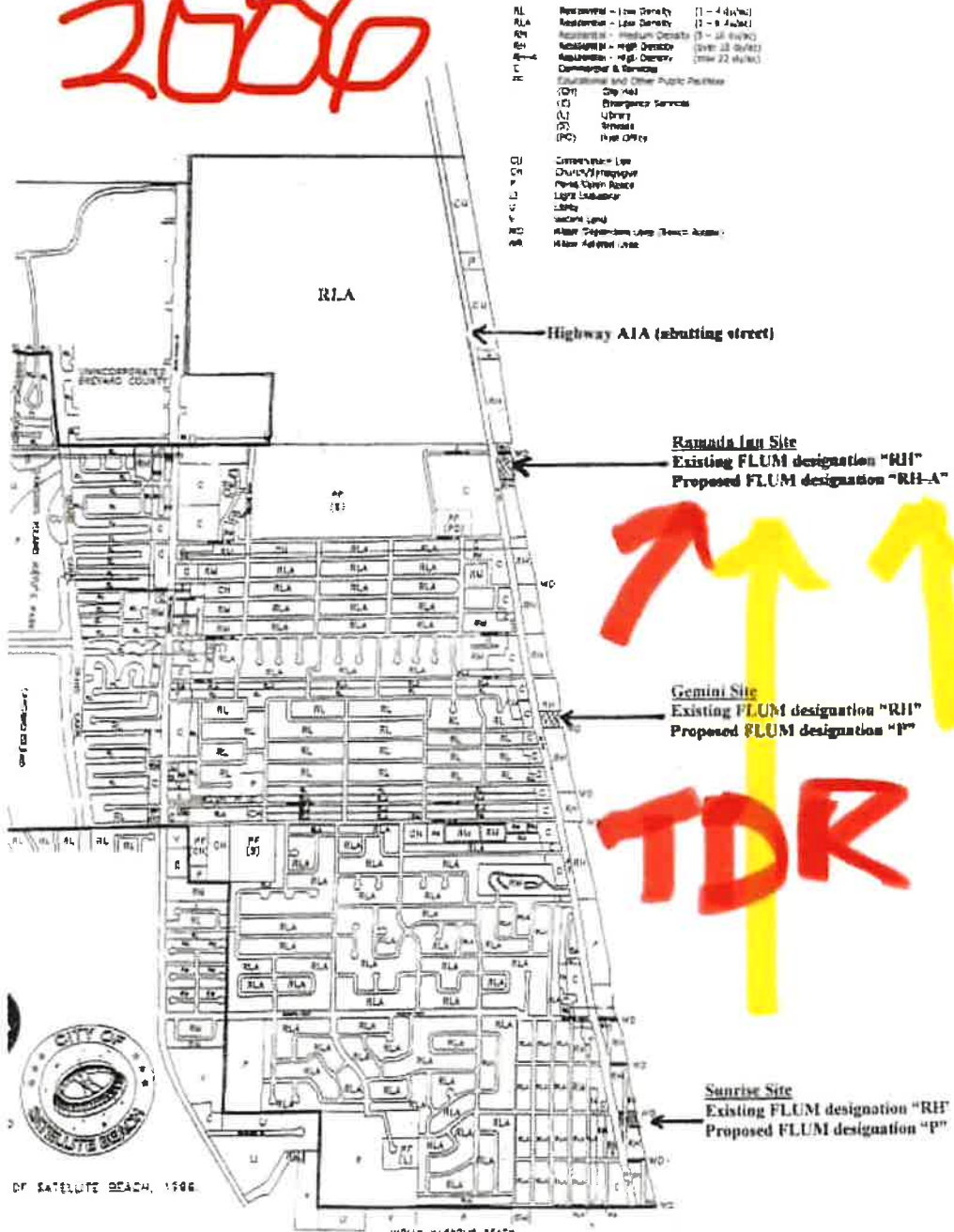
I am asking for the assistance of your office pertaining to the inappropriate actions of City of Satellite Beach. This is important because we are critical evacuation deficiency. It is about life safety.

The legal opinion obtained from Brevard County supports that Satellite Beach cannot use the Oceana zoning for SB102 because " Our County Attorney interpretation is "highest currently allowed height for a commercial or residential development" to mean the maximum height allowed **as a matter of right for a commercial or residential development in a zoning district** in the unincorporated county within a mile of the proposed project."

City saying that SB102 Live Local can use the height of Oceana 98 feet on Bowling Alley Property SB102 development to 98 feet. However, Oceana was a variance with TDRs and Comprehensive Plan is clear only for this one property - like the variance for hospital in MI.

2006 Comprehensive Plan change made it clear that Oceana was an unique zoning for this tax account only because the additional zoning was a variance for Transfer of Development Rights from 2 other parcels. All comprehensive plans since have a disclaimer that this zoning is for this property ONLY. https://drive.google.com/file/d/1mcWWy5xKxMI2ATd6cX0jf9fBRhUpbkbD/view?usp=drive_link

2007



SATELLITE BEACH LOCAL COMPREHENSIVE PLAN
2 - GENERALIZED FUTURE LAND USE (2007)

This map was compiled from provided documents and does not reflect
 The City of Satellite Beach does not assume responsibility for errors or
 omissions herein.

Policy 1.1.4

The City will maintain the predominant land use character as a low density, single family residential community. Approved permit applications for renovation and new development will not exceed the development density standards as defined for the Comprehensive Plan as follows:

RESIDENTIAL

Residential Low 1 density, one dwelling unit per acre.	(RL-1)
Residential Low Density, 4 dwellings units per acre	(RL)
Residential Low-A Density, 1 to 6 dwelling units per acre.	(RLA)
Residential Medium Density, 10 dwelling units per acre	(RMD)
Residential High Density, 11 dwelling units per acre	(RHD)
Residential High-A Density, 22 dwelling units per acre.	(RHA)

Ord. No. 812, DCA #1-03; Ord. Nos. 926 and 934, DCA #1-06
Goals, Objectives and Policies

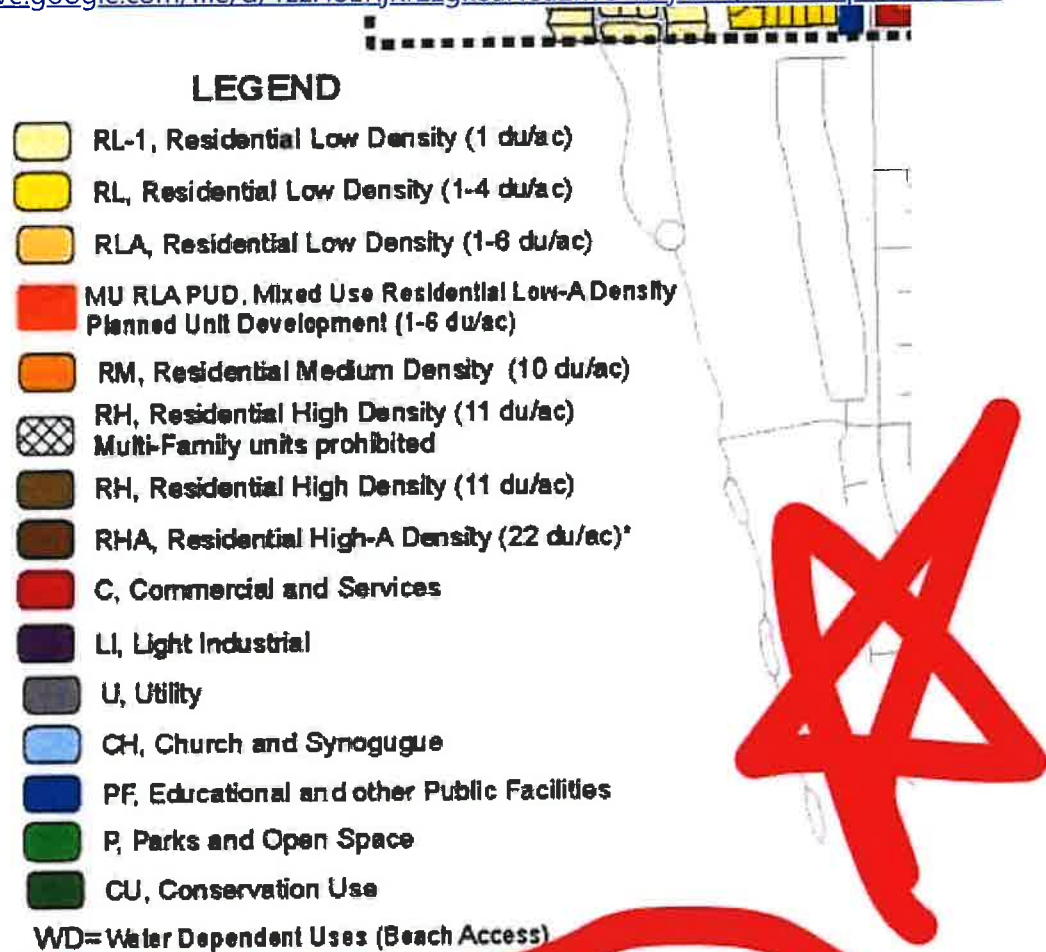
1-1


















Note: The parcel described as Brevard County Tax Parcel ID # 26-37-35-00-00003.2-0000.00 shall be designated as Residential High A (with 108 units) and this classification shall be limited exclusively to this parcel.

Policy 1.1.5. Dismissed to Chester (62-3177-516). Florida Statute, Brevard County public schools

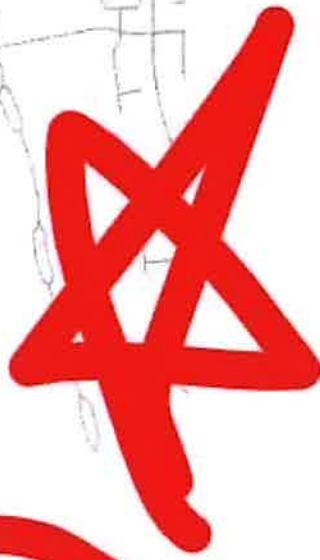
2017 Comprehensive Plan showing the disclaimer for Oceana zoning:



LEGEND

-  RL-1, Residential Low Density (1 du/ac)
-  RL, Residential Low Density (1-4 du/ac)
-  RLA, Residential Low Density (1-6 du/ac)
-  MU RLA PUD, Mixed Use Residential Low-A Density Planned Unit Development (1-6 du/ac)
-  RM, Residential Medium Density (10 du/ac)
-  RH, Residential High Density (11 du/ac)
Multi-Family units prohibited
-  RH, Residential High Density (11 du/ac)
-  RHA, Residential High-A Density (22 du/ac)*
-  C, Commercial and Services
-  LI, Light Industrial
-  U, Utility
-  CH, Church and Synagogue
-  PF, Educational and other Public Facilities
-  P, Parks and Open Space
-  CU, Conservation Use

WD=Water Dependent Uses (Beach Access)



NOTES:

- Brevard County Tax Parcel 26-37-35-00-00003.20000.00 shall be designated as RH-A (with maximum 108 units) and this classification shall be limited exclusively to this parcel.

I hope I can count on you for assistance.

Sandra Sullivan

954.224.8624

----- Forwarded message -----

From: Michael Wilson <gwilson508@gmail.com>

Date: Fri, Jan 12, 2024 at 1:54 PM

Subject: Commissioner Goodson's answer to building height restrictions

To: Sandra Sullivan <s2sully@gmail.com>

Cc: Janice Scott <ms-mayor@hotmail.com>, John Weiler <johnweiler@aol.com>

Hi Sandra,

I have copied the answer Tom Goodson provided as a follow-up to your question at the Patriots meeting. Please let me know if you concur. Thanks.

Mike

Good morning Michael,

Commissioner Goodson asked me to send you some clarification for comments made by attendants during the meeting held last Monday. Ms Sandra Sullivan stated that because of SB102 (LiveLocalAct) and the County allowing for a 160+ feet tall building in Merritt Island (the future Health First Hospital), that means that there will be multiple high rises allowed in the Island. This is false.

The Live Local Act created section 125.01055(7)(c), Florida Statutes, which reads:

A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

Our County Attorney interpretation is "highest currently allowed height for a commercial or residential development" to mean the maximum height allowed as a matter of right for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed project. "Highest currently allowed height" does not include any additional building height allowed upon compliance with certain conditions (see section 62-2101.5, Additional building height, Brevard County Code of Ordinances), unless the proposed project meets those conditions. Of most significance to your question, "highest currently allowed height" does not include height permitted to exceed the maximum allowed by virtue of an approval or waiver that must be obtained from the Board of County Commissioners.

Therefore, a Live Local Act project within a mile of the Health First site would not automatically be entitled to a height of 161 feet, because the height of the Health First project greatly exceeds the "highest currently allowed height for a commercial or residential development...." To achieve that additional height, Health First changed its zoning classification to PUD, satisfied certain conditions,

and obtained project-specific waivers pertaining to height that had to be granted by the Board of County Commissioners.

A Live Local Act project would be limited to the maximum height allowed as a matter of right for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed development, or 3 stories, whichever is higher. In order to exceed that maximum, the Live Local Act project would need to satisfy the conditions set forth in section 62-2101.5 of the Code, or otherwise qualify for and receive a waiver approved by the Board of County Commissioners.

Thank you,



Kika Golan

Director of Community Affairs

County Commissioner Tom Goodson, District 2

Ph: (321) 454-6601 \ kika.golan@brevardfl.gov

2575 N. Courtenay Parkway, #200

Merritt Island, FL 32953

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BBIA

Todd Harrison <tfhee@hotmail.com>

Thu 9/5/2024 3:34 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>

Hi,

My wife and I are permanent resident of Floridana Beach and therefore directly affected by the policies of Brevard Barrier Island Area. The language of the BBIA needs specific changes to meet the intent of the Area of Critical State Concern passed unanimously by both the Florida House and Senate.

Specifically the following needs to be addressed:

1) Policy 12 -**Delete entirely. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

3) Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance.”

4) Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other”. After the word “designations”, add “or allow density swaps or exchanges within the BBIA”.

5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.”

Thank you for your time.

Todd&Ishbel Harrison
104 Estrella Rd
Melbourne Beach, FL
(321) 431-5451

(BIPPA) Barrier Island Preservation & Protection Assn.

Erika Orriss <Erika@erikaorriss.com>

Thu 9/5/2024 9:31 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; Calkins, Tad <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; Barker, Virginia H <Virginia.Barker@brevardfl.gov>; Rep Thad Altman <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Hi all,

As a resident of the south beaches, I recently attended the meeting on BIPPA and thought of some of the issues that are pressing to myself and my family;

1. Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon - Clearly, we are all concerned about evacuations in case of emergency. There is not a good way off the island from the south beaches which is more of a manages growth issue I assume or density. But it is problematic and it is an issue that must be addressed. However, I did want to speak to the issue with flooding and having the runoff into the lagoon. We are so close to the lagoon here and it is a magical place to live. We must protect our lagoon from runoff and other issues that we can work closely with the IRL coalition to achieve. Water quality is paramount to all of us in this area and in most of Brevard.
2. Dune protection and restorations, Sea Turtle and Wildlife habitats - Our backyard is the Archie Carr Preservation and it is a sanctuary for our wildlife that must be protected. We are world renown for the amount of loggerhead turtles nesting and I have even seen a leatherback turtle down here which are endangered. As we have such beauty and a natural habitat for them, let's protect them.
3. Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals - This of course goes hand in hand with #2 above. We have sea turtles lost and ending up on the back porch of folks living on the beach who are not adhering to the lighting rules. One would hope they are not educated rather than that they do not care. I would not mind starting a class or helping make them more available to the public. Education is key.
4. Clean Water, no private treatment plants - We must do better for all of Brevard in this.

So those were some of the issues that called out to me. I do not mind taking some of them on. We are one Brevard and BIPPA is not only important to the south beaches, it is important to all of us. Brevard is a special place to live. Some of these issues are pertinent to the entire county, however, I will show my support of the south beaches here.

My best,
Erika Orriss
4074606198

Erika Orriss
4074606198

FW: Important: Your Barrier Island Habitat needs your help: Act Now

La Shawn Viccellio <lashawn.viccellio@gmail.com>

Fri 9/6/2024 10:14 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

My husband and I live in the South Beach and would like to express our concern with the following issues and support all issues. We are also in favor of and support an Oversight Committee.

We live in such a delicate environment that needs to be protected from over population and growth. We should put our environment first and not increasing density to line the pockets of builders. Thank you all for your service to our community.

With regards,

Hodges and La Shawn Viccellio
101 Estrella Road
Melbourne Beach, FL 32951
321-704-2384

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

BREVARD BARRIER ISLAND AREA APPENDIX A

Forward:

For more than thirty years the Barrier Islands Preservation and Protection Association (BIPPA), a non-profit organization, has been helping to “Preserve the Balance of Population Growth with Wildlife and Natural Habitat.” With this unprecedented opportunity to reshape and mold the new local comprehensive plan (Appendix A), in accordance with the intentions of the Florida State legislature and its Governor, BIPPA has solicited comments and assistance from both its Executive and Research Councils to better align Appendix A with F.S. 380.0553 and the unparalleled designation as an Area of Critical State Concern.

These edits, comments, and further information/clarification needed are highlighted in yellow below.

Comments in green relate to Land Use and Future Land Use.

To facilitate moving around in the document the Guiding Principles below are linked to the appropriate BBIA sections and from there you can link back to the Guiding Principles.

Guiding Principles (GP):

Guiding Principles for Development:

The bill/law requires state, regional, and local agencies and governmental units in the Brevard Barrier Island Area to coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles:

GP1 Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

Local Comp Plan (LCP) [BBIA2](#)

GP2 Prioritizing water quality restoration projects in the IRL.

LCP [BBIA3](#)

GP3 Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture non-point sources into the IRL.

LCP [BBIA4](#)

GP4 Supporting innovative, nature-based solutions, including living shorelines and freshwater and coastal wetland restoration.

LCP [BBIA5](#)

GP5 Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting identified critical assets.

LCP [BBIA6](#)

GP6 Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, fish and wildlife, and related habitats.

LCP [BBIA7](#)

GP7 Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

LCP [BBIA8](#)

GP8 Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the IRL.

LCP [BBIA9](#)

GP9 Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

LCP [BBIA10](#)

GP10 Ensuring that development is compatible with the unique barrier island characteristics.

LCP [BBIA11](#)

[Section 12 Future Land Use](#) (Not a Guiding Principle per se but Hugely Relevant) and

Listed here for Document Navigational Purposes

GOAL, OBJECTIVES, AND POLICIES

INTRODUCTION

The southern portion of Brevard County's barrier island (along with the northern portion of Indian River County as a part of Sebastian Inlet State Park) was designated as an Area of Critical State Concern by the Florida Legislature in 2023, as codified in section 380.0553, Florida Statutes. The Brevard Barrier Island Area of Critical State Concern (BBIA) represents one of the most fragile and endangered coastal ecosystems and vulnerable communities in North America, due to its natural upland and marine habitats, critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, direct connection to and impacts on the nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. Through the implementation of this comprehensive plan, the critical functions of these natural resources are protected. Orderly and balanced growth are promoted in accordance with the existing facilities and services and the population can be safely evacuated in the event of a hurricane

GOAL

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

Designation of the BBIA Objective BBIA 1

Brevard County locally establishes and delineates the southern portion of the County's barrier island as a part of the BBIA in compliance with section 380.0553, F.S., geographically described in BBIA 1.1 below.

We have to be careful not to confuse the BBIA definition as the actual act/law with the geographical description of the BBIA. We may want to identify these two with different acronyms such as BBIACSC and the BBIAGA.

BBIA Boundary Policy BBIA 1.1

The BBIA shall be shown on the Existing Zoning and Future Land Use Map as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County. Need to check these to confirm ok—IRC?

Legislative Findings for the BBIA Policy BBIA 1.2

Brevard County recognizes and affirms the below findings of the Legislature in determining the necessity of designating the BBIA:

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
- C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
- D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
- E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
- F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of

infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.

H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

Legislative Intent for the BBIA Policy BBIA 1.3

Brevard County acknowledges the intent of the legislature, in its establishment of the BBIA, to:

- A. Establish a land use management system that protects the natural environment of the BBIA;
- B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and
- D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

Guiding Principles for Development within the BBIA Policy BBIA 1.4

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

Existing Use Exception Policy BBIA 1.5

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

Conflicting Policies Policy BBIA 1.6

Where there is any conflicting policy or regulation applicable to the BBIA, the more restrictive shall apply.

Sea Turtle Habitat Objective BBIA 2 (BBIA2) [Back to Guiding Principles](#)

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat. The draft should address strengthening and review of the County's 21-year-old sea turtle protection ordinance (Chapter 46, Article III). There are new technologies, science, and land-use trends, and qualified partners to assist the County with expertise, such as FWC. An independent review of Brevard's Sea Turtle Ordinance by the Sea Turtle Conservancy found weaknesses unbecoming an Area of Critical State Concern.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures.

The draft should clearly define “shoreline hardening structures” prohibited in Policy BBIA 2.1. Although there is a related definition in State Statute (Ch 161.54), this is incomplete in terms of effects on sea turtles. Prohibited shoreline hardening should include any artificial conditions that could impede sea turtle nesting. This would include beach structures such as seawalls, bulkheads, revetments, rubble, groins, breakwaters, and materials other than beach sand, but also wood walls, lattice, huts, gazebos, boats, fencing, lawn debris, and other hazards. Because these structures within the current BBIA have a poor detection history, the County should proactively survey the beachfront for these structures, annually, before the spring nesting season.

Policy BBIA 2.2

Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria:

Criteria:

A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.

This is a terrific opportunity to recalculate the Brevard County Coastal Setback to incorporate recent and projected sea level rise (SLR). The current CSL is out of date. The new line should be proactive for SLR.

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, the Florida Building Code, as amended, and other applicable regulations

The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. This is very important. The Flood Hub at USF will be a good source of new data.

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Policy BBIA 2.3

Brevard County shall maintain and enforce lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

Policy BBIA 2.4

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

Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine-grained sediment was deposited over the past couple of years.

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline.

Development seaward of the CSL shall be governed by the following conditions, at a minimum:

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly. All land seaward or East of the CSL or CCCL is not a part of the 50% and is excluded from the 50% calculation. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) or the Brevard County Coastal Setback Line (CSL), whichever is most westerly shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. 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. How is this measured, verified, and what are the penalties for this.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that 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. Please see Guiding Principles BBIA 2.1 prohibiting new shoreline hardening structures, and if there is a bona fide need to repair as new then perhaps should be bifurcated between ocean shoreline hardening structures and river or IRL shoreline hardening structures
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drain fields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure. Please include new Septic system requirements as mandated under HB 1379 which became law July 1, 2023 that requires all new permitted septic tanks to use enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS, or "nitrogen-reducing systems") and that all septic tanks will need to be upgraded by Jan 1, 2030 throughout the BBIA.

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines within 6 months of the enactment of the BBIA and afterwards every two years and from time to time as coastline changes dictate. The public will be broadly notified no later than 2 months before re-evaluation. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

The Brevard County Coastal Construction Line (CCL) has remained the same for more than 40 years. Over that time, Brevard has had a hurricane disaster declaration about every 1.5 years. This Comp Plan change is an opportunity to require re-assessment of the coastal setback line relative to the high-hazard zone.

Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data sources should be applied here.

Policy BBIA 2.7

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 OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal Waters.

Policy BBIA 2.8

Establishes a land use management system that reduces flooding severity and events, including root systems.

Water Quality Restoration Objective BBIA 3 (BBIA3) [Back to Guiding Principles](#)

Brevard County shall prioritize water quality restoration projects in the Indian River Lagoon.

Policy BBIA 3.1

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. John's River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDL's) and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

Policy BBIA 3.2

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.

Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties to flood.

Policy BBIA 3.3

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 structures, 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 BBIA 3.4

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.

Policy BBIA 3.5

Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state 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 BBIA 3.6

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.

Policy BBIA 3.7

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

Policy BBIA 3.8

Brevard County shall coordinate surface water management and protection efforts with the Indian River National Estuary Program (IRLNEP), FDEP, SJRWMD and other appropriate agencies.

Policy BBIA 3.9

Brevard County shall support the SJRWMD's 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. Management strategies shall be coordinated with the municipalities and other agencies at least quarterly and should be made available to the public within 30 days of survey.

Policy BBIA 3.10

Brevard County shall continue to participate in the IRLNEP and other advisory committees and groups related to improving water quality in the Indian River Lagoon.

Policy BBIA 3.11

Brevard County supports the goals of the IRLNEP 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 for the CCMP.

Reducing Nutrient Contributions Objective BBIA 4 (BBIA4) [Back to Guiding Principles](#)

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon to levels that continued contributions do not pose a negative impact on the health of the ecosystem. Brevard County shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA.

Policy BBIA 4.1

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

Policy BBIA 4.2

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

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards.

Policy BBIA 4.4

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

Criteria:

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

1. When environmental conditions exist that 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 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;

Please provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

3. 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.

4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to ensure clean water for future generations.

Or alternatively, no private treatment plans should be allowed. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, and the region is already over capacity on septic systems.

Policy BBIA 4.5

Interim and/or “package-type” wastewater 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 within two years.

Policy BBIA 4.6

Brevard County shall maintain land development regulations that 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.

Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted.

Policy BBIA 4.8

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

Policy BBIA 4.9

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If “accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed “illegal.”

Policy BBIA 4.10

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

Policy BBIA 4.11

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

Policy BBIA 4.12

Brevard County ~~should~~ shall address modification of existing development that does not meet stormwater management standards. How is this being addressed and what is typically the outcome, plan of action?

Policy BBIA 4.13

Brevard County shall continue to implement and monitor performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Repeat offenders should receive a fine and /or suspension/revocation of license.

Policy BBIA 4.14

Brevard County shall continue to develop and implement regulations governing live- aboards. Such regulations shall include the following criteria at a minimum:

Criteria:

A. 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.

B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

Policy BBIA 4.15

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

Criteria:

A. Stormwater retention/detention requirements established 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 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, 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.

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Policy BBIA 4.16

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to ~~provide~~ **require** fertilizer management BMP information to agricultural **and golf course** operators within the BBIA.

Nature-Based Solutions Objective BBIA 5 (BBIA5) [Back to Guiding Principles](#)

Brevard County shall support innovative, nature-based solutions including living shorelines **to include mangrove and sea grape trees**, and freshwater and coastal wetland restoration

Policy BBIA 5.1

Brevard County shall identify structural controls within the floodplain that degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain where feasible, **within five years of identification**.

Policy BBIA 5.2

Brevard County shall address modification of existing development that 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 management facilities within existing developments should be 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 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 with bulkheads or seawalls shall be modified 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 with altered vegetated shorelines shall be modified 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 non-native vegetation is predominant. Runoff quality and rates ~~should~~ shall be evaluated and identified with incentives to reach ~~be the~~ equivalent to the pre- development state.

Policy BBIA 5.3

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

Policy BBIA 5.4

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 BBIA 5.5

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 BBIA 5.6

Using best available data, the County ~~should~~ shall consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact

Development 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 BBIA 5.7

Brevard County ~~should~~ shall 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.

Policy BBIA 5.8

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage and require development to meet nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Critical Assets Objective BBIA 6 (BBIA6) [Back to Guiding Principles](#)

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093, F.S.

Policy BBIA 6.1

Public facilities should not be located within the 100-year 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.

Policy BBIA 6.2

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 BBIA 6.3

Brevard County shall not support or finance new local transportation corridors that 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 the protection of the transportation facilities from flooding and storm surge.

Policy BBIA 6.4

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. **However, connecting to existing sewer lines is highly encouraged.**

Policy BBIA 6.5

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, and designed to withstand flooding and storm surge.

Policy BBIA 6.6

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) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.
- C. The current requirements of F.S. 163.3.

Policy BBIA 6.8

Brevard County shall coordinate with the municipalities, Indian River Sheriff's Department, 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:

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.
- D. Mock evacuation studies simulating land falls for all category hurricanes.

Policy BBIA 6.9

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.

Criteria:

- A. Priority shall be given to improvements serving the zone with the highest 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.

C. Brevard County, in cooperation with the Indian River Sherrif's Department and the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the established evacuation time. This includes Sebastian Inlet bridge and A1A corridor leading to the Wabasso Causeway bridge.

D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

Policy BBIA 6.10

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

Policy BBIA 6.11

Brevard County shall consider hurricane evacuation times, as well as other factors including vulnerability to flooding and storm surge, in determining the timing and priority of roadway improvements that are programmed by the Board of County Commissioners.

Policy BBIA 6.12

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

Policy BBIA 6.13

Brevard County should analyze those public structures within the high-risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

Criteria:

- 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.
 - 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. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.

F. The impact of sea level rise and erosion data shall also be analyzed.

Policy BBIA 6.14

In the event of a disaster, all infrastructure and other County owned improvements that were not included within the above outlined study shall be analyzed to determine the cost effectiveness of relocation versus repair.

Policy BBIA 6.16

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 BBIA 6.17

The County should ~~consider~~ utilize 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 BBIA 6.18

The County should ~~consider~~ obtain, fund, and utilize the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.19

The County should consider utilize 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 BBIA 6.20

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 BBIA 6.21

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 BBIA 6.22

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

Policy BBIA 6.23

Brevard County should continue to analyze the 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 BBIA 6.24

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

Policy BBIA 6.25

Brevard County, in conjunction with the School District and the municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as the design and use of public schools as emergency shelters.

Marine Resources Objective BBIA 7 (BBIA7) [Back to Guiding Principles](#)

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

Policy BBIA 7.1

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. The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly." This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can be clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound

to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

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.

Policy BBIA 7.2

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. 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. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

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Criteria:

A. The basis for no net loss shall be established by 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 that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing, replacing, and maintaining the wetland in addition to applicable penalties. If it is not ~~feasible or desirable~~ possible for the responsible person to perform the repair, replacement, or ~~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 (determined by a full financial review of destroyed environmental value) 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. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.

F. 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 waivers that would result in reduced wetland impacts.

G. Dumping of solid or liquid wastes shall be prohibited.

H. Applying or storing pesticides and herbicides ~~should~~ **shall** 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.

I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.

J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. 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. The property shall meet all other State regulatory criteria.

Policy BBIA 7.3

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 avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

Policy BBIA 7.4

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

Need to understand mining and the need in as ACSC.

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.

B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

Policy BBIA 7.5

Prior to development of any property, an environmental assessment ~~should~~ **shall** be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine **and upland** natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Who performs the environmental assessment and what is the criteria.

Policy BBIA 7.6

All development and activities shall comply with the Brevard County Manatee Protection Plan, as amended. Brevard County, in coordination with applicable partners such as FWC, shall continue to monitor manatee protection measures to determine their effectiveness.

Policy BBIA 7.7

All existing and new marinas shall erect manatee education and awareness signs that 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.

Policy BBIA 7.8

Those involved in the sale of boats and motors ~~should~~ shall provide manatee information to the buyer at the time of delivery of boats or motors.

Policy BBIA 7.9

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.

Policy BBIA 7.10

Brevard County, or other appropriate agencies, shall develop a 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 that may be deemed necessary within areas frequented by manatees.

Policy BBIA 7.11

Brevard County shall identify areas containing significant manatee habitat features.

Marinas with powerboat slips shall not be sited within these areas.

Policy BBIA 7.12

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

Policy BBIA 7.13

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

Mosquito impoundments should be managed to increase their value as fish nursery habitats. This might include multi-day opening of culverts during summer to allow juvenile fish to emigrate from the impoundments, followed by refilling impoundments to prevent mosquito breeding.

Criteria:

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. 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.

Policy BBIA 7.14

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

Policy BBIA 7.15

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. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. 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.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

One acre of upland is insufficient for a functioning marina. More land should be required.

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 the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 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). **Should we have new marinas in BBIA?**

B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

Policy BBIA 7.17

Marinas shall be inspected 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 tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

Criteria:

A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.

B. Compliance with power/sailboat mix, if required.

C. Spill prevention, control, containment and cleanup plans.

D. Waste collection and disposal methods.

E. Firefighting equipment, if required.

F. Monitoring of marina basin water quality for bacteriological levels to insure compliance with state and federal standards. 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 BBIA 7.18

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.

Upland Resources Objective BBIA 8 (BBIA8) [Back](#) to Guiding Principles

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain regulations to address revegetation and premature land clearing, including the following minimum criteria.

Criteria:

A. Require permitting prior to any land clearing unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit.

B. Require phased clearing in conjunction with phased construction.

C. Require permits for the removal of trees or vegetation specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation in conjunction with land surveying unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit

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. Require tree and canopy preservation, including root protection standards.

Brevard County shall establish land development regulations specific to the BBIA ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island.

Brevard County shall establish a land use management system that provides specific guidelines for clearing residential lots developed in the BBIA, ACSC area. Brevard County shall make it illegal to clear-cut any residential lot in the ACSC area. Clear-cutting removes almost all native trees and vegetation on the lot, releasing sediment that finds its way to the Indian River Lagoon. Sedimentation is one of the biggest threats to the Lagoon and it can be sped up by land clearing that exposes soils that can be washed away. Violating the clear-cutting policy should be a 2nd-degree misdemeanor with a fine from \$500 to \$5,000.

Brevard County shall allow no exemptions for canopy (tree) removal on Single-family lots, 1.25 acres or less, during the development of any property in the BBIA ACSC area.

Brevard County shall establish a land use policy that preserves continuous tree canopy and preserves wind-tolerant native trees, and native vegetation as a property is being developed in the BBIA ACSC area. Special attention shall be given to saving wind-tolerant native trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms especially if they are grouped together, on the lot. *(According to ISA-arbor.org "Structures positioned on properties with more trees per unit area, received less damage from hurricane-force winds than properties with a lower tree density. Isolated trees were damaged more in hurricanes than those trees that were grouped together.")*

Brevard County shall clearly state the guidelines for how land is cleared on a property being developed in the BBIA ASCS such as: A requirement that 25% of the native tree canopy and vegetation must remain on the lot that is being developed. Ideally, the 25% would be in groups where they could continue to grow wild. Invasive plants like Brazilian Pepper trees can and should be removed and excluded from saving. Credits for keeping maturing Live Oaks and other native trees could be applied to the 25% mandate in coordination with the developer. Native trees and vegetation left as buffers on the sides of the property, do not count towards the 25%.

Brevard County shall preserve scenic vistas and protect native tree canopy by requiring 50% of the right-of-way area in the front area of the lot to remain un-cleared, during the development of any property in the BBIA ACSC area. The right-of-way area is directly in front of each lot, extending from the end of the lot line to the walking path or the end of the lot line to the street. Invasive species like Brazilian Pepper and dead trees can and should be removed. Native tree canopy, and vegetation in 50% of the right-of-way area, must be preserved.

Vegetation and trees growing adjacent to scenic roadways within the right-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 that would deny visual access beyond the immediate area.

Brevard County shall establish land development regulations that strengthen protections for ocean dunes and dune vegetation within the BBIA. Requirements to keep, maintain, and revegetate dunes should specify native shrubby dune plants like sea grapes, beach elder, and blue saw palmetto as well as native dune grasses like sea oats, beach cordgrass, and railroad vine.

Brevard County shall ensure that Developers modify dune cross-overs and stairs that lead to the beach, so they are blocked from the sides to prevent sea turtles from getting stuck under them when they come onto the beach to nest.

Protection and preservation of a continuous vegetated dune system must be strengthened. Dune grass is part of sea turtle nesting. When a sea turtle comes up on the beach and hits the seagrass on the dune wall, it signals the mother to start digging, laying eggs.

There should be incentives, in the code, for beachside property owners to maintain existing dune vegetation on their developed lots. A community outreach and education program could send beachside residents a list of native dune vegetation like sea oats, beach cordgrass, railroad vine, sea grapes, blue saw palmetto, and others as well as how to restore the areas of their dunes that are currently bare sand or have turf on them.

Land development regulations must ensure that Developers preserve existing dune vegetation and require restoration of dunes they damaged. Restoration shall include stabilization projects using native vegetation. Native dune vegetation traps wind-blown sand. The sand collects around the vegetation. Native dune plants, like sea oats, develop massive root systems capable of holding large amounts of sand. As sea oats grow larger, they trap more sand. As more sand gets trapped, sea oats grow larger to avoid being buried by the sand. An interruption in dune growth caused by damage to the dune

vegetation stops the process of dune expansion. Damage to dune vegetation should result in a 2nd-degree misdemeanor charge that includes \$500 to \$5,000 fine.

Policy BBIA 8.2

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. The Environmentally Endangered Lands Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

Policy BBIA 8.3

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:

add aquifer recharge, flood mitigation

Evaluation of development of vegetated areas should to be done as a stand-alone evaluation, but in the context of the area, to include current development locations, current development impacts, impervious surface, and similar criteria.

Criteria:

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

Policy BBIA 8.4

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

Policy BBIA 8.5

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible.

Policy BBIA 8.6

Brevard County shall continue to make available 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 BBIA 8.7

Prior to development of any property, an environmental assessment ~~should~~ shall be completed that would analyze the impact of the proposed development on the wildlife habitat and upland natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

the assessment should include freshwater flows (runoff) that will impact the IRL

Who performs the environmental assessment and what is the criteria.

Policy BBIA 8.8

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.

Policy BBIA 8.9

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

Policy BBIA 8.10

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, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

Policy BBIA 8.11

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, or 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.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the 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 CSL except as required for handicap access.

F. Publicly owned dunes, especially those identified for beach access sites, that 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 that 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 BBIA 8.12

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, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

Policy BBIA 8.13

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, 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.

Does this include electric bikes? It should.

Policy BBIA 8.14

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

Policy BBIA 8.15

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

Water Quality Protection Objective BBIA 9 (BBIA9) [Back to Guiding Principles](#)

Brevard County shall limit the adverse impacts of development on the quality of water throughout the BBIA and the Indian River Lagoon.

Policy BBIA 9.1

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries by implementing and revising as necessary, the

Surface Water Protection Ordinance, including the following minimum criteria: **Due to ACSC we need to revisit all of this below.**

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. 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. 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 criteria C and D below, 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, where there is insufficient lot depth to construct a primary structure, 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 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, where there is insufficient lot depth to construct a primary structure, 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 Chapter 373, F.S., as amended.

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 alteration as allowed by this comprehensive plan.

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

Policy BBIA 9.2

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 BBIA 9.3

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

Policy BBIA 9.4

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, projects should minimize impervious surfaces by using pervious surfaces wherever feasible, such as for overflow parking.

Policy BBIA 9.5

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

Policy BBIA 9.6

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.

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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.

The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes due to climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

- 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 BBIA 9.8

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, 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.

Policy BBIA 9.9

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 BBIA 9.10

All new boat ramps should have parking areas constructed utilizing permeable pavement where appropriate and have the proper stormwater management system in place.

Scenic Resources Objective BBIA 10 (BBIA10) [Back](#) to Guiding Principles

Brevard County shall enhance natural scenic resources to promote the aesthetic benefits of the natural environment.

Safe and effective bicycle lanes on Highway A1A would provide many benefits in the South Beaches, such as reducing motor vehicle traffic. The current bicycle lanes fall far short of the U. S. Department of

Transportation standards. These standards recommend a minimum of four feet in width; portions of the current lanes are 18 inches or less. Sustainable community plans across our country and the work address ways to make bicycling an effective means of transportation. Currently, the BBIA fails to provide safe and effective bicycle lands. Would you feel safe in an 18-inch land with cars coming within a foot of your elbow at 55 miles per hour?

South Patrick Drive through Satellite Beach and Indian Harbour Beach has completed the Florida Department of Transportation planning stage for a repaving effort scheduled for 2025 that includes widening the bicycle lanes to provide a buffer zone between the bikes and the cars. A similar plan could be developed to the next repaving of A1A in the BBIA.

Policy BBIA 10.1

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

Policy BBIA 10.2

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.3

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.4

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 BBIA 10.5

SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features.

Policy BBIA 10.6

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.

Please explain in greater detail "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 that would deny visual access beyond the immediate area.

Policy BBIA 10.7

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.

Compatibility Objective BBIA 11 (BBIA11) [Back to Guiding Principles](#)

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

Brevard County shall not increase residential and commercial and all other density designations or allow density swaps or exchanges within the BBIA for properties located within the BBIA.

Policy BBIA 11.2

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity density.

Policy BBIA 11.3

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. This is counter intuitive to Legislative Intent and Guiding Principles. The following criteria, at a minimum, shall be utilized.

Criteria:

A. Water-related and water-enhanced uses shall be built on uplands.

B. Development that 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. No dredging in the BBIA.

C. Water-dependent commercial and industrial uses need examples as to what industry would be considered may be considered for siting adjacent to the Indian River Lagoon.

Policy BBIA 11.4

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

Policy BBIA 11.5

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to: **More than likely only “downzoning” would be approved in the BBIA.**

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 and industrial uses;

Need examples of 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 that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Policy BBIA 11.6

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 **should not allow relocation** such public access provided it is consistent with this Plan.

Future Land Use Categories within the BBIA Objective BBIA 12 (BBIA12) [Back](#) to Guiding Principles

We think there will be no zoning changes/amendments future zoning changes will be proposed with this “go around” of the submission and will be addressed at a later date-we need to get this confirmed. At the Public Meeting at the Community Center Bonnie Landry & Associates stated there would no change to Zoning other than no increase in Residential Density, i.e. Future Land Use Map to stay intact.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

Residential 1 – BBIA Future Land Use Policy BBIA 12.1

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

Residential 2 – BBIA Future Land Use Policy BBIA 12.2

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Residential 4 – BBIA Future Land Use Policy BBIA 12.3

The Residential 4 – BBIA 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. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

Residential 6 – BBIA Future Land Use Policy BBIA 12.4

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

Residential 8 – BBIA Future Land Use Policy BBIA 12.5

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive 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 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Residential 15 – BBIA Future Land Use Policy BBIA 12.6

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. 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 that 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 that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Neighborhood Commercial – BBIA Future Land Use Policy BBIA 12.7

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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 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 three (3) miles apart.

E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

Community Commercial – BBIA Future Land Use Policy BBIA 12.8

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria 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 pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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.

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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

Public Facilities – BBIA Future Land Use Policy BBIA 12.9

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

A. Public facilities are those uses that, 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 0.25

B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map 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.

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. In keeping with the Scenic requirement of BBIA 10 all existing utility systems shall not increase in physical size, statute, and land mass. Reductions of same are encouraged.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board 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 – BBIA Future Land Use Policy BBIA 12.10

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map 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, provided such uses are compatible with adjacent land uses.

B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

Private Conservation – BBIA Future Land Use Policy BBIA 12.11

The Private Conservation - BBIA 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 prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification.

Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 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 Conservation – BBIA Future Land Use Policy BBIA 12.12

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, 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 and 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 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) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.

D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by 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 may be amended pursuant to section 163.3187, Florida Statutes, 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. A. 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 that 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.

Policy BBIA 12.13

Brevard County shall designate lands without an assigned **existing and** Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

Removal of Area of Critical State Concern Designation Objective BBIA 13

The BBIA may be recommended for de-designation by the state land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.

Sufficiency of Local Plan and Land Development Regulations Policy BBIA 13.1

Brevard County acknowledges that the state land planning agency may at any time recommend the removal of the designation of the BBIA as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the BBIA and carry out the legislative intent expressed in section 380.0553(3), F. S., and are in compliance with the principles for guiding development specified in section 380.0553(5). **In the event of conflict between the BBIA Local Comprehensive Plan and either F.S. 380.0553 or the County Comprehensive Plan, the strictest interpretation of either shall apply.**

Brevard County Barrier Island rezoning draft

Natalie Hussein <nataliehussein@gmail.com>

Fri 9/6/2024 1:36 PM

To:tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>;frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>;virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>;Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>;shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>;Bonnie Landry and Associates - General Info <info@bclandry.com>;thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; mayfield.debbie.web@flsenate.gov <mayfield.debbie.web@flsenate.gov>

Dear Respected Legislators and Committee Members,

I live in the unincorporated area of Brevard County and attended an Area of Critical Concern meeting last Wednesday to listen to a presentation regarding the rezoning of our protected areas that will include many multifamily units to be built, increase in public parking spaces in official neighborhoods, ideas for storm water runoff, clear cutting acres of land causing erosion, and protection of Indian River Lagoon water quality.

The Indian River is making improvements little by little and I am afraid that all of the proposed changes will cause the further destruction of clean water improvements and especially with high density R-15 units. New buildings bring fertilizer and nutrient pollution from landscapes that make their way into the river and also bring visitors in the protected areas that do not take heed or understand the conservation areas.

Below is a synopsis (composed from my neighbor, Joel Ledlow) of the major points I would like to see changes to the draft that was presented at the meeting.

Respectfully,

Natalie Hussein

8955 S Highway A1A

Melbourne Beach 32951

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.

No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)

2. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county websites and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

3. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

4. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. (Remove 10.4 and 10.7)

Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.

Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to underused Parks while access to their own neighborhood beaches is reduced.

As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.

5. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

6. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety concerns swimmers / surfers by

knowingly baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

7. Eliminate overnight camping / fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

BREVARD BARRIER ISLAND AREA (BBIA) APPENDIX A

Forward:

For more than thirty years the Barrier Islands Preservation and Protection Association (BIPPA), a non-profit organization, has been helping to “Preserve the Balance of Population Growth with Wildlife and Natural Habitat.” With this unprecedented opportunity to reshape and mold the new local comprehensive plan (Appendix A), in accordance with the intentions of the Florida State legislature and its Governor, BIPPA has solicited comments and assistance from both its Executive and Research Councils to better align Appendix A with F.S. 380.0553 and the unparalleled designation as an Area of Critical State Concern.

These edits, comments, and further information/clarification needed are highlighted in yellow below.

Comments in green relate to Land Use and Future Land Use.

To facilitate moving around in the document the Guiding Principles below are linked to the appropriate BBIA sections and from there you can link back to the Guiding Principles.

Guiding Principles (GP):

Guiding Principles for Development:

The bill/law requires state, regional, and local agencies and governmental units in the Brevard Barrier Island Area to coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles:

GP1 Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

Local Comp Plan (LCP) [BBIA2](#)

GP2 Prioritizing water quality restoration projects in the IRL.

LCP [BBIA3](#)

GP3 Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture non-point sources into the IRL.

LCP [BBIA4](#)

GP4 Supporting innovative, nature-based solutions, including living shorelines and freshwater and coastal wetland restoration.

LCP [BBIA5](#)

GP5 Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting identified critical assets.

LCP [BBIA6](#)

GP6 Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, fish and wildlife, and related habitats.

LCP [BBIA7](#)

GP7 Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

LCP [BBIA8](#)

GP8 Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the IRL.

LCP [BBIA9](#)

GP9 Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

LCP [BBIA10](#)

GP10 Ensuring that development is compatible with the unique barrier island characteristics.

LCP [BBIA11](#)

[Section 12 Future Land Use](#) (Not a Guiding Principle per se but Hugely Relevant) and

Listed here for Document Navigational Purposes

GOAL, OBJECTIVES, AND POLICIES

INTRODUCTION

The southern portion of Brevard County's barrier island (along with the northern portion of Indian River County as a part of Sebastian Inlet State Park) was designated as an Area of Critical State Concern by the Florida Legislature in 2023, as codified in section 380.0553, Florida Statutes. The Brevard Barrier Island Area of Critical State Concern (BBIA) represents one of the most fragile and endangered coastal ecosystems and vulnerable communities in North America, due to its natural upland and marine habitats, critical sea turtle nesting grounds, nationally significant wildlife refuge conservation area, direct connection to and impacts on the nationally significant Indian River Lagoon system, economically valuable fishery, and high vulnerability of public health and safety during hurricane events. Through the implementation of this comprehensive plan, the critical functions of these natural resources are protected. Orderly and balanced growth are promoted in accordance with the existing facilities and services and the population can be safely evacuated in the event of a hurricane

GOAL

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

Designation of the BBIA Objective BBIA 1

Brevard County locally establishes and delineates the southern portion of the County's barrier island as a part of the BBIA in compliance with section 380.0553, F.S., geographically described in BBIA 1.1 below.

We have to be careful not to confuse the BBIA definition as the actual act/law with the geographical description of the BBIA. We may want to identify these two with different acronyms such as BBIACSC and the BBIAGA.

BBIA Boundary Policy BBIA 1.1

The BBIA shall be shown on the Existing Zoning and Future Land Use Map as that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the Sebastian Inlet, specifically including lands in unincorporated Brevard County's jurisdiction within the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20. The objectives and policies contained within this local comprehensive plan apply exclusively to properties within the BBIA in unincorporated Brevard County. **Need to check these to confirm ok—IRC?**

Legislative Findings for the BBIA Policy BBIA 1.2

Brevard County recognizes and affirms the below findings of the Legislature in determining the necessity of designating the BBIA:

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
- C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
- D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
- E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
- F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of

infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.

H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

Legislative Intent for the BBIA Policy BBIA 1.3

Brevard County acknowledges the intent of the legislature, in its establishment of the BBIA, to:

- A. Establish a land use management system that protects the natural environment of the BBIA;
- B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and
- D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

Guiding Principles for Development within the BBIA Policy BBIA 1.4

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

Existing Use Exception Policy BBIA 1.5

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

Conflicting Policies Policy BBIA 1.6

Where there is any conflicting policy or regulation applicable to the BBIA, the more restrictive shall apply.

Sea Turtle Habitat Objective BBIA 2 (BBIA2) [Back to Guiding Principles](#)

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat. The draft should address strengthening and review of the County's 21-year-old sea turtle protection ordinance (Chapter 46, Article III). There are new technologies, science, and land-use trends, and qualified partners to assist the County with expertise, such as FWC. An independent review of Brevard's Sea Turtle Ordinance by the Sea Turtle Conservancy found weaknesses unbecoming an Area of Critical State Concern.

Policy BBIA 2.1

Brevard County shall prohibit new shoreline hardening structures.

The draft should clearly define “shoreline hardening structures” prohibited in Policy BBIA 2.1. Although there is a related definition in State Statute (Ch 161.54), this is incomplete in terms of effects on sea turtles. Prohibited shoreline hardening should include any artificial conditions that could impede sea turtle nesting. This would include beach structures such as seawalls, bulkheads, revetments, rubble, groins, breakwaters, and materials other than beach sand, but also wood walls, lattice, huts, gazebos, boats, fencing, lawn debris, and other hazards. Because these structures within the current BBIA have a poor detection history, the County should proactively survey the beachfront for these structures, annually, before the spring nesting season.

Policy BBIA 2.2

Brevard County shall continue to protect the natural beach and dune system of the Atlantic Ocean through the implementation of the following minimum criteria:

Criteria:

A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.

This is a terrific opportunity to recalculate the Brevard County Coastal Setback to incorporate recent and projected sea level rise (SLR). The current CSL is out of date. The new line should be proactive for SLR.

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, the Florida Building Code, as amended, and other applicable regulations

The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. This is very important. The Flood Hub at USF will be a good source of new data.

Page 5

Policy BBIA 2.3

Brevard County shall maintain and enforce lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

Policy BBIA 2.4

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

Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine-grained sediment was deposited over the past couple of years.

Policy BBIA 2.5

The Land Development Regulations shall maintain regulations governing the location, construction, and maintenance of development adjacent to the Atlantic shoreline.

Development seaward of the CSL shall be governed by the following conditions, at a minimum:

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly. All land seaward or East of the CSL or CCCL is not a part of the 50% and is excluded from the 50% calculation. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) or the Brevard County Coastal Setback Line (CSL), whichever is most westerly shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. 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. How is this measured, verified, and what are the penalties for this.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that 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. Please see Guiding Principles BBIA 2.1 prohibiting new shoreline hardening structures, and if there is a bona fide need to repair as new then perhaps should be bifurcated between ocean shoreline hardening structures and river or IRL shoreline hardening structures
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drain fields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure. Please include new Septic system requirements as mandated under HB 1379 which became law July 1, 2023 that requires all new permitted septic tanks to use enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS, or "nitrogen-reducing systems") and that all septic tanks will need to be upgraded by Jan 1, 2030 throughout the BBIA.

Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines within 6 months of the enactment of the BBIA and afterwards every two years and from time to time as coastline changes dictate. The public will be broadly notified no later than 2 months before re-evaluation. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

The Brevard County Coastal Construction Line (CCL) has remained the same for more than 40 years. Over that time, Brevard has had a hurricane disaster declaration about every 1.5 years. This Comp Plan change is an opportunity to require re-assessment of the coastal setback line relative to the high-hazard zone.

Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data sources should be applied here.

Policy BBIA 2.7

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 OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal Waters.

Policy BBIA 2.8

Establishes a land use management system that reduces flooding severity and events, including root systems.

Water Quality Restoration Objective BBIA 3 (BBIA3) [Back](#) to Guiding Principles

Brevard County shall prioritize water quality restoration projects in the Indian River Lagoon.

Policy BBIA 3.1

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. John's River Water Management District (SJRWMD) on the Basin Management Action Plan (BMAP), Total Maximum Daily Loads (TMDL's) and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

Policy BBIA 3.2

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.

Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties to flood.

Policy BBIA 3.3

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 structures, 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 BBIA 3.4

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.

Policy BBIA 3.5

Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state 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 BBIA 3.6

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.

Policy BBIA 3.7

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

Policy BBIA 3.8

Brevard County shall coordinate surface water management and protection efforts with the Indian River National Estuary Program (IRLNEP), FDEP, SJRWMD and other appropriate agencies.

Policy BBIA 3.9

Brevard County shall support the SJRWMD's 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. Management strategies shall be coordinated with the municipalities and other agencies at least quarterly and should be made available to the public within 30 days of survey.

Policy BBIA 3.10

Brevard County shall continue to participate in the IRLNEP and other advisory committees and groups related to improving water quality in the Indian River Lagoon.

Policy BBIA 3.11

Brevard County supports the goals of the IRLNEP 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 for the CCMP.

Reducing Nutrient Contributions Objective BBIA 4 (BBIA4) [Back to Guiding Principles](#)

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon to levels that continued contributions do not pose a negative impact on the health of the ecosystem. Brevard County shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA.

Policy BBIA 4.1

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

Policy BBIA 4.2

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

Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards.

Policy BBIA 4.4

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

Criteria:

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

1. When environmental conditions exist that 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 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;

Please provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

3. 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.

4. 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. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to ensure clean water for future generations.

Or alternatively, no private treatment plans should be allowed. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, and the region is already over capacity on septic systems.

Policy BBIA 4.5

Interim and/or “package-type” wastewater 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 within two years.

Policy BBIA 4.6

Brevard County shall maintain land development regulations that 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.

Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted.

Policy BBIA 4.8

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

Policy BBIA 4.9

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If “accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed “illegal.”

Policy BBIA 4.10

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

Policy BBIA 4.11

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

Policy BBIA 4.12

Brevard County should shall address modification of existing development that does not meet stormwater management standards. How is this being addressed and what is typically the outcome, plan of action?

Policy BBIA 4.13

Brevard County shall continue to implement and monitor performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Repeat offenders should receive a fine and /or suspension/revocation of license.

Policy BBIA 4.14

Brevard County shall continue to develop and implement regulations governing live- aboards. Such regulations shall include the following criteria at a minimum:

Criteria:

A. 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.

B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

Policy BBIA 4.15

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

Criteria:

A. Stormwater retention/detention requirements established 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 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, 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.

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Policy BBIA 4.16

Brevard County shall coordinate with partners such as Florida Department of Agriculture and Consumer Services (FDACS) and the University of Florida Institute of Food and Agricultural Sciences to ~~provide~~ **require** fertilizer management BMP information to agricultural **and golf course** operators within the BBIA.

Nature-Based Solutions Objective BBIA 5 (BBIA5) [Back to Guiding Principles](#)

Brevard County shall support innovative, nature-based solutions including living shorelines **to include mangrove and sea grape trees**, and freshwater and coastal wetland restoration

Policy BBIA 5.1

Brevard County shall identify structural controls within the floodplain that degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain where feasible, **within five years of identification**.

Policy BBIA 5.2

Brevard County shall address modification of existing development that 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 management facilities within existing developments should be 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 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 with bulkheads or seawalls shall be modified 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 with altered vegetated shorelines shall be modified 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 non-native vegetation is predominant. Runoff quality and rates ~~should~~ shall be evaluated and identified with incentives to reach be the equivalent to the pre- development state.

Policy BBIA 5.3

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

Policy BBIA 5.4

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 BBIA 5.5

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 BBIA 5.6

Using best available data, the County ~~should~~ shall consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact

Development 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 BBIA 5.7

Brevard County ~~should~~ shall 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.

Policy BBIA 5.8

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage and require development to meet nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

Critical Assets Objective BBIA 6 (BBIA6) [Back to Guiding Principles](#)

Brevard County shall safeguard against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093, F.S.

Policy BBIA 6.1

Public facilities should not be located within the 100-year 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.

Policy BBIA 6.2

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 BBIA 6.3

Brevard County shall not support or finance new local transportation corridors that 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 the protection of the transportation facilities from flooding and storm surge.

Policy BBIA 6.4

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. **However, connecting to existing sewer lines is highly encouraged.**

Policy BBIA 6.5

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, and designed to withstand flooding and storm surge.

Policy BBIA 6.6

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) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

Policy BBIA 6.7

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.
- C. The current requirements of F.S. 163.3.

Policy BBIA 6.8

Brevard County shall coordinate with the municipalities, Indian River Sheriff's Department, 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:

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.
- D. Mock evacuation studies simulating land falls for all category hurricanes.

Policy BBIA 6.9

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.

Criteria:

- A. Priority shall be given to improvements serving the zone with the highest 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.

C. Brevard County, in cooperation with the Indian River Sherrif's Department and the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the established evacuation time. This includes Sebastian Inlet bridge and A1A corridor leading to the Wabasso Causeway bridge.

D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

Policy BBIA 6.10

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

Policy BBIA 6.11

Brevard County shall consider hurricane evacuation times, as well as other factors including vulnerability to flooding and storm surge, in determining the timing and priority of roadway improvements that are programmed by the Board of County Commissioners.

Policy BBIA 6.12

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

Policy BBIA 6.13

Brevard County should analyze those public structures within the high-risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

Criteria:

- 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.
 - 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. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.

F. The impact of sea level rise and erosion data shall also be analyzed.

Policy BBIA 6.14

In the event of a disaster, all infrastructure and other County owned improvements that were not included within the above outlined study shall be analyzed to determine the cost effectiveness of relocation versus repair.

Policy BBIA 6.16

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 BBIA 6.17

The County should ~~consider~~ utilize 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 BBIA 6.18

The County should ~~consider~~ obtain, fund, and utilize the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy BBIA 6.19

The County should consider utilize 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 BBIA 6.20

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 BBIA 6.21

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 BBIA 6.22

The County should pursue private and public funding sources for the implementation of flood resiliency strategies – including, but not limited to, avoidance, protection, accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

Policy BBIA 6.23

Brevard County should continue to analyze the 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 BBIA 6.24

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

Policy BBIA 6.25

Brevard County, in conjunction with the School District and the municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as the design and use of public schools as emergency shelters.

Marine Resources Objective BBIA 7 (BBIA7) [Back to Guiding Principles](#)

Brevard County shall protect shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

Policy BBIA 7.1

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. The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can be clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound

to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

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.

Policy BBIA 7.2

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. 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. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

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Criteria:

A. The basis for no net loss shall be established by 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 that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing, replacing, and maintaining the wetland in addition to applicable penalties. If it is not ~~feasible or desirable~~ possible for the responsible person to perform the repair, replacement, or ~~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 (determined by a full financial review of destroyed environmental value) 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. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.

F. 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 waivers that would result in reduced wetland impacts.

G. Dumping of solid or liquid wastes shall be prohibited.

H. Applying or storing pesticides and herbicides ~~should~~ **shall** 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.

I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.

J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. 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. The property shall meet all other State regulatory criteria.

Policy BBIA 7.3

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 avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

Policy BBIA 7.4

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

Need to understand mining and the need in as ACSC.

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.

B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

Policy BBIA 7.5

Prior to development of any property, an environmental assessment ~~should~~ **shall** be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine **and upland** natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

Who performs the environmental assessment and what is the criteria.

Policy BBIA 7.6

All development and activities shall comply with the Brevard County Manatee Protection Plan, as amended. Brevard County, in coordination with applicable partners such as FWC, shall continue to monitor manatee protection measures to determine their effectiveness.

Policy BBIA 7.7

All existing and new marinas shall erect manatee education and awareness signs that 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.

Policy BBIA 7.8

Those involved in the sale of boats and motors ~~should~~ shall provide manatee information to the buyer at the time of delivery of boats or motors.

Policy BBIA 7.9

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.

Policy BBIA 7.10

Brevard County, or other appropriate agencies, shall develop a 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 that may be deemed necessary within areas frequented by manatees.

Policy BBIA 7.11

Brevard County shall identify areas containing significant manatee habitat features.

Marinas with powerboat slips shall not be sited within these areas.

Policy BBIA 7.12

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

Policy BBIA 7.13

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

Mosquito impoundments should be managed to increase their value as fish nursery habitats. This might include multi-day opening of culverts during summer to allow juvenile fish to emigrate from the impoundments, followed by refilling impoundments to prevent mosquito breeding.

Criteria:

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. 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.

Policy BBIA 7.14

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

Policy BBIA 7.15

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. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. 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.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

One acre of upland is insufficient for a functioning marina. More land should be required.

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 the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 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). **Should we have new marinas in BBIA?**

B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

Policy BBIA 7.17

Marinas shall be inspected 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 tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

Criteria:

A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.

B. Compliance with power/sailboat mix, if required.

C. Spill prevention, control, containment and cleanup plans.

D. Waste collection and disposal methods.

E. Firefighting equipment, if required.

F. Monitoring of marina basin water quality for bacteriological levels to insure

compliance with state and federal standards. 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 BBIA 7.18

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.

Upland Resources Objective BBIA 8 (BBIA8) [Back to Guiding Principles](#)

Brevard County shall protect upland resources, including dune ridges, beaches, wildlife, and related habitats.

Policy BBIA 8.1

Brevard County shall maintain regulations to address revegetation and premature land clearing, including the following minimum criteria.

Criteria:

A. Require permitting prior to any land clearing unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit.

B. Require phased clearing in conjunction with phased construction.

C. Require permits for the removal of trees or vegetation specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation in conjunction with land surveying unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit

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. Require tree and canopy preservation, including root protection standards.

Brevard County shall establish land development regulations specific to the BBIA ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island.

Brevard County shall establish a land use management system that provides specific guidelines for clearing residential lots developed in the BBIA, ACSC area. Brevard County shall make it illegal to clear-cut any residential lot in the ACSC area. Clear-cutting removes almost all native trees and vegetation on the lot, releasing sediment that finds its way to the Indian River Lagoon. Sedimentation is one of the biggest threats to the Lagoon and it can be sped up by land clearing that exposes soils that can be washed away. Violating the clear-cutting policy should be a 2nd-degree misdemeanor with a fine from \$500 to \$5,000.

Brevard County shall allow no exemptions for canopy (tree) removal on Single-family lots, 1.25 acres or less, during the development of any property in the BBIA ACSC area.

Brevard County shall establish a land use policy that preserves continuous tree canopy and preserves wind-tolerant native trees, and native vegetation as a property is being developed in the BBIA ACSC area. Special attention shall be given to saving wind-tolerant native trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms especially if they are grouped together, on the lot. *(According to ISA-arbor.org "Structures positioned on properties with more trees per unit area, received less damage from hurricane-force winds than properties with a lower tree density. Isolated trees were damaged more in hurricanes than those trees that were grouped together.")*

Brevard County shall clearly state the guidelines for how land is cleared on a property being developed in the BBIA ASCS such as: A requirement that 25% of the native tree canopy and vegetation must remain on the lot that is being developed. Ideally, the 25% would be in groups where they could continue to grow wild. Invasive plants like Brazilian Pepper trees can and should be removed and excluded from saving. Credits for keeping maturing Live Oaks and other native trees could be applied to the 25% mandate in coordination with the developer. Native trees and vegetation left as buffers on the sides of the property, do not count towards the 25%.

Brevard County shall preserve scenic vistas and protect native tree canopy by requiring 50% of the right-of-way area in the front area of the lot to remain un-cleared, during the development of any property in the BBIA ACSC area. The right-of-way area is directly in front of each lot, extending from the end of the lot line to the walking path or the end of the lot line to the street. Invasive species like Brazilian Pepper and dead trees can and should be removed. Native tree canopy, and vegetation in 50% of the right-of-way area, must be preserved.

Vegetation and trees growing adjacent to scenic roadways within the right-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 that would deny visual access beyond the immediate area.

Brevard County shall establish land development regulations that strengthen protections for ocean dunes and dune vegetation within the BBIA. Requirements to keep, maintain, and revegetate dunes should specify native shrubby dune plants like sea grapes, beach elder, and blue saw palmetto as well as native dune grasses like sea oats, beach cordgrass, and railroad vine.

Brevard County shall ensure that Developers modify dune cross-overs and stairs that lead to the beach, so they are blocked from the sides to prevent sea turtles from getting stuck under them when they come onto the beach to nest.

Protection and preservation of a continuous vegetated dune system must be strengthened. Dune grass is part of sea turtle nesting. When a sea turtle comes up on the beach and hits the seagrass on the dune wall, it signals the mother to start digging, laying eggs.

There should be incentives, in the code, for beachside property owners to maintain existing dune vegetation on their developed lots. A community outreach and education program could send beachside residents a list of native dune vegetation like sea oats, beach cordgrass, railroad vine, sea grapes, blue saw palmetto, and others as well as how to restore the areas of their dunes that are currently bare sand or have turf on them.

Land development regulations must ensure that Developers preserve existing dune vegetation and require restoration of dunes they damaged. Restoration shall include stabilization projects using native vegetation. Native dune vegetation traps wind-blown sand. The sand collects around the vegetation. Native dune plants, like sea oats, develop massive root systems capable of holding large amounts of sand. As sea oats grow larger, they trap more sand. As more sand gets trapped, sea oats grow larger to avoid being buried by the sand. An interruption in dune growth caused by damage to the dune

vegetation stops the process of dune expansion. Damage to dune vegetation should result in a 2nd-degree misdemeanor charge that includes \$500 to \$5,000 fine.

Policy BBIA 8.2

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. The Environmentally Endangered Lands Program, Selection and Management Committee (SMC) may also be used to support these investigations when consistent with policy.

Policy BBIA 8.3

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development using the following minimum criteria:

add aquifer recharge, flood mitigation

Evaluation of development of vegetated areas should to be done as a stand-alone evaluation, but in the context of the area, to include current development locations, current development impacts, impervious surface, and similar criteria.

Criteria:

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

Policy BBIA 8.4

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

Policy BBIA 8.5

Brevard County shall continue to ensure removal of invasive exotics 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 appropriate native vegetation where feasible.

Policy BBIA 8.6

Brevard County shall continue to make available 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 BBIA 8.7

Prior to development of any property, an environmental assessment ~~should~~ shall be completed that would analyze the impact of the proposed development on the wildlife habitat and upland natural resources of the property. For the purposes of this policy, the term “development” excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

the assessment should include freshwater flows (runoff) that will impact the IRL

Who performs the environmental assessment and what is the criteria.

Policy BBIA 8.8

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.

Policy BBIA 8.9

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

Policy BBIA 8.10

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, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

Policy BBIA 8.11

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, or 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.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the 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 CSL except as required for handicap access.

F. Publicly owned dunes, especially those identified for beach access sites, that 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 that 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 BBIA 8.12

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, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

Policy BBIA 8.13

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, 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.

Does this include electric bikes? It should.

Policy BBIA 8.14

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

Policy BBIA 8.15

Brevard County shall continue to pursue funds for dune revegetation to be used when constructing dune crossovers as replacements for unimproved dune access.

Water Quality Protection Objective BBIA 9 (BBIA9) [Back](#) to Guiding Principles

Brevard County shall limit the adverse impacts of development on the quality of water throughout the BBIA and the Indian River Lagoon.

Policy BBIA 9.1

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries by implementing and revising as necessary, the

Surface Water Protection Ordinance, including the following minimum criteria: **Due to ACSC we need to revisit all of this below.**

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. 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. 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 criteria C and D below, 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, where there is insufficient lot depth to construct a primary structure, 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 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, where there is insufficient lot depth to construct a primary structure, 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 Chapter 373, F.S., as amended.

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 alteration as allowed by this comprehensive plan.

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

Policy BBIA 9.2

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 BBIA 9.3

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

Policy BBIA 9.4

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, projects should minimize impervious surfaces by using pervious surfaces wherever feasible, such as for overflow parking.

Policy BBIA 9.5

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

Policy BBIA 9.6

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.

Policy BBIA 9.7

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

Criteria:

- A. Retention and detention requirements shall at a minimum meet SJRWMD 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.

The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes due to climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

- 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 BBIA 9.8

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, 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.

Policy BBIA 9.9

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 BBIA 9.10

All new boat ramps should have parking areas constructed utilizing permeable pavement where appropriate and have the proper stormwater management system in place.

Scenic Resources Objective BBIA 10 (BBIA10) [Back](#) to Guiding Principles

Brevard County shall enhance natural scenic resources to promote the aesthetic benefits of the natural environment.

Safe and effective bicycle lanes on Highway A1A would provide many benefits in the South Beaches, such as reducing motor vehicle traffic. The current bicycle lanes fall far short of the U. S. Department of

Transportation standards. These standards recommend a minimum of four feet in width; portions of the current lanes are 18 inches or less. Sustainable community plans across our country and the work address ways to make bicycling an effective means of transportation. Currently, the BBIA fails to provide safe and effective bicycle lands. Would you feel safe in an 18-inch land with cars coming within a foot of your elbow at 55 miles per hour?

South Patrick Drive through Satellite Beach and Indian Harbour Beach has completed the Florida Department of Transportation planning stage for a repaving effort scheduled for 2025 that includes widening the bicycle lanes to provide a buffer zone between the bikes and the cars. A similar plan could be developed to the next repaving of A1A in the BBIA.

Policy BBIA 10.1

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

Policy BBIA 10.2

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.3

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 clear of vertical construction as breezeway/visual corridor.

Policy BBIA 10.4

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 BBIA 10.5

SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line is designated as a scenic roadway in order to preserve the adjacent natural features.

Policy BBIA 10.6

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.

Please explain in greater detail “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 that would deny visual access beyond the immediate area.

Policy BBIA 10.7

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.

Compatibility Objective BBIA 11 (BBIA11) [Back to Guiding Principles](#)

Brevard County shall ensure that development is compatible with the unique characteristics of the BBIA.

Policy BBIA 11.1

Brevard County shall not increase residential and commercial and all other density designations or allow density swaps or exchanges within the BBIA for properties located within the BBIA.

Policy BBIA 11.2

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity density.

Policy BBIA 11.3

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. This is counter intuitive to Legislative Intent and Guiding Principles. The following criteria, at a minimum, shall be utilized.

Criteria:

A. Water-related and water-enhanced uses shall be built on uplands.

B. Development that 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. No dredging in the BBIA.

C. Water-dependent commercial and industrial uses need examples as to what industry would be considered may be considered for siting adjacent to the Indian River Lagoon.

Policy BBIA 11.4

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

Policy BBIA 11.5

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to: **More than likely only “downzoning” would be approved in the BBIA.**

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 and industrial uses;

Need examples of 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 that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Policy BBIA 11.6

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 **should not allow relocation** such public access provided it is consistent with this Plan.

Future Land Use Categories within the BBIA Objective BBIA 12 (BBIA12) [Back](#) to Guiding Principles

We think there will be no zoning changes/amendments future zoning changes will be proposed with this “go around” of the submission and will be addressed at a later date-we need to get this confirmed. At the Public Meeting at the Community Center Bonnie Landry & Associates stated there would no change to Zoning other than no increase in Residential Density, i.e. Future Land Use Map to stay intact.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

Residential 1 – BBIA Future Land Use Policy BBIA 12.1

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

Residential 2 – BBIA Future Land Use Policy BBIA 12.2

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Residential 4 – BBIA Future Land Use Policy BBIA 12.3

The Residential 4 – BBIA 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. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

Residential 6 – BBIA Future Land Use Policy BBIA 12.4

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. 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 that 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 that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

Residential 8 – BBIA Future Land Use Policy BBIA 12.5

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive 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 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Residential 15 – BBIA Future Land Use Policy BBIA 12.6

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. 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 that 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 that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

Neighborhood Commercial – BBIA Future Land Use Policy BBIA 12.7

Neighborhood Commercial – BBIA 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 that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial 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 pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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 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 three (3) miles apart.

E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

Community Commercial – BBIA Future Land Use Policy BBIA 12.8

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria 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 pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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.

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. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

Public Facilities – BBIA Future Land Use Policy BBIA 12.9

Appropriate locations for Public Facilities - BBIA land uses should be based upon the following minimum criteria:

Criteria:

A. Public facilities are those uses that, 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 0.25

B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map 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.

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. In keeping with the Scenic requirement of BBIA 10 all existing utility systems shall not increase in physical size, statute, and land mass. Reductions of same are encouraged.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board 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 – BBIA Future Land Use Policy BBIA 12.10

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map 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, provided such uses are compatible with adjacent land uses.

B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

Private Conservation – BBIA Future Land Use Policy BBIA 12.11

The Private Conservation - BBIA 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 prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification.

Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 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 Conservation – BBIA Future Land Use Policy BBIA 12.12

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, 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 and 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 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) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.

D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by 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 may be amended pursuant to section 163.3187, Florida Statutes, 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. A. 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 that 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.

Policy BBIA 12.13

Brevard County shall designate lands without an assigned **existing and** Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

Removal of Area of Critical State Concern Designation Objective BBIA 13

The BBIA may be recommended for de-designation by the state land planning agency, and such designation may be removed by the Administration Commission, provided certain conditions are met.

Sufficiency of Local Plan and Land Development Regulations Policy BBIA 13.1

Brevard County acknowledges that the state land planning agency may at any time recommend the removal of the designation of the BBIA as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the BBIA and carry out the legislative intent expressed in section 380.0553(3), F. S., and are in compliance with the principles for guiding development specified in section 380.0553(5). **In the event of conflict between the BBIA Local Comprehensive Plan and either F.S. 380.0553 or the County Comprehensive Plan, the strictest interpretation of either shall apply.**

BBIA

Joan Engel <joan.engel@gmail.com>

Fri 9/6/2024 4:02 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; Barker, Virginia H <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

As a South Beach resident, who unfortunately did not make it to the BBIA meeting last week, please know I am very concerned about the future of our Barrier Island and support all the items listed below as well as improving the quality of the IRL.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Please add me to your email lists about any further developments on these topics. Also, please let me know if there is anything I can do to help.

Joan Engel

Joan Engel

917-751-4435 (M)

Comments re Barrier Island Area of Critical State Concern

thomas groblewski <tgroblewski@gmail.com>

Fri 9/6/2024 3:24 PM

To: tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Representatives-

I am a seasonal resident of Floridana Beach in Brevard County.

I'm writing to share my strong feelings and opinions about how we all must work together to support the State's recent designation of the barrier Island as an Area of Critical State Concern.

Here are my thoughts and specific recommendations:

1. Delete policy 12. We need to stop both residential and commercial density from increasing in order to preserve the precarious current ecologic balance. Any further increase in residential or commercial density will continue to tip the scales in the wrong, possibly irreversible, direction.
2. Stop clear cutting trees. Peer-reviewed research from around the world continues to present us with irrefutable evidence showing the detrimental effects of clear cutting. Remove the existing county ordinance tree-cutting exemption for lots less than 1.25 acres.
3. Take decisive action to do whatever is necessary to promote the right kind of land drainage so as to limit flooding. The inherent value of having healthy waterways on both sides of a land mass cannot be overstated. This valuable resource is supported by having only evidence-based drainage systems in place. In addition, concerted, permanent management will enhance the safest evacuation of the populace when that becomes necessary. Commit to cooperative action with the Indian River Lagoon coalition to make permanent programs limit runoff into the lagoon.
4. Make permanent commitments to protect the naturally occurring flora & fauna on the dunes, and take decisive steps now to restore existing and future compromised areas. Published scientific studies make clear the irreversible, contiguous environmental damage that comes from improper management of dunes and dune environments. Take steps to work with, not against, the natural evolution of the environment.
5. Make permanent any and all current and future scientifically proven steps to safeguard the sea turtle nesting areas. Welcome the opportunity to collaborate with existing and future research efforts such as County Natural Resource Departments and the Sea Turtle Conservancy to monitor and support this critical piece of the Marine Web.
6. Develop and implement permanent potable water and sewerage solutions for the populace of the Barrier Islands. Permanently replace existing individual and community systems which compromise both the safety and physical integrity of natural groundwater.
7. Permanently ban the application of any and all pesticides, insecticides, fungicides, fertilizers, chemicals etc. within the boundaries of this Area of Critical State Concern. Refer to the numerous, documented, worldwide examples of chemicals such as PFAS, nitrate, arsenic, lead, etc. being found in both private and

public tap water.

That the State of Florida has made this herculean commitment to recognize the Barrier Islands as an Area of Critical State Concern should show us all how concerned our elected representatives are about the long-term health of this environmental jewel. Let's show our support by taking bold, decisive, and permanent action!

Respectfully submitted,

Tom Groblewski, DO
128 Delmar Street
Melbourne Beach, FL 32951
978-778-0285

FW: SUBJECT: Protecting Environment and Property Rights; Brevard Barrier Island Area (BIPPA)

Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Fri 9/6/2024 5:45 PM

To: Heather Shaw <Heather@bclandry.com>

Cc: Elmore, Amanda T <Amanda.Elmore@brevardfl.gov>

 2 attachments (3 KB)

publickey - jpoblete@pm.me - 0x5BFEA245.asc; signature.asc;

I can't tell who was copied, so sending to you...

From: Jason I. Poblete <jpoblete@pm.me>

Sent: Friday, September 06, 2024 10:18 AM

Subject: SUBJECT: Protecting Environment and Property Rights; Brevard Barrier Island Area (BIPPA)

After 30 years in the Washington, DC Metro region, my family and I returned to Florida to be closer to our family and a better quality of life. Having been born and raised in Miami, I can say that while I love Florida, Miami's development has gone way too far for our taste. We chose Brevard County precisely because of its unique environmental attributes—its beautiful beaches, nature preserves, and overall quality of life. However, in the two years we've been here I am concerned by the seemingly haphazard approach to development in this area.

Our cities must coordinate more effectively to plan in a way that enhances our environment while respecting the rights of property owners. Much more conservation work should be prioritized, as there is no reason we can't coexist with the space program and other developments. But if we compromise the environment—especially our water quality and green spaces—we risk creating severe long-term issues.

It's equally important to recognize the necessity of protecting private property rights. As residents, we should be able to peacefully enjoy our land with the assurance that our water is clean and our surrounding environment is healthy. Is that one of many reasons we pay taxes? Development policies should not come at the expense of our natural resources and our ability to enjoy our property.

In this spirit, I would like to offer my support for the following policy changes:

1. Delete Policy 12 in its entirety: This policy, which allows for density increases, directly contradicts Policy 11.1 and the overarching goals of the BIPPA. The provisions from Policies 12.1 to 12.8 that promote density "creeping" must be removed to prevent overdevelopment and preserve our community's character.

2. Amend Policies 5.8 and 8.1.C: Ensure that all properties in the BIPPA are excluded from exemptions that currently allow for 100% clear-cutting of trees under Brevard County ordinance 62-4334. This exemption devastates the area's tree canopy, which is crucial for preventing erosion, protecting water quality, and reducing the risks associated with hurricanes and flooding.

3. Strengthen Policy 11.1: Extend the density limitation to all property types, not just residential. Prohibit any movement of density from one part of the BIPPA to another to avoid overburdening specific areas and degrading the community's character.

4. Amend Policies 2.5 and 7.1: Clarify that no clear-cutting should be allowed in areas east of the CCCL or CSL. Address loopholes that permit excessive vegetation removal and threaten the critical root systems protecting our barrier island.

Please consider these changes to protect our unique environmental assets, safeguard our property rights, and ensure we enjoy clean water and the outdoors in Brevard County for generations. I also urge more communication and coordination among our local cities to align planning efforts. We can make this area even greater by leveraging one of our most valuable assets—our natural resources. Let's strive to maintain and enhance what makes Brevard County a special place to live. Thank you, JIP

Jason I. Poblete

E jpoblete@pm.me

C 202.361.0947

T @jasonpoblete

B [Jason Poblete Dispatches](#)

W [Global Liberty Alliance](#)

W jasonpoblete.co (Jason Poblete Photography)

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(No subject)

Mohamad Hussein <mashussein@gmail.com>

Fri 9/6/2024 6:17 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; wright.tom@flsenate.gov <wright.tom@flsenate.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>

Dear all, thanks for the opportunity to comment on issues that affect our residential community.

A great effort and a great start, however, the draft document's language, along with the discussions at the town hall, presents ambiguities and contradictions, particularly concerning: Population Density Limitation.

General Comments

1- The approach to controlling how densely populated areas can become needs clearer definition.

2- Environmental Protection: There's a lack of specificity on how the environment will be safeguarded against urban sprawl and industrial activities.

3- Conservation Areas and Habitats: The measures to minimize damage to these sensitive zones are not explicitly detailed.

Specific Comments to Sections

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.

2. No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)

3. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

4. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

5. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. (Remove 10.4 and 10.7)

6. *Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.*

Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to under used Parks while access to their own neighborhood beaches is reduced.

As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.

7. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

8. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety concerns swimmers / surfers by knowingly baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

9. Eliminate overnight camping / fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance for this great effort and support protecting our community and the environment!

Mohamad Hussein
8955 S A1A

Your Barrier Island Habitat

Mohamad Hussein <mash21@pm.me>

Fri 9/6/2024 6:25 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; wright.tom@flsenate.gov <wright.tom@flsenate.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>

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3. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

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their intended purposes.*

7. Expand Environmental awareness / protections for Ocean, Coastline and Upland
species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey.
(add Ocean species / Sharks to 8.9)

8. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented
studies show trauma to sharks via catch and release can lead to a delayed death of
the non harvestable / protected species B) eliminate safety concerns swimmers /
surfers by knowingly baiting and conditioning predator species into community
waters. You don't feed a bear or alligator - why sharks?

9. Eliminate overnight camping / fishing along the coastline within BBIA due to its
negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance for this great effort and support protecting our community and
the environment!

Mohamad Hussein
8955 S A1A

Fwd: I have received comments that what was sent earlier needed simplification, so here it is!

C Pangb <carolynpangborn@gmail.com>

Sun 9/8/2024 7:38 AM

Dear Sir,

Please see our community has many concerns over increased density changes in our area. It would effect our daily driving, which is already horrendous.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less

Look at Winter Springs FL who has a policy for replacement of a tree if you cut down a tree. The employ a arborist who will decide if you can remove your tree or not. You pay big fines if caught cutting w/o permit. Trees provide many benefits for society. Lets be forward thinking, not live with regret.

- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon Yes we want a clean Lagoon please
- Dune protection and restorations, Sea Turtle and Wildlife habitats All it took to convince me that people were bad for the Turtles was going down to the beach at night ONE night. These tourist go down there with their cell phones lit up videoing the turtles coming in and then not understanding why they turn right back around w/o laying eggs (because of them standing in their path with light) It was so frustrating! These folks don't want to be educated, have been foul mouthed when approached, yelled they have paid good money to be there. Believe me they have paid a lot to come experience Florida in this new kind of build in Melbourne Beach. It's really a nightmare for our turtle population.
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals Again, more density equals less knowledge, care and consideration for sea turtles nesting. Light sends turtles back to the ocean but also when the turtle hatch sends them to A1A instead of the Atlantic Ocean where at least they have a chance at life,
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner. We love Melbourne Beach's Charm! Lets not turn it into ugly crime ridden south Florida.
- Clean Water, no private treatment plants

Have you ever smelled the river after one of these so called "accidents" took place where raw sewage was dumped in the river, then the dying bloated manatees and fish start washing up on shore? It's not only disgusting, it prevents us from getting anywhere near the water on the preserve, for 6 months.

- Coastal Setback updating for new single family residential homes Again we ask for clean water
- Mosquito impoundments management Yes

Please consider these realistic request that will make a better community

Best Regards,

Carolyn Pangborn
127 Carmen St
Melbourn Beach, FL 32951

FW: Saving the IRL & BI

Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Mon 9/9/2024 7:23 AM

To: Heather Shaw <Heather@bclandry.com>

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Stephen M. Swanke
Senior Planner
Brevard County Planning & Development Department
(321) 633-2070 ext 58298
(321) 350-8298 direct line

-----Original Message-----

From: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Sent: Monday, September 9, 2024 6:55 AM
To: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>
Subject: FW: Saving the IRL & BI

-----Original Message-----

From: Joan vaughan <joanvaughanphoto@yahoo.com>
Sent: Thursday, September 5, 2024 7:10 PM
To: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>
Subject: Saving the IRL & BI

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We have been a resident of Melbourne Beach since 1984. Witnessed the population increase with negative impact to our IRL, water, air & soil. Pesticides, fertilizers, toxic chemicals, human sewage, plastic and other materials destroying our IRL, oceans, soil aquifers & air!
The turtles have been negatively impacted with condo lights, beach home lights, disrespectful humans digging, gawking & photographing while nesting. I have photos of a loggerhead strangled by fishing line and hooks left on beach.
This summer a loggerhead was struck & killed on A1A from being disoriented from so many lights.
The flooding on A1A during heavy rain is much worse from clear cut & development.
The mangrove, oaks, trees, preserves & all the foliage absorbs the rain & prevents flooding!
Evacuation is a nightmare already. More development on the BI will be detrimental to our health and our

Life.
Thank you
Joan Vaughan

Sent from my iPhone

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

Re: I have received comments that what was sent earlier needed simplification, so here it is!

C Pangb <carolynpangborn@gmail.com>

Mon 9/9/2024 3:13 PM

To: Heather Shaw <Heather@bclandry.com>

For those that weren't on this list I wrote separately. At least I tried to include everyone. Thank you for your hard work!

Sincerely,

Carolyn Pangborn

On Mon, Sep 9, 2024 at 2:05 PM Heather Shaw <Heather@bclandry.com> wrote:

Ms. Pangborn,

Thank you for taking the time to provide your comments. We have received your feedback below, and it has been recorded for review. Your comment will be included in the agenda item backup information for the LPA and BOCC hearings.

Your input is valuable to us. Should we need any further clarification, we will reach out to you. Thank you once again for your contribution.

Best regards,

Heather Shaw

Office Manager & Project Coordinator

Bonnie C. Landry and Associates

Heather@bclandry.com

From: C Pangb <carolynpangborn@gmail.com>

Sent: Sunday, September 8, 2024 7:38 AM

Subject: Fwd: I have received comments that what was sent earlier needed simplification, so here it is!

Dear Sir,

Please see our community has many concerns over increased density changes in our area. It would effect our daily driving, which is already horrendous.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. **BBIA Policy 11.1**; Brevard Co shall not increase residential designations for properties within the BBIA and **Policy BBIA 1.5** The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
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- Mosquito impoundments management Yes

Please consider these realtic request that will make a better community

Best Regards,

Carolyn Pangborn
[127 Carmen St](#)
[Melbourn Beach, FL 32951](#)

Code Enforcement

Sue Macuska <suemacuska@hotmail.com>

Thu 9/5/2024 2:16 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; State of Florida: <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

📎 3 attachments (524 KB)

hatchlingdangers (1).heic; dawn3375a1a (5) copy.jpg; 8may23_3373a1alabeled (7) copy.jpg;

Thank you for taking time to review barriers. It's not enough to pass legislation if the funds to timely enforce them are not also allocated. AirBnB light/noise violators are long gone. Neighbors reporting violators must provide personal information or Code Enforcement will not take the report they are short staffed, I dont think Brevard County has night employees. When reporting you must provide your name, privacy protection initially and into the future is urgently needed, this information should not be visible to anyone other than code enforcement. Fining violators should help pay for additional code Enforcement. Deputize law enforcement including Firefighters. Archie Carr has FIT doctorate Students patrolling in golf carts, Sea World Scientist all could assist with urgent reportable violations.

Fwd: Fw: Your Barrier Island Habitat needs your help. Important and simple.

Max Taylor <gypsyscribe.max@gmail.com>

Sun 9/1/2024 1:38 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Brackett, Robert <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Five (5) MAJOR ISSUES (the word Policy refers to each section of the entire BBIA)

1) Policy 12 -Delete entirety. **STOP Density from increasing.** This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

#'s 2) and 3) and 5) changes will help to STOP Clear-Cutting Trees

2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

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5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.**

THE MESSAGE IS ELOQUENT AND CLEAR. PLEASE TREAT IT AS A COMMUNICATION FROM MAX TAYLOR AT 8850 SOUTH A1A HIGHWAY, MELBOURNE BEACH, FL 32951. 321-727-2071/GYPSYSCRIBE.MAX@GMAIL.COM

Brevard Barrier Island Area

Chris Schwartzer <cschwartzer@mac.com>

Sun 9/1/2024 1:52 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

To all addressed parties:

My name is Christian Schwartzer and I am a resident of Indialantic, FL and while I do not live in south beaches of Brevard county I share these concerns with my friends and family who do. Please review these needed changes to the policies for the Brevard Barrier Island Area.

1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

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These changes are necessary to protect this fragile area.

Respectfully, but ever vigilant.

Christian Schwartzer
596 Oak Ridge Drive
Indialantic, FL 32903

Concern for Florida's unique Barrier Island

jane fleury <janeaf252@gmail.com>

Sun 9/1/2024 2:02 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Dear Sir,

As an extremely concerned Barrier Island resident, I urge you to make the following changes to protect our delicate ecosystem and save our Island from destruction. Every day there are more houses, condos, and rental units being constructed with no consideration for the Island, its inhabitants, and its wildlife. A huge increase in Vrbo and Airbnb guests run all over the dunes, dig huge holes on the beach, and walk away, leaving us more vulnerable to hurricane damage, and endangering our precious sea turtles. It's time to get control of this situation before it's too late.

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Sincerely,
Jane A Fleury
299 Liberty Lane
Melbourne Beach, FL 32951

RE: Brevard Barrier Island Area of Critical State Concern

Debbie Colburn <dpcolburn@me.com>

Sun 9/1/2024 4:46 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

I know you are busy so I will keep this brief. I know this is a confusing and daunting task, but it is vitally important to get it right.

Below are listed changes that must be made in order to offer the protection necessary for Brevard Barrier Island under this ACSC designation.

Thank You for your attention.

1) Policy 12 -Delete entirety. **STOP Density from increasing.** This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

#’s 2) and 3) and 5) changes will help to **STOP Clear-Cutting Trees**

2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says “The following land uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

3) Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

4) Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential;** after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.**

BBIA concerns

Dan Lederer <dklederer@hotmail.com>

Sun 9/1/2024 7:11 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; wright.tom@web.flsenate.gov <wright.tom@web.flsenate.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Good afternoon,

As a resident of south Melbourne Beach, please see my concerns below regarding BBIA:

Five (5) MAJOR ISSUES (the word Policy refers to each section of the entire BBIA)

1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

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Thank you for your time and service,

Dan Lederer, Melbourne Beach

Changes that need to be made

Patricia Hall <pathall255@gmail.com>

Mon 9/2/2024 8:04 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>

- No Increases in Density; **Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals

FW: Protect and Preserve Barrier Island

Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Tue 9/3/2024 1:21 PM

To: Bonnie Landry <bonnie@bclandry.com>; Heather Shaw <Heather@bclandry.com>

See Mr. Raymond's comments below.

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Stephen M. Swanke

Senior Planner

Brevard County Planning & Development Department

(321) 633-2070 ext 58298

(321) 350-8298 direct line

From: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>

Sent: Tuesday, September 3, 2024 1:15 PM

To: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

Subject: FW: Protect and Preserve Barrier Island

From: Barker, Virginia H <Virginia.Barker@brevardfl.gov>

Sent: Tuesday, September 3, 2024 12:40 PM

To: Rollin Raymond <omiraymond@gmail.com>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>

Cc: Elmore, Amanda T <Amanda.Elmore@brevardfl.gov>; Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>

Subject: Re: Protect and Preserve Barrier Island

Dear Mr Raymond,

Thank you for your email. I am copying Jeff Ball who is the point person in the Planning and Development Department for the drafting the Comprehensive Plan for the Brevard Barrier Island Area of Critical State Concern.

Have a great day,

Virginia

Sent from my iPhone

On Sep 2, 2024, at 9:01 PM, Rollin Raymond <omiraymond@gmail.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Government Authorities and Consultants,
Please do not allow further development of the Brevard Barrier Island Area until you have considered and corrected policies which as written would allow loopholes for destructive and irreversible damage to the land and vegetation which protects the area from erosion and storm surges. Reading the recommendations below alarmed me and prompted me to write to you.
Sincerely,
Rollin Raymond
508 Sunset Blvd
(PO Box 510054)
Melbourne Beach
FL 32951

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from my iPhone

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**BREVARD BARRIER ISLAND AREA
PLAN AMENDMENT**

STAFF COMMENTS

Large Scale Plan Amendment 25LS.01 (24LS00001)
**Barrier Island South of Town of Melbourne Beach
North of Sebastian Inlet State Park**

Property Information

Owner / Applicant: **Brevard County**

Adopted Future Land Use Map Designation: n/a

Requested Future Land Use Map Designation: n/a

Acreage : 4,235.68 acres

Tax Account #: n/a

Site Location: Barrier Island south of Town of Melbourne Beach and
North of Sebastian Inlet State Park

Commission District: 3

Current Zoning: n/a

Requested Zoning: n/a

Background & Purpose

Chapter 85-55, Laws of Florida, amended the Chapter 163, Part II, Florida Statutes, which required local governments to comply with the amended requirements. 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, that has been amended from time to time.

Chapter 95-181, Laws of Florida, established the Bert J. Harris, Jr. Property Rights Protection Act which provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the State or a political entity of the State, as applied, unfairly affects real property.

Coastal Management Policy 7.1 was adopted in the early 1990's and the deadline to submit a Bert Harris claim has passed. Section 380.0553, FS went into effect July 1, 2023 and the deadline to submit a Bert Harris claim has passed.

An Area of Critical State Concern is a geographic area created by the State land planning agency to address areas that may be adversely impacted by uncontrolled or inadequate development controls. The designation authorizes the State to identify specific principles for guiding development within the Area of Critical State Concern. The legislation, found in Section 380.05, Florida Statutes, requires the State land planning agency to recommend actions which the local government and state and regional agencies must accomplish to implement the principles for guiding development. These actions may include, but need not be limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements.

There are five Areas of Critical State Concern including the Brevard Barrier Island Area. The other four were all adopted by the mid-1980's which was before the adoption of the Bert Harris legislation. The Legislature adopted Chapter 2023-272, Laws of Florida, establishing the Brevard Barrier Island Area as an Area of Critical State Concern. On July 1, 2023, Section 380.0553, Florida Statutes became effective, designating the barrier island south of the Town of Melbourne Beach and north of Sebastian Inlet State Park as an Area of Critical State Concern. This process did not follow the procedure outlined in Section 380.05, Florida Statutes.

This statute contains Guiding Principles for Development. They are:

- (a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.
- (b) Prioritizing water quality restoration projects in the Indian River Lagoon.
- (c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.
- (d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.
- (e) Safeguarding against adverse economic, social, environmental and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in Section 380.093, Florida Statutes.
- (f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.
- (g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.
- (h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and Indian River Lagoon.

- (i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.
- (j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

This legislation authorizes the State to review all development proposals including comprehensive plan amendments, rezonings, and building permits for compliance with these guiding principles.

The goals, objectives, and policies necessary to ensure compliance with the guiding principles have been identified and included in a document that will be adopted as an appendix to the Comprehensive Plan through the large scale amendment procedure.

The land within the Brevard Barrier Island Area includes the following Future Land Use Map designations:

Community Commercial	6 parcels	7.09 acres	0.17% of total area
Neighborhood Commercial	185 parcels	9.05 acres	0.21% of total area
Private Conservation	88 parcels	183.18 acres	4.32 % of total area
Public	7 parcels	48.61 acres	1.15% of total area
Public Conservation	222 parcels	1717.03 acres	40.54% of total area
Recreation	7 parcels	387.10 acres	9.14% of total area
Residential 1 (RES 1)	3083 parcels	1292.38 acres	30.51% of total area
Residential 2 (RES 2)	1311 parcels	331.67 acres	7.83% of total area
Residential 4 (RES 4)	108 parcels	27.39 acres	0.65% of total area
Residential 4 Directive	5 parcels	2.42 acres	0.06% of total area
Residential 6 (RES 6)	46 parcels	10.72 acres	0.25% of total area
Residential 6 Directive	114 parcels	26.83 acres	0.63% of total area
Residential 8 Directive	1253 parcels	163.27 acres	3.85% of total area
Residential 15 (RES 15)	91 parcels	29.01 acres	0.68% of total areas

On August 28, 2024, Planning and Development held a public outreach meeting at the South Beaches Community Center. The meeting was attended by over 200 area residents with an additional 42 people attending virtually via a Zoom link. A summary of their comments follows.

- Of the 337 respondents to the online survey, over 87.5% lived in the Brevard Barrier Island Area.
- Over 87.8% strongly agreed that the Area of Critical State Concern designation is important to the future of the Brevard Barrier Island Area.

- Over 76% strongly supported prohibiting shoreline hardening and encouraging living shoreline concepts.
- Over 92% felt that prioritizing funding for water quality restoration projects was very important.
- Almost 60% felt that limiting development in this area is the most important strategy for reducing nutrient pollution in the Brevard Barrier Island Area.
- Over 95% felt it was very important to protect upland resources such as dune ridges, beaches and wildlife habitat.

In addition to the online survey questions, respondents were able to submit comments directly via the survey and by e-mail. A total of 732 comments were received.

- Almost 22% of the submitted comments addressed concerns about density and intensity.
- 11% addressed sea turtle protection and shoreline hardening.
- 9% asked for general information about the BBIA.
- 7% addressed land clearing including clear cutting.
- 6.8% addressed conservation issues.
- 6.8% addressed the provision of utilities.
- 6.4% addressed land development issues.
- 6.3% addressed stormwater management.
- Other issues garnered less than 5% of total responses.
- Less than 5 comments requested creation of an oversight committee.

More detailed information can be found in the BBIA ACSC Public Feedback Summary.



BONNIE LANDRY
& ASSOCIATES Professional Planning Services

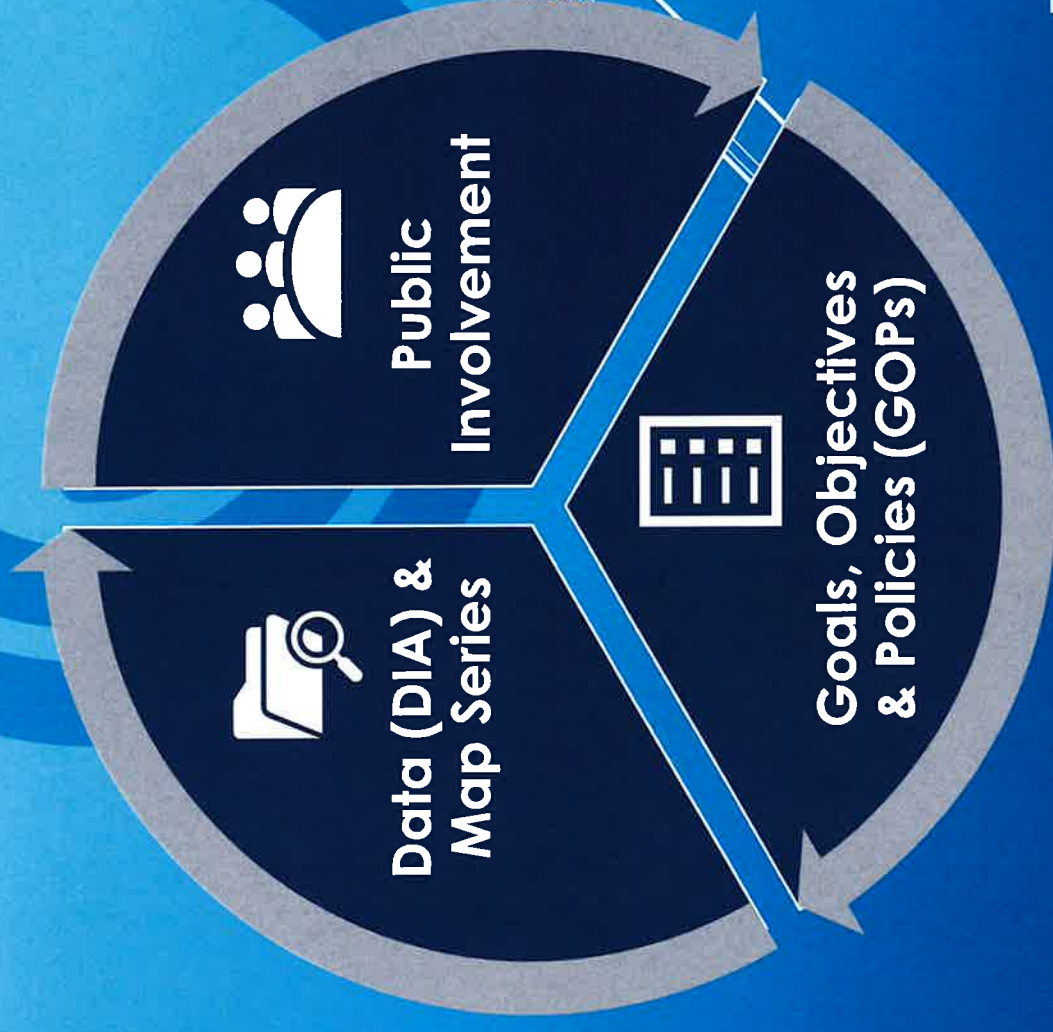
BREVARD BARRIER ISLAND AREA OF CRITICAL STATE CONCERN (BBIA)

Board of County Commissioners

July 17, 2025

EAR Process

- Comprehensive Planning
- Plan review every 7 years
- Analyze changes in local conditions & projections
- Incorporate changes in statutory requirements
 - *Ch. 163, Part II, F.S.*
- Provide for public input
- State agency review (ORC)
- Amend GOPs accordingly



Area of Critical State Concern (ACSC)

- ACSCs enabled in 1972 to protect sensitive environmental resources from development. Currently only 6 ACSCs statewide, including BBIA.
- All development within an ACSC must be reviewed by state agencies
- “Guiding Principles for Development” provide key statutory protections
- Brevard Barrier Island Area designated in 2023
- Local plan based on existing Comp Plan with new and strengthened policies
- Public input session (254 participants) and online survey (184 respondents) in 2024
- Adopting Part XVI to the County Comp Plan



Objections, Recommendations, and Comments

- Objection: Meaningful and Predictable Standards
- Recommendation: Establish clear and measurable timeframe commitments for Policies 2.6, 5.1, 7.8, 7.9, 7.12, 7.13, 7.15, 8.10. Reference subsection 380.0553(5), F.S., as list of guiding principles for development
- Result: Policies updated with specific timelines or triggers, and subsection 380.0553(5) is now cited.



Objections, Recommendations, and Comments

- Comment: Terminology and Regulatory Language
- Acronyms should be defined. Review use of should vs. shall in Policies 3.3, 5.4, 5.8, 6.4, 6.13, 6.16-22, 7.2, 7.6, 7.15, 8.8, 9.1, 9.5, 9.8, & 9.10.
- **Result: All acronyms defined in policy and Glossary. Updated to “shall” for 3.3, 5.4, 5.8, 6.13, 6.17, 6.18, 6.20, 6.22, 7.2, 7.6, 7.15, 8.8, 9.1, 9.5, & 9.8.**



LaDora Sims

SHOULD expresses obligation; mandatory action necessary 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.

SHALL expresses a command, must express what is mandatory, to be done at all times without deviation.

Objections, Recommendations, and Comments

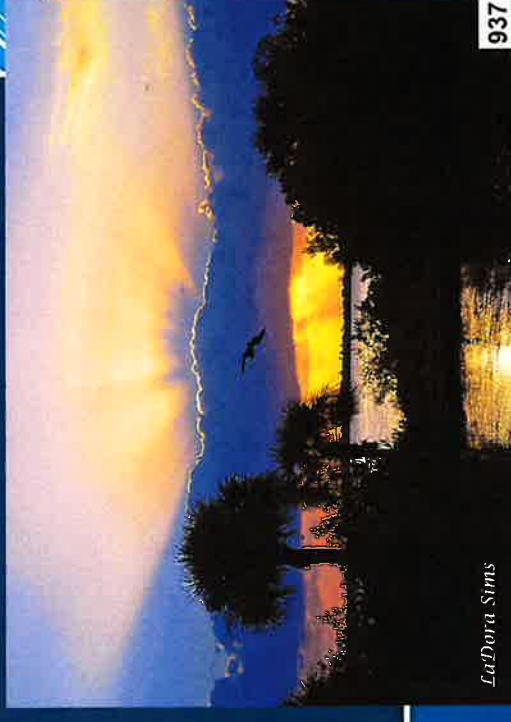
- Comment: Intergovernmental Coordination
- Coordinate with FWC to address agency comments for turtles, manatees, coastal species, and educational signage. Review comments from SJRWMD and DEP.
- **Result: Staff worked with FWC, Sea Turtle Conservancy, & 1000 Friends of Florida to strengthen several policies. Policy 9.9 was updated per SJRWMD.**



LaDora Sims

Objections, Recommendations, and Comments

- Comment: BIPPA Feedback
- Consider BIPPA's comments submitted to Commerce 11/20/24
- **Result: Thirteen policies were updated in line with BIPPA feedback and discussions with 1000 Friends of FL. New density bonuses expressly prohibited. Many other BIPPA comments addressed by updates from state agency feedback.**



LaDora Sims

937

Non-ORC Amendments

Changes resulting from staff review, public input, formatting, acronym use, scrivener's errors, etc.

- Policy 2.5 clarifies shoreline hardening prohibition, closed loopholes
- Policy 5.8 updated and new Policy 5.9 to promote living shorelines
- Policy 6.4 clarifies strict exceptions for public facilities in the CHHA
- Policy 6.21 provides for acquisition of properties at risk of loss
- Policy 8.1 provides for strengthened land clearing protections and maintenance





BONNIE LANDRY
& ASSOCIATES Professional Planning Services

THANK YOU

✉ BONNIE@BCLANDRY.COM

☎ (772) 201-5052



**SEA TURTLE
CONSERVANCY**
S I N C E 1 9 5 9



Brevard County Planning and Zoning Board
2725 Judge Fran Jamieson Way
Viera, FL 32940

June 15, 2025

Dear board members,

We are writing on behalf of the Florida-based Sea Turtle Conservancy (STC), the oldest sea turtle conservation group in the world, to **thank the County staff, consultants, Planning and Zoning board members, and Commissioners at Brevard County for listening to our feedback** on the Brevard Barrier Island Area (BBIA) Appendix to the County's Comprehensive Plan.

The BBIA is unlike anywhere else in Florida, the United States, and perhaps the world. It supports the largest nesting aggregation of loggerhead sea turtles in the world, as well as the largest green turtle rookery in the U.S. It contains unique dunes, coastal scrub, and maritime hammock ecosystems; and encompasses the Indian River Lagoon, an important estuary. Central to the success and character of the BBIA is its low-density development and community that passionately advocates for it to stay that way. As the State of Florida faces rapid coastal development, placing reasonable limits on development to preserve the unique nature of the BBIA is more essential than ever. This is why stakeholders have weighed in on each aspect of the County's proposed BBIA Appendix – to ensure that the Guiding Principles of 380.0553, F.S. are met and to ensure the continued protection of this valuable area for wildlife, coastal recreation, and its people.

As we have detailed in previous letters, areas of chief concern for STC in the Appendix focus on language dealing with hard shoreline armoring, sea turtle lighting ordinances, upland vegetation, scenic features, and future land use. While the County has considered but not fully incorporated all of our suggestions implemented in their entirety, we are pleased with revisions to the Appendix that provide a starting point for specifics to be ironed out in subsequent ordinances.

We recognize the effort that has gone into the BBIA Appendix draft by County staff, its consultant, board members, and commissioners, and we appreciate having opportunities to share our expertise. We look forward to continuing to engage with the County to ensure that the BBIA will meet the promise of the Brevard Barrier Island Area Protection Act.

Sincerely,

David Godfrey
Executive Director

Stacey Gallagher
Policy Coordinator



From: Mary Sphar <canoe2@digital.net>

Sent: Tuesday, June 17, 2025 11:20 AM

To: Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Prasad, Billy <Billy.Prasad@brevardfl.gov>; Gilliam, Trina <Trina.Gilliam@brevardfl.gov>

Subject: LPA Meeting thoughts

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Darcie, Billy, and Trina,

I was very glad the LPA voted to recommend adoption of the 2 amendments.

I was surprised no one mentioned SB 180.

About the EAR amendments, I would like to see the Coastal Management Element updated to better match the BBIA language for the CSL and for nature-based design and LID. That would involve updating CM 4.2 to better match BBIA 2.6 and updating CM 14.9 to better match BBIA 5.8. That new BBIA language is so good!!

The other 3 policies I had in mind but did not mention yesterday -- CM 14.3, 14.4, and 14.6 -- might be a little harder to justify right now because their BBIA counterparts were not specifically flagged in the ACSC ORC. We'll see.

Here is the reason I think there is justification for changing CM 4.2 and CM 14.9 now:

BBIA 2.6 and 5.8 were flagged in the ORC, so in response, Staff improved them. Now they are not consistent with CM 4.2 and CM 14.9. Ch. 163.3177 (2) states: "Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent."

I wanted you to know that I will be contacting Laura Wilson, but not today since she she sent out an email noting that today is her one-year anniversary of working at MRC. Nature-based design and LID, as well as living shorelines, are MRC priorities.

Laura's predecessor, Leesa Souto, was involved in trying to get the Peril of Flood amendments strengthened at adoption in Jan-Feb 2022, which did not happen, due to that last-minute unexpected turn of events.

Mary Sphar

memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

It is known that legislators changed Live Local in 2024 to allow work-force housing on Space Florida - and it is assumed that this is driving the change in Comp Plan.

Our lives should not be expendable as this decision will impact 72 miles of Brevard County coastline. I think we have more coastline than any other county.

NMI is a giant bowl on wetlands - which fills with water and no place to pump the water - stormwater impacts for the county are 5-10 million a year from these Federal lands which will increase further with increased density that cannot be safely evacuated. NMI has storm surge of 13 feet according to engineer's hydrology report.

On Fri, Jun 13, 2025 at 12:43 AM Sandra Sullivan <s2sully@gmail.com> wrote:
Dear State officials et al,

Consider the skyrocketing insurance rates along (and higher rate of declined claims) with the new of **intent to dismantle FEMA which will mean fewer dollars for Florida** - <https://www.livenowfox.com/news/trump-phasing-out-fema>

Now it is especially not appropriate to change the Comprehensive Plan to effectively remove LOS for Evacuation (to "clearance time") nor removing the density limitation on the floodplain from the Comprehensive Plan. Doing so will escalate the crisis with loss of life and increased property losses: **FAILURE TO ADDRESS THIS DEFICIENCY WILL CONTINUE TO ESCALATE INSURANCE CRISIS WITH HIGHER LOSSES AS WELL AS CAUSE LOSS OF LIFE.**

Brevard has made changes to the comprehensive plan that are not consistent with state statute as Brevard is removing the Evacuation Level of service of 18 hours. Comprehensive plan change is NOT consistent with Florida Statute to substitute Level of Service Standard with clearance time currently at 61 hours (and continues to increase). Clearance time is an ever increasing number which is based on actual time and NOT a standard of service to achieve which is used to restrict density increases to minimize loss of life. **Brevard has a CRITICAL EVACUATION DEFICIENCY IDENTIFIED BY THE STATE.**



Brevard's Comprehensive plan is non-compliant with Florida Statute using evacuation clearance instead of LOS Standard for Evacuation. :

1. Per FS 163.3178 Brevard is "required to **protect human life as part of their Coastal Management**." The change to "clearance time" will result in loss of life during of CAT 4/5 due to storm surge and inability to get off island as this number will continue to increase and does not restrict development on vulnerable barrier island.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3178.html

2. Per FS 3180 Under "The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, **that the levels of service adopted can be reasonably met.**"

[https://www.flsenate.gov/laws/statutes/2024/163.3180#:~:text=\(h\)%20The%20local%20government%20comprehensive.occupancy%20or%20its%20functional%20equivalen](https://www.flsenate.gov/laws/statutes/2024/163.3180#:~:text=(h)%20The%20local%20government%20comprehensive.occupancy%20or%20its%20functional%20equivalen)

3. Per FS 3202 "Provide that public facilities and services **meet or exceed the standards** established in the capital improvements element required by s. [163.3172](#) and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. **A local government may not issue a development order or permit that results in a reduction in the level of services** for the affected public facilities below the level of services provided in the local government's comprehensive plan."

[https://www.flsenate.gov/laws/statutes/2023/163.3202#:~:text=\(g\)%20Provide%20that%20public%20facilities,the%20local%20government's%20comprehensive%20plan](https://www.flsenate.gov/laws/statutes/2023/163.3202#:~:text=(g)%20Provide%20that%20public%20facilities,the%20local%20government's%20comprehensive%20plan)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3178.html

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

Here is the Proposed change to comprehensive plan: DOES not have a Level of Service so suggest that Brevard's required Evacuation would be 16 hours for CAT 5.

<https://brevardfl.legistar.com/LegislationDetail.aspx?ID=7421579&GUID=190B732E-1E01-4159-B6F6-C287F91AD72B&Options=&Search=>

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

COASTAL MANAGEMENT ELEMENT

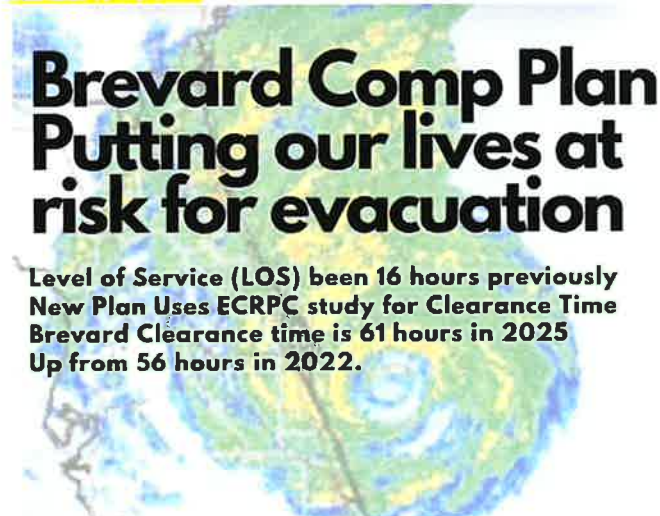
LPA Adoption June 16, 2025

X - 26

the East Central Florida Regional Planning Council. Evacuation times are adopted in the Brevard County Comprehensive Emergency Management Plan (Brevard CEMP). Evacuation Concept of Operations.

The Brevard Comprehensive Emergency Plan (CEMP) is NOT a public document - whereas the Comprehensive Plan is public. In order to use this LOS Evacuation for Planning and Zoning it is necessary that the LOS for Evacuation be public information in the Comprehensive Plan. The CEMP has the LOS Evacuation is 18 hours in the CEMP for CAT5 for out of county but this will be removed with the new comprehensive plan with intent to replace with "Clearance Time." As you know it is not possible to shelter in place on the barrier island due to storm surge. Clearance time is NOT consistent with state statute as is NOT LOS. Clearance time is a variable and increases with added density.

61 hours to evacuate the barrier island in a CAT5 is up from 56 hours just 2 years ago from increased development and will continue to increase.



The East Central Regional Planning Council (ECRPC) "clearance times" can be found at: <https://portal.floridadisaster.org/preparedness/RES/Studies/SitePages/RES.aspx#ECRPC> ECRPC does not have LOS evacuation.

Previous Evacuation Studies https://drive.google.com/drive/folders/1CzYaPp7Sr5ydv1Sc-GZt82ce5JswCjxl?usp=drive_link

1999 Comp Plan Evacuation Study: https://drive.google.com/file/d/19XTTsnrdUmi9t1As1AiUleqc9gIS6tyv/view?usp=drive_link where critical evacuation determined

Comp Plan 1999B: South base Housing <https://drive.google.com/file/d/1w9IQhoNtP4eC269jVsAhL-kNOWRppYu/view?usp=sharing> where because of the 1999 evacuation study

Comp Plan 2000B: FCT with DCA incentified \$8.5 million for Hightower/Pelican acquisition with conditions to cap density in South Patrick Shores and Satellite Beach, also prohibited bonus density, TDR, and restricted conversion of Commercial to Resident at cap of 7 du/a. Page 50 has explicitly capping density at 999 units for south base housing as part of that agreement.
https://drive.google.com/file/d/1fL2_Pf7S_v7ikABqyIMGW4rP1CK7VUEt/view?usp=drive_link
 DCA Letter: https://drive.google.com/file/d/1f8M-LrHbShdDM9nzy7nRJJkRwy35Yh_/view?usp=sharing

Page 2
 James Stansbury

The County has shown a commitment to cap or even reduce densities on the barrier island. This process began in the South Beaches area with the adoption of the 1992 South Beaches Small Area Plan and has continued to the present day. As recently as the 2000B Plan Amendment Cycle, the County adopted comprehensive plan amendments that capped the residential densities for the unincorporated areas on the northern and central barrier island at existing levels.

ECRPC Clearance time:

Clearance Time Scenarios

Scenario Type	Clearance Time Type	County	Evacuation Level A	Evacuation Level B	Evacuation Level C	Evacuation Level D	Evacuation Level E
Select	Select	Brevard	CAT 1	2	3	4	CAT 5
2020 Base Scenario	Clearance Time to Shelter (Zone Clearance Time)	Brevard	14	16	17.5	20.5	21.5
2020 Base Scenario	In County Clearance Time	Brevard	15	16.5	18.5	21	25.5
2020 Base Scenario	Out Of County Clearance Time	Brevard	15	16.5	18.5	21	25.5
2020 Operational Scenario	Clearance Time to Shelter (Zone Clearance Time)	Brevard		13.5	13	17	12.5
2020 Operational Scenario	In County Clearance Time	Brevard		14.5	14.5	17.5	29.5
2020 Operational Scenario	Out Of County Clearance Time	Brevard		14.5	14.5	17.5	29.5
2025 Base Scenario	Clearance Time to Shelter (Zone Clearance Time)	Brevard	14.5	16	17	21	23
2025 Base Scenario	In County Clearance Time	Brevard	15	17	18.5	22	26
2025 Base Scenario	Out Of County Clearance Time	Brevard	15	17	18.5	22	26
2025 Operational Scenario	Clearance Time to Shelter (Zone Clearance Time)	Brevard		12.5	13	16	16
2025 Operational Scenario	In County Clearance Time	Brevard		14.5	14	19.5	61
2025 Operational Scenario	Out Of County Clearance Time	Brevard		14.5	14	19.5	61

Thus, it could be argued that by eliminating the LOS standard for Evacuation that the 16 hour Evacuation standard for the state would apply:
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3178.html

memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

In Florida, "level of service" (LOS) refers to the capacity of a public facility to meet demand, ensuring adequate service levels for new development. Comprehensive plans, required by Florida law, must incorporate LOS standards for public facilities and ensure that these standards are met before development orders are issued. Having a "clearance time" does not ensure adequate service needs as this number continues to increase.

The Critical Evacuation Deficiency of 18 hours would it require Brevard to safeguard lives on the barrier island with restriction with increased density from Live Local.

Space Florida wants to put Live Local workforce on the barrier island (Live Local 24 glitch bill change) and that is why Brevard is removing the Evacuation LOS.

Again, removing the Evacuation LOS and replacing with "Clearance Time" is in violation of state statute and would LOS default then to the State Evacuation LOS of 16 hours.

RE: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions > **Inbox** x



Williams, Jana <Jana.Williams@commerce.fl.gov>
to me ▾

Fri, Aug 30, 2024, 10:36 AM ☆ 😊 ↶ ⋮

Dear Sandra,

Thank you for reaching out. The only land planning issue that can be considered 'waived' within a Comprehensive Plan in relation to the Live Local Act is the allowance of affordable housing on sites that are designated Commercial or Industrial on the local government's Future Land Use Map. HOWEVER, this allowance does not waive the other regulations and requirements found within the Comprehensive Plan. That is, all other regulations and requirements **must** be met, including Level of Service standards for public facilities (which would include hurricane evacuation LOS standards, if those have been identified within the Comprehensive Plan in question). I hope this information clarifies the issue for you

Sincerely,

Jana

Jana Williams, AICP
Regional Planning Administrator, East Florida Region
Bureau of Community Planning and Growth / Division of Community Development

FloridaCommerce
Office: 850.717.8483

FLORIDACOMMERCE www.FloridaJobs.org

I also want to add that I do not see anything in this Comprehensive Plan that Density bonus is restricted for Affordable Housing on any of the barrier islands and/or CHHA.

https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOIL_CH62LADERE_ARTXVIIAFWOHOIN_S62-6305DEBOAEHO

Sec. 62-6305. - Density bonus for affordable housing.

Code of Ordinances / Chapter 62 - LAND DEVELOPMENT REGULATIONS / ARTICLE XVII. - AFFORDABLE AND WORKFORCE HOUSING INCENTIVES

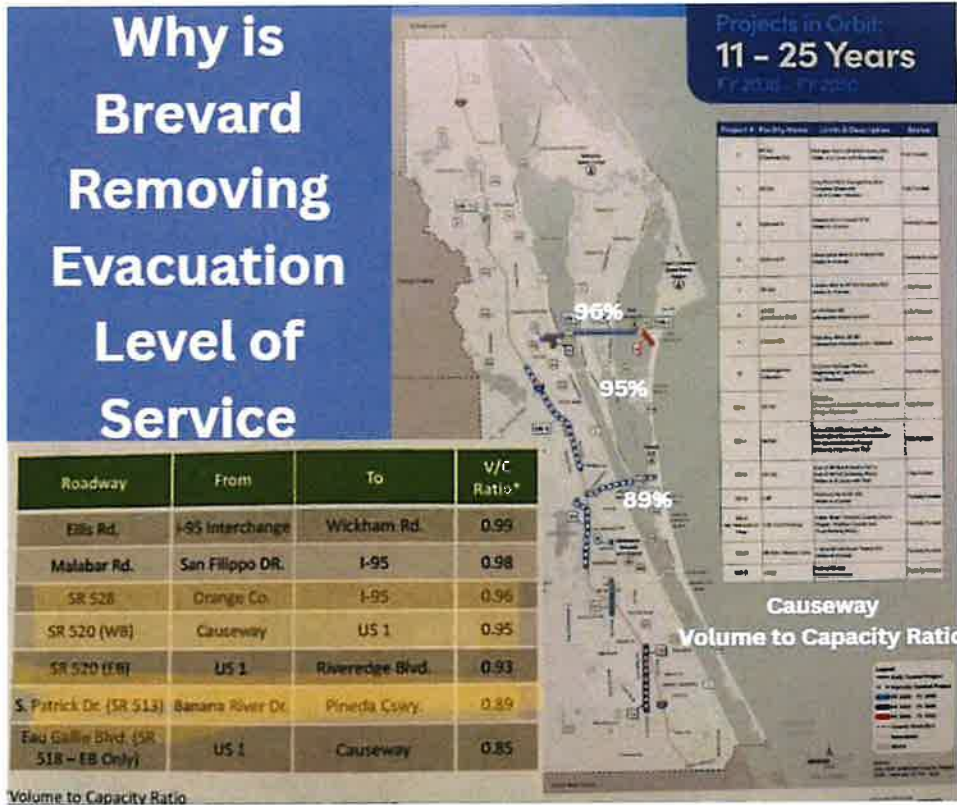
within any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.

Sec. 62-6307. - Workforce housing incentives.

Code of Ordinances / Chapter 62 - LAND DEVELOPMENT REGULATIONS / ARTICLE XVII. - AFFORDABLE AND WORKFORCE HOUSING INCENTIVES

any coastal hazard area defined by the comprehensive plan, or on any of the barrier islands, are not eligible for a density bonus under this section.

This creates a crisis for transportation as CRITICAL EVACUATION DEFICIENCY WITH CAUSEWAYS. Brevard's causeways have capacity issues and are the bottleneck for evacuation.



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June 12, 2025
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Go

The 2024 Florida Statutes (including 2025 Special Session C)

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 163 INTERGOVERNMENTAL PROGRAMS	View Entire Chapter
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163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

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Florida Government Efficiency Task Force
Legislative Employment

(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

Level of Service is explicitly defined also by state statute in the context of the Comprehensive Plan:

[https://www.flsenate.gov/laws/statutes/2024/163.3180#:~:text=\(b\)%20The%20local%20government%20comprehensive,occupancy%20or%20its%20functional%20equivalent.](https://www.flsenate.gov/laws/statutes/2024/163.3180#:~:text=(b)%20The%20local%20government%20comprehensive,occupancy%20or%20its%20functional%20equivalent.)

[Home](#) > [Laws](#) > [2024 Florida Statutes](#) > [Title XI](#) > [Chapter 163](#) > [Section 3180](#)

2024 Florida Statutes (Including 2025C)

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 163 INTERGOVERNMENTAL PROGRAMS Entire Chapter	SECTION 3180 Concurrency.
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163.3180 Concurrency.—

(1) Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues shall be processed under the expedited state review process in [s. 163.3184\(3\)](#), but the amendment is not subject to state review and is not required to be transmitted to the reviewing agencies for comments, except that the local government shall transmit the amendment to any local government or government agency that has filed a request with the governing body and, for municipal amendments, the amendment shall be transmitted to the county in which the municipality is located. For informational purposes only, a copy of the adopted amendment shall be provided to the state land planning agency. A copy of the adopted amendment shall also be provided to the Department of Transportation if the amendment rescinds transportation concurrency and to the Department of Education if the amendment rescinds school concurrency.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of [s. 163.3177\(3\)](#). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be

[https://www.flsenate.gov/laws/statutes/2023/163.3202#:~:text=\(g\)%20Provide%20that%20public%20facilities,the%20local%20government's%20comprehensive%20plan.](https://www.flsenate.gov/laws/statutes/2023/163.3202#:~:text=(g)%20Provide%20that%20public%20facilities,the%20local%20government's%20comprehensive%20plan.)

2023 Florida Statutes (Including 2023C)

Title XI COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	Chapter 163 INTERGOVERNMENTAL PROGRAMS Entire Chapter	SECTION 3202 Land development regulations.
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163.3202 Land development regulations.—

- (1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.
- (2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:
 - (a) Regulate the subdivision of land.
 - (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.
 - (c) Provide for protection of potable water wellfields.
 - (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
 - (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.
 - (f) Regulate signage.
 - (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. A local government may not issue a development order or permit that results in a reduction in the level of services for the affected public facilities below the level of services provided in the local government's comprehensive plan.
 - (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.
 - (i) Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178.

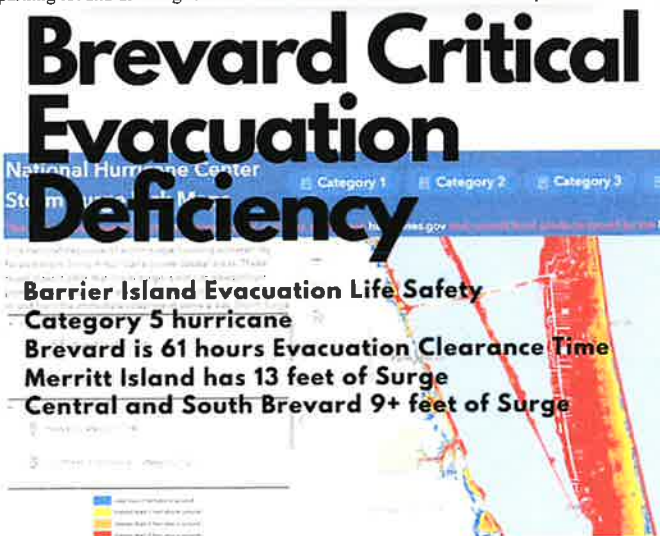
Level of Service is a standard that is to not exceed - historically the state mandated 16 hours for Evacuation LOS.

Level of service STANDARD for evacuation on Florida's barrier islands is about minimizing loss of life and property by ensuring that residents have sufficient time and safe routes to evacuate before a hurricane makes landfall and renders these areas impassable or unsafe. It's a key metric for effective emergency preparedness and resilience in the face of recurrent hurricane threats.

In the context of a comprehensive plan, **Level of Service (LOS)** is a crucial metric used to define and evaluate the quality and capacity of public facilities and infrastructure. It's a standard by which local governments determine how well their services are meeting the needs of the community and how future development will impact those services.

Mandatory evacuation orders can come with **under 24 hours for immediate threats to potentially 36-48 hours or more for stronger, slower-moving storms where clearance times are a major concern.** For example, during Hurricane Helene in September 2024, Pinellas County issued a mandatory evacuation for Zone A (including barrier islands) with a deadline of "a few hours" before storm surge flooding made roads impassable.

The issue with not being about to evacuate is storm surge - in a CAT 4/5 this map shows 9+ feet of storm surge flooding. As a one story home, this would flood to my ceiling. If you are inclined to downplay this issue, I would encourage you to watch this video of Ft. Myers: <https://www.youtube.com/watch?v=a18yTtCVfro> Remember, even in Hurricane Nicole, a CAT 1 the surge was over the crossover into the parking lot and draining to AIA. Hurricane Matthew was a CAT 5 expected to make landfall here, and by the grace of God went offshore.



I also want to point out from a Planning and Zoning point to contradict the P&Z department that Future Land Use is not a property right according to DEO (now Dept of Commerce) - see attached file for source document. This is especially relevant to the Barrier Island concerns.

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

It is important to note that language contained within the draft adoption ordinance heading states the amendment is to the Future Land Use Element of the Comprehensive Plan while the ordinance exhibit and supporting data and analysis show the Property Rights Element will be a new element of its own. This issue was discussed with County staff (email correspondence on September 7, 2021), who indicated their original intent was to treat the Property Rights Element as a stand-alone element and agreed to revise the draft ordinance prior to adoption.

Analysis: Staff has identified no important state resources or facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted. One potential technical assistance comment is suggested and is as follows:

- *The draft ordinance heading references this amendment being to the Future Land Use Element of the County's Comprehensive Plan, while the draft ordinance exhibit and supporting documents show the amendment will create a new, separate element. To ensure consistency with Section 163.3177(6)(f), F.S., DEO recommends that prior to adoption, the ordinance be revised to remove the reference to the amendment being applicable to the Future Land Use Element of the*

Staff Report
Brevard County 21-01ESR
Page 3 of 3

Comprehensive Plan and to clearly reference the Property Rights Element as its own, stand alone element.

In the interests of what it will increase in Federal costs for FEMA responses for increased damages and loss of life, I trust that you both will assist in assuring that Brevard sets a Level of Service for evacuation to not exceed.

My husband was a Miami Date First Responder with Miami Date FL-TF1 search and rescue team - with more deployments than any other engineer in the county over 30 years with the team. As a FEMA team responder he has pulled the dead bodies from the mangroves and knows personally the damage these storms do.

Please put the life safety of our residents first per state statute - as well as safeguarding our ability to get insurance by ensuring the Evacuation LOC of 18 hours is maintained in the Comprehensive Plan.

Sincerely,
Sandra Sullivan

EXPEDITED STATE REVIEW

FORMAT REVIEW

- A. Local Government's Transmittal Letter
(Proposed Amendment)

- B. State Land Planning Agency Receipt Letter

- C. State Land Planning Agency Memo to Reviewing Agencies

- D. Routing Memo to Review Team

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 5
East Central Florida Regional Planning Council
St Johns River Water Management
Florida Fish and Wildlife Conservation Commission
Florida Department of Agriculture and Consumer Services

DATE: September 3, 2021

SUBJECT: **COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT**

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: **BREVARD CO 21-01ESR**

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: **Kelly Corvin/(850)717-8503**

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

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850.245.7105 | www.FloridaJobs.org
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Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

September 3, 2021

Ms. Cheryl Campbell, Planner III
Brevard County
Planning & Development Department
2725 Judge Fran Jamieson Way, Building A
Viera, Florida 32940

Dear Ms. Campbell:

Thank you for submitting **Brevard County's** proposed comprehensive plan amendment submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **21-01ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than October 3, 2021.

If you have any questions please contact Terri Stoutamire, Plan Processor at (850) 717-8513 or Kelly Corvin, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850)717-8503.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

cc: Rita Pritchett, Chair, Brevard County

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BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Suite A-114
Viera, FL 32940
Phone: (321)633-2070

September 2, 2021

Mr. Ray Eubanks
Plan Processing Administrator Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2021-2 Fall Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Transmittal package for the 2021-2 Fall Cycle Large Scale Comprehensive Plan Amendment. Per Section 163.3184, Florida Statutes, Brevard County is transmitting a Property Rights Element to the Comprehensive Plan (Property Rights Element, Glossary) as Comprehensive Plan Amendment 2021-2.1, more fully described in the attached staff comments for 21PZ00047.

The Local Planning Agency held a public hearing regarding the Transmittal of the 2021-2.1 Comprehensive Plan Amendment on August 23, 2021. The Brevard County Board of County Commissioners approved the Transmittal of the 2021-2.1 Comprehensive Plan Amendment package during a public hearing on September 2, 2021.

Copies of the proposed amendment Transmittal package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Air Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA under the expedited state review process.

The proposed amendment package is anticipated to be adopted by Brevard County by November 4, 2021.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2020-2 Plan Amendment package is:

Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 350-8271 - FAX (321) 633-2087

A local newspaper of general circulation is:

Florida Today 1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one electronic copy of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl Campbell at the above address.

Sincerely,



Rita Pritchett, Chair

cc:

Brevard County Board of County Commissioners
Frank Abbate, County Manager
Eden Bentley, County Attorney
Tad Calkins, Director, Planning and Development Department
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five
Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Division of Agriculture and Consumer Services
Florida Department of Education
Patrick Air Force Base Military Installation

DEO SPECIAL ROUTING FORM:
PLAN AMENDMENTS FOR EXPEDITED STATE REVIEW

TO: Kelly Corvin

DATE: 9/3/2021

From: Terri Stoutamire, Plan Processor

SUBJ: *Distribution of Proposed Plan Amendment to Review Team*

Please find enclosed proposed comprehensive plan amendment documents from the following local government:

BREVARD CO 21-01ESR

Local Government and reference number

Request that you review the enclosed documents for consistency with minimum criteria contained in Chapter 163.3184(3)(b)4.h, F.S. The State Land Planning Agency's Comments Letter to the local government, should be prepared and RECEIVED by the local government no later than:

**ESR Statutory Date: 10/3/2021
(30-DAYS from receipt)**

ESR Mail Out Date: 10/1/2021

TEAM NOTE:

The external agencies comment(s) will be sent directly to the State Land Planning Agency and local government pursuant to Section 163.3184(3)(b)2, F.S.

Should you have any procedural questions on this matter, please contact Ray Eubanks, Administrator, Plan Review/DRI Processing Team, at 850-717-8483.

ESTIMATED MEETING DATES TO BE DETERMINED BY RPA:

TRIAGE DATE: _____

DUE TO REGIONAL PLANNING ADMINISTRATOR _____

DUE TO BUREAU CHIEF _____

Stoutamire, Terri

From: noreply@salesforce.com on behalf of Comprehensive Plan Site-Guest User
<noreply@deo.myflorida.com>
Sent: Friday, September 3, 2021 8:30 AM
To: Plan Processing Team
Subject: ComprehensivePlan - Amendment Uploaded.

Comprehensive Plan Support Team,

A Comprehensive plan amendment is uploaded.

From: cheryl.campbell@brevardfl.gov
Local Government: Brevard County
Amendment Type: Expedited State Review
Amendment Stage: Proposed
File Title: DEO Fall Cycle Transmittal Package 2021 2 1.pdf

Thank you

EXPEDITED STATE REVIEW

EXTERNAL AGENCY COMMENT/CITIZEN COMMENTS

- A. Receipt of Comments From External Review Agencies

- B. Citizen Comments

From: [Plan Review](#)
To: cheryl.campbell@brevardfl.gov; [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Brevard County 21-01ESR Proposed
Date: Monday, September 20, 2021 5:05:02 PM
Attachments: [image001.png](#)

To: Cheryl Campbell, Planner III

Re: Brevard County 21-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



From: [Maiolo, Channing](#)
To: cheryl.campbell@brevardfl.gov
Cc: [Tara McCue](#); [Garcia, Heather](#); [Shams, Steve](#); [DCPexternalagencycomments](#); [Corvin, Kelly D.](#)
Subject: [EXTERNAL] - Brevard County Adopted 21-01ESR Review
Date: Friday, December 17, 2021 2:30:12 PM
Attachments: [image001.png](#)

December 17, 2021

*Ms. Cheryl Campbell
Planning and Development Department
2725 Judge Fran Jemieson Way, Building A
Viera, Florida 32940*

Subject: *Brevard County Adopted Comprehensive Plan Amendment 21-01ESR.*
Response Type: *No Remarks*

Dear Ms. Campbell,

FDOT has reviewed the transmitted amendment for the Brevard County. The adopted Comprehensive Plan Amendment is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the adopted amendment. If you have any questions, please do not hesitate to contact me by email at Channing.Maiolo@dot.state.fl.us or 386-943-5457.

Sincerely,



M. Channing Maiolo
Systems Planning Coordinator

cc: *Tara McCue, ECFRPC
Heather Garcia, FDOT
Steve Shams, FDOT
Jennifer Carver, FDOT
D. Ray Eubanks, DEO
Kelly Corvin, DEO*



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S.Woodland Boulevard
DeLand, Florida 32720

KEVIN J. THIBAUT, P.E.
SECRETARY

September 3, 2021

Cheryl Campbell
Planning and Development Department
2725 Judge Fran Jemieson Way, Building A
Viera, Florida 32940

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: BREVARD COUNTY
DEO #: 21-01ESR

Dear Ms. Campbell,

The Department of Transportation has completed its review of the above Proposed Comprehensive Plan Amendment.

We appreciate the opportunity to participate in this review process. The proposed Property Rights Element is not anticipated to have significant adverse impacts to the State Highway System or the Strategic Intermodal System; therefore, the Department has no technical assistance comments.

If you have any questions, you may contact me by phone at 386-943-5457 or by email at Channing.Maiolo@dot.state.fl.us.

Sincerely,

M. Channing Maiolo
Systems Planning Coordinator

C: Tara McCue, ECFRPC
Heather Garcia, FDOT
Jennifer Carver, FDOT
Steve Shams, FDOT

D. Ray Eubanks, DEO
Kelly Corvin, DEO

From: [Cucinella, Josh](#)
To: Cheryl.Campbell@brevardfl.gov
Cc: [DCPexternalagencycomments](#); [Calyniuk, Cori](#); [Conservation Planning Services](#)
Subject: [EXTERNAL] - Brevard County 21-01ESR (2021-2.1)
Date: Thursday, September 16, 2021 11:50:04 AM

Dear Ms. Campbell:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes.

We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

If you have specific technical questions, please contact Cori Calyniuk at (850) 556-5948 or by email at Cori.Calyniuk@MyFWC.com. For all other inquiries, please contact our office by email at ConservationPlanningServices@MyFWC.com.

Sincerely,

Josh Cucinella
Biological Administrator II
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
1239 SW 10th Street
Ocala, Florida 34471
(352) 620-7330

Brevard County 21-01ESR_45396

From: [Steve Fitzgibbons](#)
To: "Campbell, Cheryl"
Cc: [DCPexternalagencycomments](#)
Subject: [EXTERNAL] - Brevard County proposed comprehensive plan amendment 21-1ESR (Property Rights Element)
Date: Monday, September 13, 2021 11:51:02 AM
Attachments: [image001.png](#)

Dear Ms. Campbell,

St. Johns River Water Management District (District) staff have reviewed Brevard County proposed comprehensive plan amendment 21-1ESR (Property Rights Element) in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment.

If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
Steve Fitzgibbons

Steven Fitzgibbons, AICP
Intergovernmental Planner
Division of Strategic Planning and Initiatives
St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256
Office (386) 312-2369
Website: www.sjrwmd.com
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/ePermit

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

EXPEDITED STATE REVIEW

PROPOSED COMMENT REVIEW

A. COMMENT MEMO

B. COMMENT LETTER

Bureau of Community Planning and Growth
Routing Sheet for Plan Amendment Review

Consent Item Discussion Item

Brevard County 21-01ESR

Process: ESR SCR

Stage: Proposed Adopted

RECEIVED
 OCT 1 2021
 BUREAU OF COMMUNITY PLANNING AND GROWTH

19

Local Government and RPC Contact Information:

Rita Pritchett - d1.commissioner@brevardfl.gov
 Cheryl Campbell - cheryl.campbell@brevardfl.gov
 Hugh Harling - hharling@ecfrpc.org

Letter Date for Mail Out: October 1, 2021
Statutory Mail Out Deadline: October 3, 2021

Sequence #	Routing	Title	Target Timeline for Review (# days)	Initials	Date
1	Matthew Preston	Planning Analyst		MP	09/22/2021
2	Kelly D. Corvin	Regional Planning Administrator		KC	9/23/21
3	James Stansbury	Bureau Chief		JAS	9/23/21
4	OGC Valerie W.			VW	9/28/21
5	James Stansbury			JAS	9/28/21

Comments: OGC-no edits

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

October 1, 2021

The Honorable Rita Pritchett
Chair, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Pritchett:

The Department of Economic Opportunity (“Department”) has reviewed the Brevard County proposed comprehensive plan amendment (Amendment No. 21-01ESR), received on September 3, 2021, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department’s authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the County's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

- ***The draft ordinance heading references this amendment being to the Future Land Use Element of the County’s Comprehensive Plan, while the draft ordinance exhibit and supporting documents show the amendment will create a new, separate element. To ensure consistency with Section 163.3177(6)(i), F.S., DEO recommends that prior to adoption, the ordinance be revised to remove the reference to the amendment being applicable to the Future Land Use Element of the Comprehensive Plan and to clearly reference the Property Rights Element as its own, stand alone element.***

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

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The Honorable Rita Pritchett

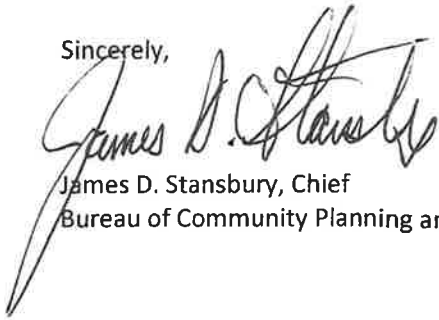
October 1, 2021

Page 2 of 2

- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at matt.preston@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/mp

Enclosure(s): Procedures for Adoption

cc: Cheryl Campbell, Planner III, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

Staff Report for Review of Plan Amendments															
Title	Name	Signature	Date												
Bureau Chief	James Stansbury	<i>[Signature]</i>	9/23/21												
Regional Planning Administrator	Kelly D. Corvin	<i>[Signature]</i>	9/23/21												
Planning Analyst	Matthew Preston	<i>[Signature]</i>	September 22, 2021												
Process	<input checked="" type="checkbox"/> Proposed		<input type="checkbox"/> Adopted												
<input checked="" type="checkbox"/> ESR	Received: 9/3/2021	Complete: Challenge Date:	Ordinance No.:												
<input type="checkbox"/> SCR	Received: Complete: External Comments Due:	Complete: Challenge Date: NOI Posting:	Adoption Date:												
Statutory Mail Out Date															
October 3, 2021															
Tracking Categories		General Information													
<input type="checkbox"/> ACSC <input type="checkbox"/> Rescind Concurrency <input type="checkbox"/> DRI-Related <input type="checkbox"/> Water Supply Plan <input type="checkbox"/> Military Base <input type="checkbox"/> Wekiva Study Area <input type="checkbox"/> Peril of Flood <input type="checkbox"/> Not Tracked <input checked="" type="checkbox"/> Property Rights Element		Local Government: Brevard County RPC Region: East Central Florida RPC (05) Amendment No.: 21-01ESR <table border="1"> <thead> <tr> <th></th> <th>Proposed</th> <th>Adopted</th> </tr> </thead> <tbody> <tr> <td>No. of Text amendments:</td> <td>4</td> <td></td> </tr> <tr> <td>No. of FLUM amendments:</td> <td>0</td> <td></td> </tr> <tr> <td>Acres in FLUM Amendments:</td> <td>N/A</td> <td></td> </tr> </tbody> </table> Significant changes between the proposed and adopted amendment: N/A			Proposed	Adopted	No. of Text amendments:	4		No. of FLUM amendments:	0		Acres in FLUM Amendments:	N/A	
	Proposed	Adopted													
No. of Text amendments:	4														
No. of FLUM amendments:	0														
Acres in FLUM Amendments:	N/A														
Staff Recommendation															
Proposed		Adopted													
Staff has identified no important state resources or facilities within the Department's authorized scope of review that will be adversely impacted by the amendment, if adopted. One technical assistance comment has been suggested.															

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Summary: The proposed amendment involves text amendments to the *Brevard County Comprehensive Plan*.

The proposed amendment would establish a new Property Rights Element by incorporating new legislation that became effective on July 1, 2021. The proposed Element would include the following goal, objective, and supporting policy:

GOALS, OBJECTIVES and POLICIES

GOAL

TO ENSURE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN THE LOCAL DECISION MAKING PROCESS.

Objective 1

Brevard County shall follow a set of policies to ensure that private property rights are considered in the local decision making process.

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

It is important to note that language contained within the draft adoption ordinance heading states the amendment is to the Future Land Use Element of the Comprehensive Plan while the ordinance exhibit and supporting data and analysis show the Property Rights Element will be a new element of its own. This issue was discussed with County staff (email correspondence on September 7, 2021), who indicated their original intent was to treat the Property Rights Element as a stand-alone element and agreed to revise the draft ordinance prior to adoption.

Analysis: Staff has identified no important state resources or facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted. One potential technical assistance comment is suggested and is as follows:

- *The draft ordinance heading references this amendment being to the Future Land Use Element of the County's Comprehensive Plan, while the draft ordinance exhibit and supporting documents show the amendment will create a new, separate element. To ensure consistency with Section 163.3177(6)(i), F.S., DEO recommends that prior to adoption, the ordinance be revised to remove the reference to the amendment being applicable to the Future Land Use Element of the*

Comprehensive Plan and to clearly reference the Property Rights Element as its own, stand alone element.

External Agency Comments:

Florida Department of Environmental Protection (9/20/21) did not identify any potential issues and submitted no comments or technical assistance comments regarding the proposed amendment.

Florida Department of Transportation (9/3/21) did not identify any potential issues and submitted no comments or technical assistance comments regarding the proposed amendment.

Florida Fish and Wildlife Conservation Commission (9/16/21) did not identify any potential issues and submitted no comments or technical assistance comments regarding the proposed amendment.

St. Johns River Water Management District (9/13/21) did not identify any potential issues and submitted no comments or technical assistance comments regarding the proposed amendment.

BREVARD COUNTY COMPREHENSIVE PLAN

CHAPTER XV

PRIVATE PROPERTY RIGHTS

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Private property rights in the local decision making process.....1

Property Rights Element

7/11/2014

GOALS, OBJECTIVES AND POLICIES

GOAL

TO ENSURE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN THE LOCAL DECISION MAKING PROCESS.

Objective 1

Brevard County shall follow a set of policies to ensure that private property rights are considered in the local decision making process.

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

Property Rights Element

THE 1988* BREVARD COUNTY COMPREHENSIVE PLAN
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Preface

Adopting Ordinance

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- Part II. Surface Water Management Element**
- Part III. Recreation and Open Space Element**
- Part IV. Historic Preservation Element**
- Part V. Housing Element**
- Part VI. Potable Water Element**
- Part VII. Sanitary Sewer Element**
- Part VIII. Solid Waste and Hazardous Materials Element**
- Part IX. Transportation Element**
- Part X. Coastal Management Element**
- Part XI. Future Land Use Element**
- Part XII. Intergovernmental Coordination Element**
- Part XIII. Capital Improvements and Programs Element**
- Part XIV. Public School Facilities Element**
- Part XV. Glossary Property Rights Element**
- Part XVI. Glossary**

Updated ~~November 7, 2008~~ November 4, 2021

**Large Scale Comprehensive Plan Amendment
Property Rights Element
Transmittal 2021-2.1
Ordinance**

ORDINANCE NO. 21-__

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED “THE COMPREHENSIVE PLAN”, SETTING FORTH PLAN AMENDMENT 2021-2.1; AMENDING SECTION 62-501, ENTITLED “CONTENTS OF THE PLAN”; SPECIFICALLY AMENDING SECTION 62-501, PART IX, ENTITLED FUTURE LAND USE ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2021, for adoption as the Plan Amendment Cycle 2021-2; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on October 25, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2021-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on November 4, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2021-2.1; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

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

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2021-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2021-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the ____ day of _____, 2021.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Rachel Sadoff, Clerk

By: _____
Rita Pritchett, Chair

Approved by the Board on _____, 2021.

EXPEDITED STATE REVIEW

ADOPTION PHASE

- A. Local Government Transmittal Letter (Adopted Amendment)

- B. Adoption Ordinance

- C. Request for Additional Information (if applicable)

- D. Local Government's Transmittal Letter Providing Additional Information (if applicable)

- E. State Land Planning Agency Receipt Letter

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 5
East Central Florida Regional Planning Council
St Johns River Water Management
Florida Fish and Wildlife Conservation Commission
Florida Department of Agriculture and Consumer Services

DATE: December 15, 2021

SUBJECT: COMMENTS FOR ADOPTED EXPEDITED STATE REVIEW PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: BREVARD COUNTY 21-01ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Kelly Corvin/(850)717-8503

The referenced adopted comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes.

Please note that your comments must be sent directly to the above referenced local government and a copy of any comments shall also be sent to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address:

DCPexternalagencycomments@DEO.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the adopted amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

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Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

December 15, 2021

Ms. Cheryl Campbell
Planner III
Brevard County
Planning & Development Department
2725 Judge Fran Jamieson Way, Suite A-114
Viera, Florida 32940

Dear Ms. Campbell:

Thank you for submitting the **Brevard County's Plan Amendment No. 21-01ESR**, adopted by **Ordinance No. 21-26 on December 2, 2021**, for our review pursuant to the Expedited State Review process. The adopted package was received by the State Land Planning Agency on **December 15, 2021**.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package was determined to be complete on **December 15, 2021**, and your adopted plan amendment will be reviewed pursuant to the process set forth in Chapter 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review.

If you have any questions please contact Kelly Corvin, Regional Planning Administrator, that will be overseeing the review of the amendments, at (850)717-8503.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

cc: Kristine Zopka, Chair, Brevard County

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BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
2725 Judge Fran Jamieson Way
Suite A-114
Viera, FL 32940
Phone: (321)633-2070

A.1.

December 2, 2021

Mr. Ray Eubanks
Plan Processing Administrator Division of Community Planning
Florida Department of Economic Opportunity
107 East Madison Street, MSC-160
Tallahassee, FL 32399-4120

Re: 2021-2 Fall Cycle Large Scale Comprehensive Plan Amendment Transmittal Package

Dear Mr. Eubanks,

Enclosed please find the Adoption package for the 2021-2 Fall Cycle Large Scale Comprehensive Plan Amendment. Per Section 163.3184, Florida Statutes, Brevard County is transmitting a Property Rights Element to the Comprehensive Plan (Property Rights Element, Glossary) as Comprehensive Plan Amendment 2021-2.1, more fully described in the attached staff comments for 21PZ00047.

The Local Planning Agency held a public hearing regarding the Adoption of the 2021-2.1 Comprehensive Plan Amendment on November 12, 2021. The Brevard County Board of County Commissioners approved the Adoption of the 2021-2.1 Comprehensive Plan Amendment package during a public hearing on December 2, 2021.

Copies of the proposed amendment Adoption package have been sent to the St. Johns River Water Management District, the East Central Florida Regional Planning Council, the Florida Department of Environmental Protection, the Florida Department of Transportation (District 5), the Florida Department of State, the Florida Game and Freshwater Fish Commission, the Florida Department of Education, the Florida Department of Agriculture and Consumer Services, and the Patrick Air Force Base Military Installation.

The plan amendment's "content and effect" is included in this mailing. Brevard County is submitting the proposed LSCPA under the expedited state review process.

The proposed amendment package is not within an area of critical state concern.

The proposed amendment package is not within the Wekiva River Protection Area.

The proposed amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 2020-2 Plan Amendment package is:

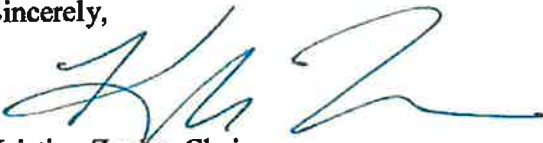
Cheryl Campbell, Planner III
Cheryl.Campbell@brevardfl.gov
Planning and Development Department
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940
PHONE (321) 350-8271 - FAX (321) 633-2087

A local newspaper of general circulation is:

Florida Today 1 Gannett Plaza
Melbourne, FL 32940
(321) 259-5555

In accordance with Florida Statutes, one electronic copy of the proposed amendment package including all proposed text, maps, and support documents are sent to your office via this transmittal. If you have any questions regarding the enclosed materials, please contact Cheryl Campbell at the above address.

Sincerely,



Kristine Zonka, Chair

cc:

Brevard County Board of County Commissioners
Frank Abbate, County Manager
Eden Bentley, County Attorney
Tad Calkins, Director, Planning and Development Department
East Central Florida Regional Planning Council
St. Johns River Water Management District
FDOT District Five
Florida Department of Environmental Protection
Florida Division of Historic Resources
Florida Fish and Wildlife Conservation Commission
Florida Division of Agriculture and Consumer Services
Florida Department of Education
Patrick Air Force Base Military Installation

ORDINANCE NO. 21-26

ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2021-2.1; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501, PART XV, ENTITLED PROPERTY RIGHTS ELEMENT; PROVIDING FOR INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.3184 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for amendments to the Comprehensive Plan on June 30, 2021, for adoption as the Plan Amendment Cycle 2021-2; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on August 23, 2021, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2021-2.1 and did not find the proposed language to

be inconsistent with the Comprehensive Plan, but was simply seeking to add additional language; and

WHEREAS, on October 25, 2021, after a reasonable opportunity to provide a recommendation, the Brevard County Local Planning Agency scheduled a duly noticed public hearing on Plan Amendment 2021-2.1 but failed to reach a quorum and, therefore, could not make a recommendation; and

WHEREAS, on November 4, 2021, after a reasonable opportunity to provide a recommendation, the Brevard County Local Planning Agency scheduled a duly noticed public hearing on Plan Amendment 2021-2.1, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on December 3, 2021, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon a thorough, and complete consideration, approval for the adoption of Plan Amendment 2021-2.1; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2021-2.1 adopted by this Ordinance is based upon findings of fact as included in the data and analysis.

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

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 2021-2.1 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as specifically shown in Exhibit A. Exhibit A is hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2021-2.1, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal

status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

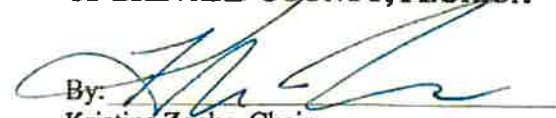
Section 6. Effective Date. The plan amendment shall become effective once the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance in accordance with Florida Statutes, Section 163.3184(10). A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this the 2 day of December, 2021.

ATTEST:


Rachel Sadoff, Clerk

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

By: 
Kristine Zonka, Chair

Approved by the Board on Dec . 2, 2021.

DEO SPECIAL ROUTING FORM:

PLAN AMENDMENTS FOR **EXPEDITED STATE REVIEW**

TO: Kelly Corvin
From: Terri Stoutamire

DATE: December 15, 2021

SUBJ: Distribution of Adopted Plan Amendment to Review Team

Please find enclosed adopted comprehensive plan amendment documents from the following local government:

BREVARD CO 21-01ESR

TEAM NOTE:

This adopted amendment is being processed pursuant to Section 163.3184(3), F.S.

Completeness Determination Date: 12/15/2021

The staff evaluation memo for the Department's petition with the Division of Administrative Hearings must be prepared before the decision date below for the challenge to be timely filed with DOAH.

Challenge Decision Date: 1/7/2022

Mail Out Date: 1/13/2022

The cover letter transmitting the challenge filing with DOAH (if challenged) and to the local government chief elected official is to be prepared and **RECEIVED** by the local government and Division of Administrative Hearings no later than **(30 days from determination of complete package)** to request a formal hearing.

Challenge Filing Date: 1/14/2022

Should you have any procedural questions on this matter, please contact Ray Eubanks, Administrator, Plan Review/DRI Team, at 717-8483.

ESTIMATED MEETING DATES TO BE DETERMINED BY RPA:

DUE TO REGIONAL PLANNING ADMINISTRATOR _____

DUE TO BUREAU CHIEF _____

Routing Form State Expedited Review Adopted 06/06/18

Stoutamire, Terri

From: noreply@salesforce.com on behalf of Comprehensive Plan Site Guest User
<noreply@deo.myflorida.com>
Sent: Wednesday, December 15, 2021 9:26 AM
To: Plan Processing Team
Subject: ComprehensivePlan - Amendment Uploaded.

Comprehensive Plan Support Team,

A Comprehensive plan amendment is uploaded.

From: cheryl.campbell@brevardfl.gov
Local Government: Brevard County
Amendment Type: Expedited State Review
Amendment Stage: Adopted
File Title: DEO_Fall Cycle_Adoption Packet 2021-2.pdf

Thank you

EXPEDITED STATE REVIEW

ADOPTION REVIEW

- A. Staff Adopted Review Memo
- B. Transmittal Letter to Local Government
- C. Challenge Filing (if applicable)

**Bureau of Community Planning and Growth
Routing Sheet for Plan Amendment Review**

Consent Item Discussion Item

Brevard County 21-01ESR

Process: ESR SCR

Stage: Proposed **Adopted**

Local Government and RPC Contact Information:

Kristine Zonka - D5.Commissioner@BrevardFL.gov

Cheryl Campbell - cheryl.campbell@brevardfl.gov

Hugh Harling - hharling@ecfrpc.org

Letter Date for Mail Out: January 13, 2022

Statutory Mail Out Deadline: January 14, 2022

Sequence #	Routing	Title	Target Timeline for Review (# days)	Initials	Date
1	Paul Lim	Planning Analyst		PL	1/7/22
2	Kelly D. Corvin	Regional Planning Administrator		CC	1/7/22
3	James Stansbury	Bureau Chief		JAS	1/10/22

Comments:

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

January 13, 2022

The Honorable Kristine Zonka
Chair, Brevard County
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Zonka:

The Department of Economic Opportunity (“Department”) has completed its review of the comprehensive plan amendment adopted by Brevard County (Amendment No. 21-01ESR) by Ordinance No. 21-26 on December 2, 2021. We have reviewed the amendment in accordance with the expedited state review process set forth in Section 163.3184(2) and (3), Florida Statutes, and identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If the plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the Department notified the local government that the plan amendment package was complete. If the plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be “In Compliance.”

If you have any questions concerning this review, please contact Paul Lim, Planning Analyst, by telephone at (850) 717-8511 or by email at Paul.Lim@deo.myflorida.com.

Sincerely,

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/pl

cc: Cheryl Campbell, Planner III, Planning and Development Department, Brevard County
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

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Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

Staff Report for Review of Plan Amendments															
Title	Name	Signature	Date												
Bureau Chief	James Stansbury	<i>[Signature]</i>	1/10/22												
Regional Planning Administrator	Kelly D. Corvin	<i>[Signature]</i>	1/7/22												
Planning Analyst	Paul Lim	<i>[Signature]</i>	January 7, 2022												
Process	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Adopted														
<input checked="" type="checkbox"/> ESR	Received: 9/3/2021	Complete: 12/15/2021 Challenge Date: 1/14/2022	Ordinance No.: 21-26												
<input type="checkbox"/> SCR	Received: Complete: External Comments Due:	Complete: Challenge Date: NOI Posting:	Adoption Date: 12/2/2021												
Statutory Mail Out Date															
October 3, 2021		January 14, 2022													
Tracking Categories		General Information													
<input type="checkbox"/> ACSC <input type="checkbox"/> Rescind Concurrency <input type="checkbox"/> DRI-Related <input type="checkbox"/> Water Supply Plan <input type="checkbox"/> Military Base <input type="checkbox"/> Wekiva Study Area <input type="checkbox"/> Peril of Flood <input type="checkbox"/> Not Tracked <input checked="" type="checkbox"/> Property Rights Element		Local Government: Brevard County RPC Region: East Central Florida RPC (05) Amendment No.: 21-01ESR <table border="1"> <thead> <tr> <th></th> <th>Proposed</th> <th>Adopted</th> </tr> </thead> <tbody> <tr> <td>No. of Text amendments:</td> <td>4</td> <td>4</td> </tr> <tr> <td>No. of FLUM amendments:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Acres in FLUM Amendments:</td> <td>N/A</td> <td>N/A</td> </tr> </tbody> </table> Significant changes between the proposed and adopted amendment: No			Proposed	Adopted	No. of Text amendments:	4	4	No. of FLUM amendments:	0	0	Acres in FLUM Amendments:	N/A	N/A
	Proposed	Adopted													
No. of Text amendments:	4	4													
No. of FLUM amendments:	0	0													
Acres in FLUM Amendments:	N/A	N/A													
Staff Recommendation															
Proposed		Adopted													
Staff has identified no important state resources or facilities within the Department's authorized scope of review that will be adversely impacted by the amendment, if adopted. One technical assistance comment has been suggested.		Neither the Department nor any other reviewing agency raised any comments on the proposed amendment. DEO raised one (1) technical assistance comment on the proposed amendment. The local government revised the amendment prior to adoption as recommended by DEO. Therefore, DEO staff recommends that the Department not challenge the adopted amendment.													

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Summary:

The adopted amendment addresses the Technical Assistance Comment raised at the proposed stage of the amendment that suggested revising the ordinance to remove the reference to the amendment being applicable to the Future Land Use Element of the Comprehensive Plan. The adopted ordinance references the element as “Property Rights Element” to be its own, stand-alone element.

Staff Analysis:

Neither the Department nor any other reviewing agency raised any comments on the proposed amendment. DEO raised one (1) technical assistance comment on the proposed amendment. The local government revised the amendment prior to adoption as recommended by DEO. Therefore, DEO staff recommends that the Department not challenge the adopted amendment.

Agency Comments:

No other reviewing agency comments related to the amendment were raised as of the date of this report.

H.11
24250001

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

It is important to note that language contained within the draft adoption ordinance heading states the amendment is to the Future Land Use Element of the Comprehensive Plan while the ordinance exhibit and supporting data and analysis show the Property Rights Element will be a new element of its own. This issue was discussed with County staff (email correspondence on September 7, 2021), who indicated their original intent was to treat the Property Rights Element as a stand alone element and agreed to revise the draft ordinance prior to adoption.

Analysis: Staff has identified no important state resources or facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted. One potential technical assistance comment is suggested and is as follows:

- *The draft ordinance heading references the amendment being to the Future Land Use Element of the County's Comprehensive Plan, while the draft ordinance exhibit and supporting documents show the amendment will create a new, separate element. To ensure consistency with Section 163.317(6)(b), F.S., the ordinance should, prior to adoption, be revised to remove the reference to the amendment being applicable to the Future Land Use Element of the*

Staff Report
Brevard County 21-01ESR
Page 3 of 3

Comprehensive Plan and to clearly reference the Property Rights Element as its own, stand alone element

In the interests of what it will increase in Federal costs for FEMA responsee for increased damages and loss of life, I trust that you both will assist in assuring that Brevard sets a Level of Service for evacuation to not exceed.

My husband was a Miami Dade First Responder with Miami Dade FL-TF1 search and rescue team - with more deployments than any other engineer in the county over 30 years with the team. As a FEMA team responder he has pulled the dead bodies from the mangroves and knows personally the damage these storms do.

Please put the life safety of our residents first per state statute - as well as safeguarding our ability to get insurance by ensuring the Evacuation LOC of 18 hours is maintained in the Comprehensive Plan.

Sincerely,
Sandra Sullivan

Brevard County 21-01ESR (1) (1).pdf
2821K

*IRMA STOPPED
PROPERTY RIGHTS
45 YEARS
EVAC.
SEARCH/RES
CPRA -
FEDERAL*



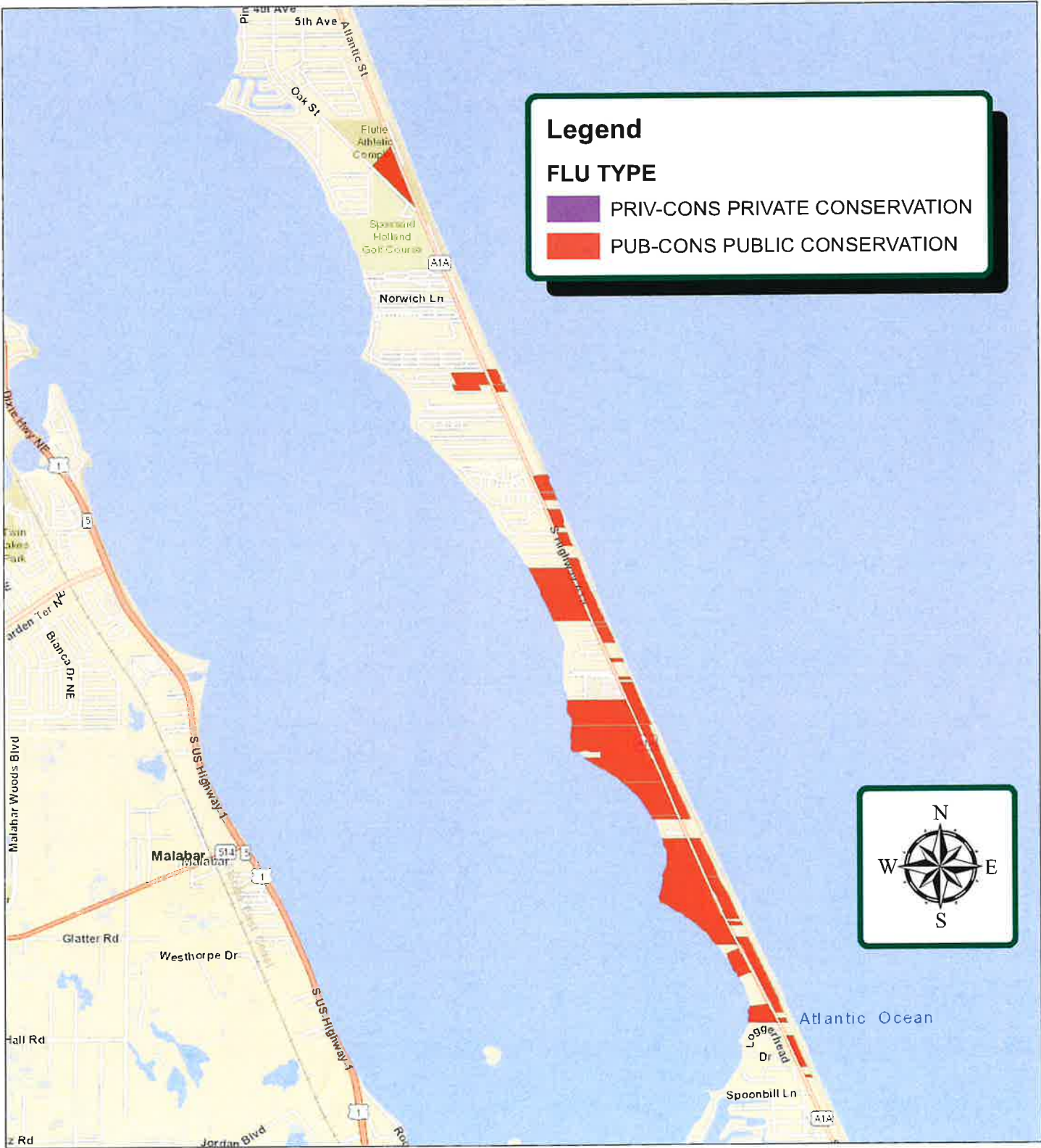
Area of Critical State Concern Map



Legend

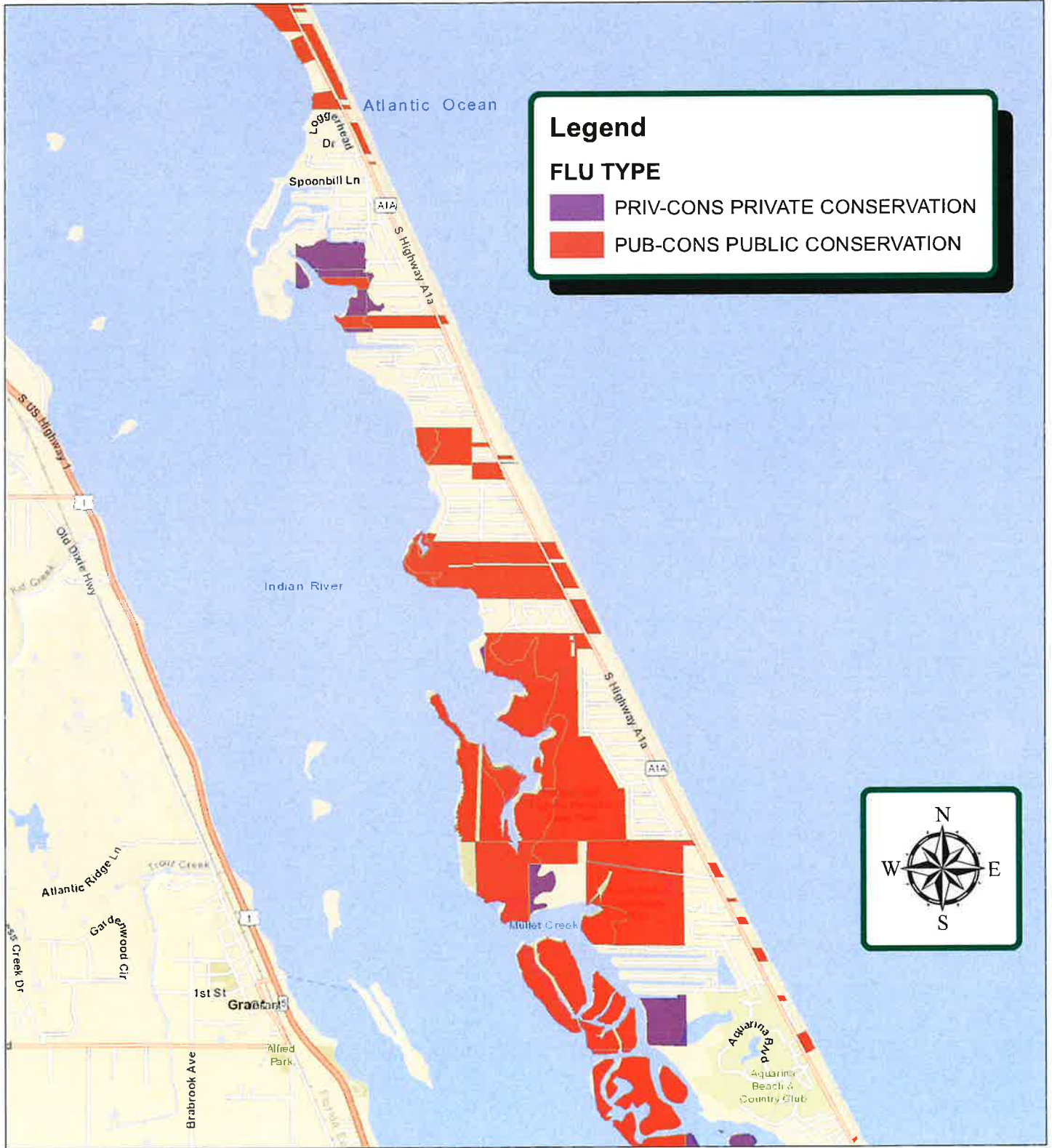
FLU TYPE

- PRIV-CONS PRIVATE CONSERVATION
- PUB-CONS PUBLIC CONSERVATION



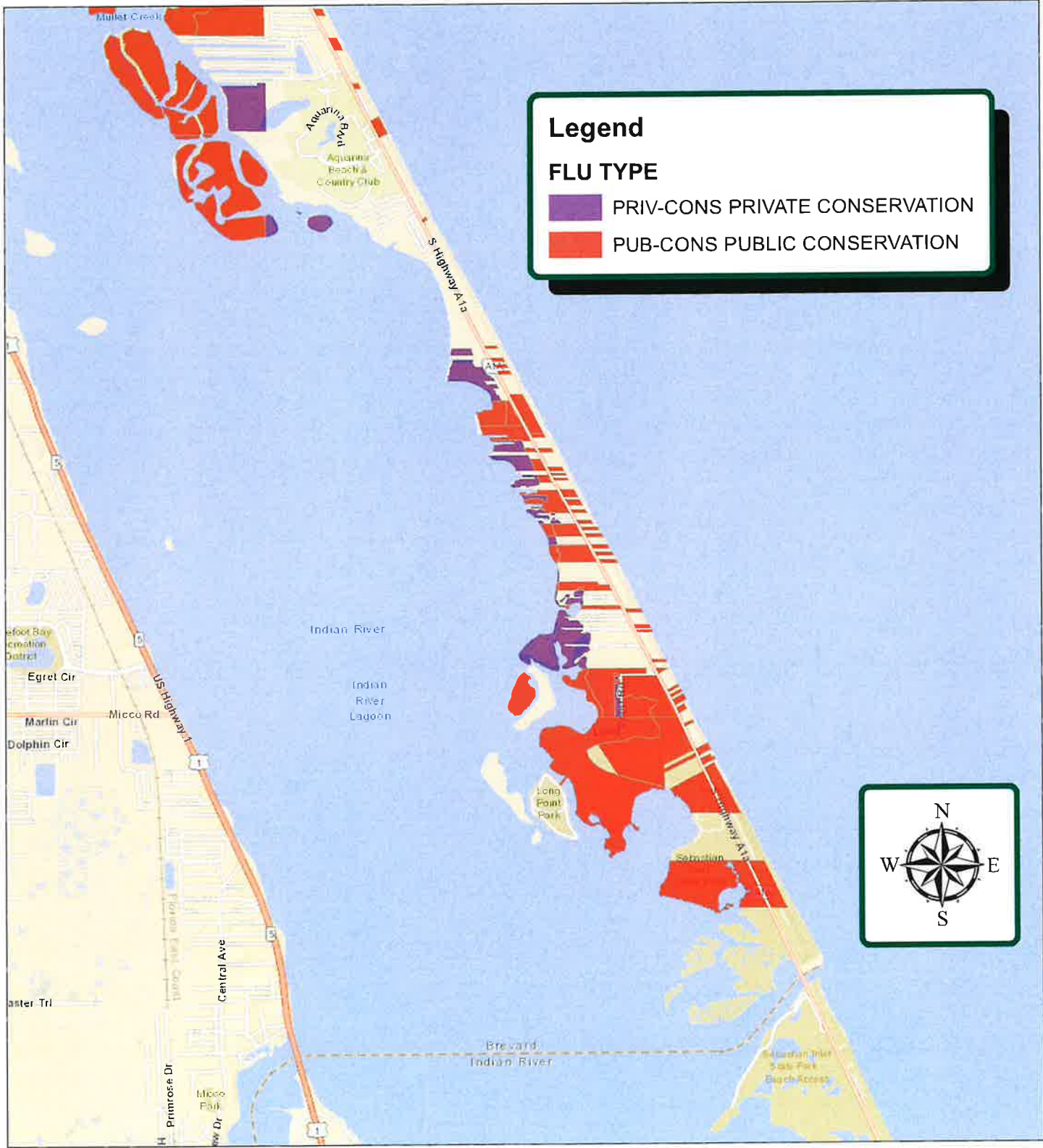
Future Land Use Conservation Areas





Future Land Use Conservation Areas

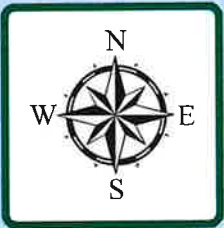




Legend

FLU TYPE

- PRIV-CONS PRIVATE CONSERVATION
- PUB-CONS PUBLIC CONSERVATION



Future Land Use Conservation Areas



PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 16, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Eric Michajlowicz (D3); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseesse, Deputy County Attorney; Billy Prasad, Planning and Development Director; Darcie McGee, Natural Resources; Rachel Gerena, Public Works; John Scott, Emergency Management Office; Edward Fontanin, Utility Service Director; Lucas Siegreid, Utility Services; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.11. Recommendation: Adoption of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review Process.

Trina Gilliam read Item H.11. into the record and noted this is the adoption phase.

Mr. Wadsworth stated seeing this, staff, somebody has been doing their homework. Great job on this.

Ms. Gilliam stated staff has a presentation for the next applications, beginning with the BBIA first. She pointed out that the pictures used in the slides were done by local artist Ladora Simms, who gave permission for the use of her photography in the slides. We're going to start out with a brief history and explanation of the comp plan and the EAR process. The 1988 comprehensive plan outlines the long-range vision for growth, conservation, and development. It serves as a guiding policy document. The land development regulations are the primary implementation tools used to carry out the goals, objectives, and policies established in the comprehensive plan. The evaluation and appraisal which is called the EAR is a statutorily required review that Brevard County must conduct at least every seven years to determine whether amendments to the comprehensive plan are necessary to maintain consistency with the changes in chapter 163 Florida statutes. The EAR process has five steps. The first step is evaluation of the comprehensive plan to determine if updates are needed due to statutory changes. The second step is notification, submitting a letter to Florida Commerce stating that amendments are necessary. The third step is the transmittal. Amendments are prepared and then they're transmitted to Florida Commerce within one year of the notification. The county's transmittal was required to be received by Florida Commerce by December 01, 2024, pursuant to subsection 163.31912 of the Florida statutes. The request to transmit was approved by the board of county commissioners on November 07, 2024. Florida Commerce issued an ORC report called objections, recommendations, and comments on January 01, 2025. At that time the County continued to collaborate with Florida Commerce and other state agencies and stakeholders to resolve the objections. Objections are required to be resolved before it moves forward to adoption. Additionally, we incorporated many of the recommendations and comments into the comprehensive plan that were also provided by Florida Commerce as well as some stakeholders and other state agencies. Brevard County requested an extension to the adoption of the EAR based on the amendments and the BBIA

element. We wanted to ensure accuracy and continuity of the plan. This extended our response time to September 17, 2025. We requested the extension because as I stated we were collaborating with so many different state agencies, stakeholders, and residents that we wanted to make sure we got it right before we presented it to you. I want to point out in the documents you received, the blue underline are additions and the red strike through are deletions. Those represent the changes since transmittal. Any text that is in black underline and black strike through represents changes that were already transmitted and effectively accepted by Florida Commerce, meaning we didn't have to do anything to those. I also want to point out that if the board issues a directive to make any changes beyond what has effectively been accepted by Florida Commerce it may be considered a substantial change. And if so, Florida Commerce may determine that our comprehensive plan is out of compliance. After the adoption of the comprehensive plan the county is required to update the land development regulations within 12 months. Those land development regulations are what's going to implement what we put into the comprehensive plan. Florida Commerce must review those land development regulations as well. We must submit to them. This is not the end all. This is just the beginning of a long process.

Mr. Hopengarten asked how many times we are going to review this. Because I think this is our second look on the comprehensive plan.

Ms. Gilliam responded after it's adopted, we'll be working on updating the land development regulations and that will hopefully take less than a year, but it will be a long process more so for staff and other collaborating agencies and stakeholders.

Mr. Hopengarten asked if that was just the BBIA.

Ms. Gilliam responded it was both.

Billy Prasad added the BBIA is a never-ending thing. So, when we're talking to Florida Commerce they're going to expect continuous changes in perpetuity. This project doesn't ever really end, but this is the starting point.

Ms. Gilliam continued with from this slide you can see the area of critical state concern. That act was enabled in 1972. There are currently six statewide areas of critical state concerns and that includes the Brevard Barrier Islands. All development that goes on in that area must be reviewed by Florida Commerce. So, whether it's a building permit, a rezoning, a future land use anything must go to Florida Commerce for review. So, the guiding principle for development provides the key statutory protections. It was designated in 2023. Our local plan is based upon the existing comprehensive plan with new and strengthened policies. We had a public workshop and had 254 participants attend and 184 respondents and survey. That began moving to adopt part 16 of the county comprehensive plan for the BBIA element. Back the objections, recommendations and comments we only received one objection from Florida Commerce, and three comments. The objections are the things that the county must resolve before it can move forward. This speaks a lot to all the work that was put into it prior to it being transmitted. So, you can see what the objection was and what we did as a result to satisfy that objection. The next slide is one of the comments that was provided by Florida Commerce and it's to review the use of should and shall with those policies listed. As you can see our result, we updated to shall in the sections listed below. On this slide is a definition of should and shall. This is in our glossary. Should expresses an obligation, so that's a mandatory action. While shall expresses the command must express what is mandatory. Here is another comment on intergovernmental coordination and we coordinated with FWC to address their agency comments. As you can see that was the result of our collaboration. Next comment was BIPA feedback. Again, we collaborated with BIPA and that was the result of how we worked to incorporate some of their comments and concerns and their wishes into the comprehensive plan. There were some non-ORC amendments. They were

very minor and that was to update policy 2.5 to clarify the shoreline hardening prohibition, close two potential loopholes, and some other policies were addressed in this as well.

Mr. Wadsworth commented nice job. Thank you everyone on staff. Everyone on staff, nice job.

Mr. Hopengarten stated that acronyms and initialisms are rampant throughout this document. Is there any way to either publish a list of all the acronyms and initialisms so that someone can refer to them and know what exactly you're talking about? Because there are a lot of initials in every profession, and they just get blurry after a while. Sometimes you have the full name, and sometimes you just have the initials. And it would be best if you either put the full name in or have a glossary.

Mr. Prasad stated there is a glossary in the comprehensive plan. So, I'd want to look at it to see which ones of them are already in there.

Mr. Hopengarten responded I would put all of them in there to make it easy for people to read this.

Mr. Prasad said we can take that recommendation.

Mr. Hopengarten continued with the analysis of the public input stated that the major concern was density and then the secondary concern was sea turtle protection. That's what the public came up with. And I found that item 12, which deals with density there's a contradiction with the comp plan. The comp plan says no density in the increase in the barrier islands. Period. But here in the BBIA they have concessions or conditions. So how are you going to address that.

Ms. Gilliam responded we were asked by Florida Commerce to put in a separate future land use. Take our existing future land use, move it into the BBIA and rename it. What that does is if we ever make changes to our existing future land uses, those changes will not affect the land uses in the BBIA.

Mr. Hopengarten inquired if the comp plan says no density increase shouldn't the BBIA say the same?

Mr. Prasad stated let me clarify something. Policy 7.1 of the coastal management element that you are referring to still exists and will continue to exist after that, as does 12.1. If you look at the new BBIA. Let me just read it out "Consistent with policy coastal management 7.1 of the coastal management element Brevard County shall not increase residential densities within the BBIA by amending the future land use map designation for such properties." So, it's restated what's in 7.1, but now it's no longer connected to the coastal high hazard area necessarily, like the argument has been made with the coastal management element. So, we're removing that ambiguity and now it's just a flat statement clarifying flat out no residential density increases. And all the other policies under objective 12 are should be or should and we will continue to read in the context of that so those are additional regulations. What I just read will always apply. So just to be clear not only are we not taking it away, but it also clarifies, and if anything strengthens it.

Mr. Hopengarten asked why you have all these others.

Mr. Prasad responded because we still need to define the future land use of each property. For example, RES4. Today they're RES4, but we're creating a new RES4. Very similar to what they have today because the law says we can't take away any zoning or use of land from people that already have a certain land use. But we've made some minor adjustments. For example, today in current land use you can get density bonuses for PUDs, but we've now restricted that new PUDs won't get that density bonus. By having these policies separated it allows us to do that. In other words, it allows us

to fork and apply regulations to policies that make sense in the area of critical state concern but may not make sense countywide.

Mr. Hopengarten stated he would think the BBIA would be more restrictive.

Mr. Prasad responded exactly, and it is.

Mr. Hopengarten commented policy 2.3 which deals with lighting, are those regulations enforced all year or only during the breeding time.

Ms. McGee responded certain regulations would be relevant during nesting season. So, during March 1st to October 31st.

Mr. Hopengarten stated so, it isn't all year, it's just seasonal.

Ms. McGee responded correct.

Mr. Hopengarten continued with 2.4 beach renourishment, who's paying for all of that because we need it.

Ms. McGee responded with we have a beaches renourishment program through natural resources and that is a variety of funding sources. It's Army Corps, FEMA, state grants and the county chips in some. A lot of it is reimbursement after hurricanes. So, we have a very robust beach renourishment program. We just finished up another phase right before nesting season and as soon as nesting season's over we'll be right back up doing it again putting some vegetation in and putting more sand down.

Mr. Hopengarten asked if that renourishment is what the corps is doing currently.

Ms. McGee replied yes, Cape Canaveral has a project and there's a bypass project for the port where they have the inlet there where they must pump sand from one side to the other. So, there's a variety of projects that go on throughout the year.

Mr. Hopengarten inquired if there are any specifications as to the type of sand that they're using for renourishment.

Ms. McGee responded yes, strict. It's the color, the grain size, you have to make sure that it isn't too fine, or it'll cement up and be too hard to nest in. The color needs to be correct because I believe it can affect the sex of the hatchlings.

Mr. Hopengarten stated he was more concerned about all the shells that are ground up into that renourishment that I saw in Cape Canaveral.

Ms. McGee responded that's what sand is. But they do have to check the grain sizes. They do civ analysis and it must be approved by all the permitting agencies which ranges from Army Corps, FWC, and FDEP.

Mr. Hopengarten went on with 2.7, oil and gas exploration, isn't the coastal region in Florida banned from any oil and gas exploration and production.

Ms. McGee responded she could not speak to that with 100% certainty. I think so but I don't know.

Mr. Hopengarten stated I thought the governor had done something to that effect to prevent it so that our beaches wouldn't be ruined like they are in Louisiana and Texas.

Ms. McGee responded that may be the case. I just don't know that for sure. I can find out and send you information on that.

Mr. Hopengarten asked if it's not can we initiate a ban?

Mr. Prasad replied no and that's one of the reasons why we worded it the way we did. We can review and comment and obviously it's not in our jurisdiction to approve or deny. So that's why it's worded the way it is.

Mr. Hopengarten asked if it would have to go up to the state or up to the feds.

Mr. Prasad stated I believe it's both but I'm not 100% sure.

Alex Esseesse responded probably both.

Mr. Hopengarten commented I don't know if you all have ever gone to a beach that has an oil spill on it, like I used to see in Galveston. It's horrendous. You must wash your feet with gasoline after you get off the beach. So, I'm hoping that they don't allow any of that to happen on our beaches.

Ms. Orriss addressed 6.7. We're talking about acceptable hurricane evacuation times. I live down in the south beaches and we know that everybody's going to be coming from the Wabasa beach. It floods all the time. So, they're going to be taking A1A. When we talk here about the level of service and the information is contained in the Florida regional evacuation study. I went online and I looked at the Florida regional evacuation study, and it said to evacuate was going to take us the category 5 hurricane 61 hours. Is that somewhere going to be addressed or talked about?

John Scott replied the short answer is that 61 hours you're referring to is what's called an operational scenario. If you saw on the table, there's a variety of options. We follow the base scenarios. The operational scenarios contain a whole lot of other variables that we use to just actually see what different modeling would be. So, the base scenario that we would follow for out of county is I believe 26. I also want to point out here that when we talk about evacuation clearance times operationally, where you guys are concerned about how long it takes to evacuate, that is just one piece of the factor. We do a lot of things operationally to work within those times. So, it is just a piece based on some modeling. There are three to four other factors that do more to drive clearance times operationally.

Ms. Orriss stated it is a concern. It's my same concern when I read through the comprehensive plan. This is just an added layer of protection for us down there. But since I live down there, I'm telling you I'm thinking to myself a category 5's coming our way. That's kind of scary. The bridge does flood.

Mr. Scott commented we spend a lot of time planning for those kinds of things. We're very aware of the challenges in the roadway network. We're very aware of how we can be influenced by other regions. There are again many other things we do to help mitigate those times. I would also like to point out that like Hurricane Irma, which was in 2017, was the largest evacuation in the state's history. We put 7 million people collectively on the road. And we didn't have the kinds of backups and stuff like folks may remember from the '04 and '05 season, in large part because we understand the roadway network better and we evacuate slightly differently from how we implement it operationally.

Ron Bartcher stated he had a question about the process today. As I understand everything that's in black has already been accepted.

Ms. Gilliam replied that is correct.

Mr. Bartcher asked if that meant we are not reviewing any of the stuff that's in black and we're only reviewing the stuff that's in red or blue.

Ms. Gilliam stated that anything in black was already accepted by Florida Commerce. They had no objections, comments or recommendations to that. So, only the things that were changed since transmittal is in the blue and the red. If we make a change to text that's in black underline Florida Commerce may consider that as a substantial change because they've already effectively accepted that.

Mr. Bartcher asked if we would have to request an extension of the process if we did that.

Ms. Gilliam stated it could possibly make our comprehensive plan out of compliance.

Ms. Orriss stated I think most of the people with the BBIA just want to get this going and pushed through. And we know that it's going to be an ongoing process. We know there's going to be a lot of iterations to get it approved by the state, but probably what most people want.

Ms. Gilliam stated the sooner we can get these elements adopted in the comprehensive plan, the sooner we can start working on the land development regulations to implement those things.

Mr. Bartcher stated he wished he'd known that last year. I had a lot of suggestions, but everybody said, "Ah don't worry about it, you know it's going to come back, and we'll review it a second time."

Mr. Prasad stated to keep in mind the board may always suggest a new change and a separate text change. You're not limited to just ear or implementation. If the board of county commissioners or this board recommends it to make a change in addition to that that's something that can be done at any time. There's no limit to the amount of text change amendments that can happen. Now the stage we're at in the process today I would say is the refinement stage. You know you come up with new language to meet the EAR process and in this case the implementation of the BBIA. You get that to commerce, and they look at it to see what may or may not need to be changed. Then we focus on those things. So, it should be getting more and more refined. Now if you see something else in there that you want to make a recommendation, of course we'll make your recommendations to the board of county commissioners. But I'm just saying as far as what our risk is, it's in making changes that weren't in that ORC report at this point.

Mr. Bartcher stated he would recommend that in both the BBIA and the comprehensive plan that who's ever responsible for each one of the sections look at all the uses of the word should and either one change it to shall or two delete the policy. My reasoning for that is when you use the word should you're implying that there's really no commitment behind that. I also believe that having should in there makes it difficult for the county employees to enforce that policy.

Mr. Hopengarten stated BBIA 4.5 stipulates where illegal or accidental discharges of materials or violations, do you have a fine associated with that or a penalty.

Ms. McGee replied that's going to depend on what the violation is and who handles it. A lot of times that goes to DEP, it goes to the state. And we in natural resources, the county, we take an educational approach. Sometimes people will discharge their pool water or they're constructing a pool or something and they'll have discharges out to the lagoon. They may not know any better. We get someone out there to talk to the owner and let them know what the rules are and why we have them but no fines. I don't think that the county has any fines for this type of discharge. I think that's going to go to the state.

Mr. Hopengarten replied we don't have home rule.

Mr. Prasad responded we've been preempted in several areas.

Mr. Hopengarten continued with 5.2 says, "Brevard County shall address modification of existing development that does not meet stormwater management standards within the stormwater management criteria and should use available financial mechanisms." What does that mean?

Ms. McGee responded I think when we're talking about public projects retrofitting storm water and looking for grants and funding other than normal sources different projects are going to have different funding sources. We've got SOIRL projects that are storm water. You have capital projects that are through your tax bill. And then there are resilience projects that have been ongoing where you could get special funding for. And my understanding is in the BBIA once we're all adopted and cinched up here there could be additional funding mechanisms that we can tap into as an area of critical state concern. So that would be another potential source of revenue for staff to look at to fund projects.

Mr. Hopengarten asked what the timing is on something like that. If you have a failure in a development and you must address it right away, but you need to get money to pay for that.

Ms. McGee responded if someone's in violation of their St John's permit that would be for St John's because if you have a subdivision let's say or a site plan where the storm water system is permitted through the state, and it fails then St John's would deal with that. We also have site plans that must be approved through the county and some things are enforceable through our site plan process but that would be on a private person, and they'd have to deal with their own funding.

Mr. Hopengarten stated I was just worried about existing facilities that fail, whether it's storm damage or just bad design, that we have those financial mechanisms that will handle that immediately rather than you must go to the state and say we need money for this, and it doesn't get repaired for months at a time.

Ms. McGee stated if it's a private project that fails the county doesn't have any legal, I mean you're putting someone else's, the private person's funding financial liability on the county to fix it. Correct me if I'm wrong Alex, the property owner would be responsible for that.

Mr. Hopengarten asked what about the developer that turns over the roads and sewage and everything to the county once the project is complete.

Mr. Esseesse stated it's related to one of the items we had earlier today that Rachel brought forward where we're dealing with maintenance bonds. Obviously, staff goes out there and makes sure that the facility and infrastructure are in good enough shape and acceptable, and that's when we receive it, and it becomes our responsibility. Then the maintenance bond comes in for a year or two just for the immediate aftermath of when the project's completed. We have that as the financial backing to ensure that the infrastructure is in good shape. With respect to what happens down the road that's something we would have to report to any state agency whether it be St John's or FDEP. The county also has code enforcement mechanisms in place that would allow us to, if there was an emergency apply or bring those fines against the property owner as part of the remediation of the case itself. So, if we had to go in and do an emergency repair that would be an avenue to recuperate those funds.

Mr. Hopengarten inquired if there are any mining activities on the BBIA. There is a section here regarding it.

Mr. Prasad responded not that he was aware of currently, however it's one of those things that if it was already in their zoning and use of land, implementing the Brevard Barrier Island Protection Act doesn't allow us to modify the existing zoning and uses of the land, so it's one of those things that if they have the entitlement today, they can continue to do that.

Ms. Orriss asked if there are any plans for sewage in BBIA. There are a lot of people that live further south than myself, I live in Turtle Bay, they don't have water. Are there any ideas about sewage on BBIA in the critical area of concern.

Eddie Fontanin responded it's going to be an item for H.12., but within the amendments we made to the water/sewer element we also updated the utility service boundary. We did that as a means of providing a boundary so that future CIP projects are contained. Obviously, it would be not the right way to do it to hold projects outside the boundary. There is legislation regarding the Indian River Lagoon and nutrient reduction. That would also be a state component.

Mr. Hopengarten asked who provides all the signs for education of the public by signage to see that it's a manatee area. They have the slow speed on the boats and other things. Is that something the County does or does it come from the state. They're saying the applicant would have to erect a manatee education and awareness sign. Do they make up their own or are there standards.

Mr. Prasad responded it depends on the project and the funding sources for that project. The county does some signage.

Ms. McGee added they get them from FWC and from the state. They provide them to the applicants so they can put them up. Then our beaches, boating and waterways section also will get grants to put up signage in different places and we maintain the channel markers. We do have a boating section that also provides some resources.

Mr. Hopengarten continued with 12.3 talks about future land use map designations, are you changing RES1 to residential 1 on your maps.

Mr. Prasad responded that we were just trying to remove abbreviations.

Mr. Minneboo stated he had one question. If an area incorporates (i.e. Merritt Island, Viera) is there any obligation or mandates that that incorporation would bring your data to that area. Are they obligated at all?

Mr. Esseesse asked if he was referring to whether or not our comp plan regulations would apply in an area that becomes incorporated.

Mr. Minneboo responded when I say when Viera goes into a city potentially, Merritt Island goes into a city, they will be under a whole new set of rules. Is that correct?

Mr. Esseesse replied yes. The jurisdiction would have to update their comp plan to incorporate those areas and then they would be entitled to whatever land use regulations apply to them.

Mr. Prasad indicated we're seeking a recommendation to the board of county commissioners on approval or denial, and it looks like some members of the public may be looking to speak.

Public Comment

Sandra Sullivan stated there were a couple things she wanted to talk about. First the future land use map and the comments made that they are entitled to additional density, I want to point out that the Department of Commerce formerly DEO in response to Brevard County 21-01 ESR made a comment pertaining to some property rights policy letting them know that future land use is not a property right. I also want to mention that the BBIA is something to celebrate because this is the first one in 45 years, and it essentially happened because a vote was taken under public comment to upzone South Beaches so in consequence of that got the assistance of our state rep as a checks and balance. Sea

turtles wise we are the largest loggerhead nesting in the world. We're the key to their survival. Arman was destroyed and they had about double of us. So, it's exceedingly important. One thing that's missing in this report is the CBRA, the Coastal Resource Barrier Island Act. It's a federal act which prohibits federal monies within that area of the CBRA. There's no mention of the CBRA in here. There are two areas of Brevard that have area designation. One is in South Beaches, and one is up in Lake Palmda Beach. That is missing. I think that section 12 needs to be addressed given that department of commerce saying that the future land use is not a property right. I also want to address evacuation because I don't think it's spelled out well in here. I understand the clearance time part is in the other section. I'll talk about that later. But this area is 30 miles long from the bridge way down to the south. That bridge floods early on. So, the only way out is north to 192 where everybody else is trying to get out. And so, this area as an area in Brevard has unique challenges that I do not think that the evacuation part is adequately addressed. And it should be stated in here the state standard is 16 hours.

Mary Sparr stated she is representing Sierra Club Turtle Coast Group. Sierra Club has reviewed the BBIA amendment carefully. This amendment is extremely important for adequate protection of habitat and coastal resources. Please recommend approval of the BBIA amendment to the county commission. We support approval of the amendment recognizing that there is one particular change that needs to happen in the next amendment. We can't do it right now because it would be a substantial change according to staff. What's needed is a policy outlawing a change of residential land use designations to commercial land use designations. In other words, a change of intensity of land use something mentioned multiple times during the transmittal phase. We are just getting a little more specific in asking for no changes from residential to commercial to allow the building of hotels and prevent changing residential to commercial land use and zoning to allow a large multifamily affordable housing project under the state's live local act. And prevent changing residential to commercial, getting PUD zoning and then taking advantage of the fact that any residential component of that PUD can have a density greater than the original residential designation. Now Sierra Club understands that prohibiting a change of BBIA land use from residential to commercial would be a substantial change which is not allowed now, but in the next comp plan update the county could transmit such a policy for the BBIA. And just a little while ago Billy Prasad commented that this is an ongoing process over many years. In conclusion we're asking you to recommend to the county commission that they consider a carefully worded policy prohibiting this specific intensity change in their next comp plan update. And, we're also recommending adoption of the BBIA amendment now.

End Public Comment

Mr. Minneboo stated he wanted to say one thing. Staff you've done a marvelous job. You guys have worked, there's no question the number of meetings you all have had, and many of us tried to keep up with that. And I think you've done a great job. So, I don't know if the commission will tell you but at least we did.

Motion to recommend approval of Item H.11. by Henry Minneboo, seconded by Robert Brothers.
Motion passed unanimously.

Board Meeting Date

7-17-25

Item Number: H-12

Motion By: KA - authority to merge

Second By: TG

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5		
Chairman Feltner	4	✓	